

## UNITED STATES DEPARTMENT OF AGRICULTURE

IN RE: X HELD APRIL 30, 2004  
X 8:00 A.M.  
NATIONAL ORGANIC STANDARDS X BEST WESTERN INN OF CHICAGO  
BOARD MEETING X BUCKINGHAM ROOM  
X 162 E. OHIO STREET  
X CHICAGO, ILLINOIS 60611

VOLUME III OF III

## APPEARANCES:

COMMITTEE CHAIRMAN: MR. MARK KING

BOARD MEMBERS: MS. REBECCA J. GOLDBURG  
MR. MICHAEL P. LACY  
MS. GOLDIE CAUGHLAN  
MR. KEVIN O'RELL  
MS. NANCY M. OSTIGUYMS. KIM M. DIETZ  
MR. JAMES RIDDLE  
MR. DAVID CARTER  
MR. GEORGE SIEMON  
MS. ANDREA CAROE  
MS. ROSALIE KOENIG  
MS. ANN L. COOPERALSO PRESENT: MR. RICHARD MATTHEWS  
MS. KATHERINE BENHAM  
MS. BARBARA ROBINSONMR. ARTHUR NEAL  
MS. ZEA SONNABEND  
MS. LESLIE ZUCK  
MS. MERRILL CLARK  
MR. MARTY MESH  
MS. URVASHI RANGAN

REPORTER: MS. LEAH JOHNSON

CONTRACTOR (NOT PRESENT): R & S TYPING SERVICE  
(903) 725-3343R & S TYPING SERVICE - (903) 725-3343  
5485 S. LIVE OAK, GILMER, TEXAS 75644

## P R O C E E D I N G S

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

8:05 a.m.

CHAIRMAN KING: I'd like to officially reconvene the meeting of the National Organic Standards Board.

The first thing we have on the agenda today is public input, but before we get started on that, Dave has indicated to me that he has a quick announcement, and I think it's important that we hear this before public input so you have an idea of what we're thinking. Dave.

MR. CARTER: Okay, thank you, Mr. Chairman.

I asked Mark this morning for a point of personal privilege, I usually don't wake up unprovoked by something other than an alarm clock, but this morning I got to thinking that I really think that it's important that this Board makes some sort of statement before we leave Chicago today in regard to some of the policy directives that have occurred, and I -- I know we did some things yesterday that talk about taking some things forward from policy development to the executive committee, but I can't help but think that it's important for us to make some sort of statement at this meeting, so I just wanted to announce my intent, before we adjourn this morning, to offer up a very short resolution that would just express the disappointment and concern of this Board over the lack of advance notice or consultation by NOP in the issuance of certain policy

1 directives. So I just want to announce my intent to offer  
2 that before we adjourn so that it's not a surprise to the  
3 Board members and we can be thinking about that. Thank  
4 you, Mr. Chairman.

5 CHAIRMAN KING: Thank you, Mr. Carter. Just a  
6 quick -- some housekeeping issues with public input. We  
7 have 35 signed up. We've allotted approximately 2 hours, 2  
8 hours and 15 minutes, on the agenda. Several Board members  
9 have expressed to me today we clearly understand the  
10 importance of public input, therefore will extend the  
11 public input, to the best of our ability.

12 However, we have posted 5 minutes, I would ask  
13 you to understand that you have 5 minutes, stick to that,  
14 get your message to us in an efficient and effective  
15 fashion, and we appreciate that.

16 The court recorder has asked -- clearly we have a  
17 full room today. Your comment is extremely important to  
18 this process. In order to get this on tape, we ask that  
19 any conversations you have, please take those out in the  
20 hallway, that don't relate specifically to what's happening  
21 at that time.

22 Also, if you have cell phones, pagers, things of  
23 that nature, please turn to vibrate, turn them off.

24 And without further ado -- hold on. Jim Riddle.

25 MR. RIDDLE: Yeah, just a few things to add to

1 that, Mark. In case -- I just want to say that if you  
2 haven't signed up, you still can sign up, and that's on the  
3 back table -- or it's up here right now. And also, if you  
4 do have a proxy, under the Board's rules, you can carry one  
5 proxy, which gives you 5 additional minutes to speak, and  
6 if that's the case, please announce that when you start  
7 your comments.

8           And Kim is the timekeeper and has a sign for  
9 1 minute, to give you a warning, but if you don't see her  
10 sign, your 5 minutes still elapses, but that's just  
11 politeness on our part. And if you did comment on  
12 Wednesday, you can still offer additional comments today.

13           So just wanted to be clear about all of that for  
14 everyone.

15           CHAIRMAN KING: Okay, the first person I have  
16 signed up, who registered in advance, is Mark Kastell.

17           MR. KASTELL: Good morning. My name is Mark  
18 Kastell, and I'm a hired man. I work for farmers. I'm  
19 here today representing the Cornucopia Institute, based in  
20 Cornucopia, Wisconsin, and I'm here today to send a clear  
21 message to United States Department of Agriculture  
22 Secretary Ann Veneman.

23           In the emerging battle between organic consumers  
24 and family-scale farmers, who literally have built the  
25 organic industry from the ground up, and in this battle

1 against the forces of evil, the corporations who have shown  
2 they are willing to compromise organic integrity in the  
3 pursuit of profit. The USDA's National Organic Program has  
4 taken sides in this fight, the wrong side.

5 As we started to connect the dots, it soon became  
6 obvious that in virtually every instance -- maybe this is  
7 what Mr. Carter was referring to -- the NOP has been  
8 willing to water down the organic standards. That evidence  
9 is so overwhelming that there are no longer any discernible  
10 dots left to connect, and left with a black page.

11 Many of the NOP directives have made it possible  
12 to organic factory farms. I wouldn't call these farms.  
13 This is dumbing down the organic standards. However, our  
14 customers are not dumb. Organic consumers are not dumb.  
15 They understand that God created cows and other ruminants  
16 to eat grass. Circumventing the pasture requirement is  
17 just flatly wrong.

18 They understand that livestock needs access to  
19 outdoors in order to encourage their natural behaviors and  
20 to ensure good health and longevity. Furthermore, they  
21 understand that the law and federal regulations require  
22 this access, and they are demanding proper enforcement.

23 They understand that the need by factory farms to  
24 bring in cheap replacement cattle from conventional  
25 operations is proof positive that these farms are not

1 creating the healthy environment for livestock that is  
2 required by the law that we're trying to respect here  
3 today.

4 We are at the precipice of a very tall cliff, and  
5 economically, let me tell you on behalf of the farmers that  
6 I'm here representing today, it is a long, long way down.  
7 We are running the risk of destroying the credibility of  
8 organic agricultural in the eyes of the consumer.

9 Consumers Union, publisher of Consumer Reports  
10 magazine, has taken the responsibility of monitoring eco  
11 label claims. It is incredibly distressing that because of  
12 corporate abuse and the actions or inactions of the NOP  
13 staff, because of this, they have felt it necessary to  
14 question the value of the "organic" label, especially on  
15 imports.

16 One other subject matter that I'd like to bring  
17 up is imports and the question of the credibility. I got  
18 an e-mail yesterday from one of the CEOs from one of the  
19 most respected processors and marketers of organic food.  
20 He's incredibly concerned about the lax oversight by the  
21 NOP on foreign certifiers, some domestic certifiers, we now  
22 see farmers and processors shopping from certifiers, we see  
23 organic food from name-brand companies from Guatemala,  
24 Chile, Mexico. Here's broccoli from China. Can we trust  
25 that the same way we can trust our indigenous farmers and

1 our good certifiers here?

2 At any rate, in closing: We have lost confidence  
3 in the ability of the USDA's National Organic Program to  
4 protect the integrity of organic agricultural. We call on  
5 Secretary Veneman to execute regime change at the National  
6 Organic Program. We need management and staff at the NOP  
7 who are qualified, have a strong background in organic  
8 agricultural, and respect the organic community. More  
9 importantly, we need folks at the NOP who respect the  
10 organic community, and our leadership as represented by  
11 this Board and the power that you hold by federal law, by  
12 virtue of federal law.

13 And I thank you very much for your comments -- I  
14 thank you very much for the opportunity to elicit these  
15 comments. Thank you.

16 (Laughter.)

17 CHAIRMAN KING: Jim.

18 MR. RIDDLE: Yeah. Mark, just a question, or,  
19 actually, a clarification.

20 MR. KASTEL: I'm sorry --

21 MR. RIDDLE: You mentioned a concern about the  
22 imported products, and under the regulation, they have to  
23 meet the same regulation, and any foreign certifiers have  
24 to be accredited by USDA, and this issue came up, I think  
25 it was Wednesday, about the site visits of foreign

1 certifiers, because there is major concern that the  
2 domestic certifiers have been visited but foreign ones have  
3 not, and the response to questions -- and I just wanted to  
4 inform you, since you weren't here, and other members of  
5 the audience, is that that process of visiting the -- I  
6 think it's -- nearly 40 foreign certifiers is to begin in  
7 June.

8 MR. KASTELL: Yes, that's -- that is the concern  
9 that I was articulating here, and -- but furthermore, even  
10 within our domestic infrastructure here for certification,  
11 Jim, I have anecdotal reports from both processors and  
12 farmers that if -- in fact, a very intimate experience with  
13 one, who's a member of a cooperative, I've worked with,  
14 where the farmer was -- his farm plan was turned down by an  
15 IFOM-accredited [phonetic], very responsible organization,  
16 and he simply shopped for a different certifier and he's  
17 now delivering organic product.

18 So this is happening on all levels. Again, one  
19 of the problems is we've created this ceiling, rather than  
20 the floor, in the marketplace, we can't create a higher  
21 level of respect for some certifiers, and these are usually  
22 the farm-based -- farmer-based organizations that helped  
23 build this industry, there's no way for them to communicate  
24 with their customers that they're really doing the right  
25 job and add value to some of these products that are being

1 responsibly produced. So those are the two basis --  
2 basics.

3 MR. RIDDLE: And I did have a question also about  
4 the pasture. You made a very strong statement there about  
5 the need for access to pasture, and the Rule requires  
6 access to pasture, and "pasture" is well-defined in the  
7 Rule. Are you aware of livestock operations that are  
8 actually not providing pasture, say to their milking herd,  
9 or something like that?

10 MR. KASTELL: Jim, I -- my concerns in that area  
11 are twofold: one, reports of, you know, a dryland dairy  
12 with a muddy feed lot, to me, compared to my farm, that's  
13 not pasture.

14 And secondarily, although there are some dairy  
15 producers in this country that have pasture-based  
16 operations with larger herds, that's an aberration. Most  
17 of these confinement outfits, the -- really, the logistical  
18 constraints of trying to move a thousand to 3,000 to 5,000  
19 cattle onto fresh paddocks in a true environment where  
20 they're going to gain any reasonable amount of their feed  
21 intake from pasture, it's a very dubious concept, and I  
22 want -- and the farmers that I represent, who can produce  
23 with 50, 70, a hundred cows, the kind of milk, if you're  
24 using milk as an example, that consumers want.

25 I do not want these folks who are working so hard

1 to be at a competitive disadvantage. There has to be  
2 strict oversight and enforcement, and I'm not confident  
3 that's happening right now, Jim.

4 MR. RIDDLE: Well, we need to move on, but if you  
5 have actual evidence, that would be very helpful, to bring  
6 that to the livestock committee. Thanks.

7 MR. KASTELL: Okay. Thank you.

8 CHAIRMAN KING: Thank you. The next person is  
9 Kelly Casper.

10 UNIDENTIFIED MALE VOICE: And on deck --?

11 CHAIRMAN KING: Marty Mesh. Thank you for  
12 reminding me (inaudible).

13 MS. KASPER: Hi. My name is Kelly Casper. I'll  
14 be reading mine, as well as I have a proxy from a farmer.  
15 It is --

16 UNIDENTIFIED MALE VOICE: So that's 10 minutes.

17 MS. KASPER: Alice Rules [phonetic], executive  
18 director of Georgia Organics. This is Eddie [phonetic].

19 "I am the mother of a 2-year-old child and a  
20 strong believer in supplying my family with healthy organic  
21 foods. I've spent a great deal of time and energy  
22 receiving the benefits of organic foods and other natural  
23 products, such as cleaning supplies, shampoos, et cetera.

24 "I am well aware of the problems that have  
25 occurred due to pesticides, the overuse of antibiotics, and

1 factory farming in general. Due to my findings, I have  
2 chosen to supply my family with organic natural products  
3 whenever possible. This has been an extremely expensive  
4 proposition, but it is something that both my husband and I  
5 strongly believe in. We believe that spending extra for a  
6 gallon of organic milk is not only allowing us to have a  
7 product free from growth hormones and antibiotics, it is  
8 also allowing us to support what we believe in with our  
9 money.

10 "In essence, each time we spend a little extra  
11 for an organic product, we are voting for that company and  
12 industry, hence Horizon Organic.

13 "It is very saddening to me to discover that the  
14 'organic' label is being bastardized in front of our very  
15 eyes. I realize that money makes the world, and especially  
16 this country, go round, but in the instance of the  
17 'organic' label, I hope that the big-money corporations are  
18 not allowed to push out the small farmers, who started the  
19 organic movement by doing things the right way.

20 "I have been a supporter and investor for Horizon  
21 Organic. My family has access to their milk at all times.

22 However, it is very disappointing to discover that this  
23 company is held to a different and less-demanding standard  
24 than the small farmers out there.

25 I personally am a vegetarian; however, my husband

1 and my child both eat chicken. I am fully supportive of  
2 them, and one of their favorite items that I buy is the  
3 Applegate Farm chicken sausages. Now I have learned that  
4 the preservatives, which were legally approved, have been  
5 added to their products.

6 "As a consumer, I am at the mercy of the  
7 companies which I have put my faith in. They in turn are  
8 held to a certain standard by this board. If that standard  
9 is lowered, without the consumer being duly informed, an  
10 injustice is being done.

11 "That is why I am here today. I want my voice to  
12 be heard. This is something I strongly believe in, and  
13 when I buy something that is labeled as 'organic,' I hope  
14 that the label actually means something. If the powers  
15 that be have their way, enough loopholes will be added that  
16 the label will be nothing but a way to increase their  
17 profit by charging a higher price for something that is  
18 marginally different than the conventional product.

19 "I'm here today in the hopes that this Board will  
20 hold true to the mission of organic farming and not be  
21 swayed to institute shortcuts and loopholes by companies  
22 chasing an almighty dollar at the expense of consumers,  
23 such as myself and my family. Thank you."

24 And then the proxy by the farmer. "George  
25 Organics, a non-profit organization promoting organic and

1 sustainable growing for the health of Georgia's land and  
2 people, is writing in response to concerns about the  
3 weakening of organic standards in our country.

4 "Georgia Organics is a membership-based  
5 organization of farmers, consumers, gardeners, and  
6 agricultural professionals who are committed to healthy  
7 farming and food.

8 "The National Organic Standards Board bears the  
9 responsibility of maintaining the integrity of our organic  
10 rules and policies and remembering the values that brought  
11 forth these rules in the first place. We recognize this is  
12 a tremendous job and one that endures enormous pressure  
13 from a variety of external influences. The Board must  
14 regard public trust of the organic standards as tantamount,  
15 superseding corporate or individual interest.

16 "Equally important is the commitment of organic  
17 farmers to public and environmental health. These two  
18 audiences should not be forgotten in the interests of  
19 third-party profits and politics. Georgia Organics urges  
20 the National Organic Standards Board to not fear from its  
21 mission in ensuring high-quality products and standards  
22 that respect farmers and consumers.

23 "If the Board continues to allow the loopholes  
24 that are becoming more and more apparent, then the Board  
25 very well may be the architect of its own demise as farmers

1 and consumers gradually abandon the process for something  
2 better. We remain hopeful that the future of organics  
3 holds more promise than current predictions."

4 Thank you very much.

5 CHAIRMAN KING: Thank you. Jim.

6 MR. RIDDLE: Yeah, I would just like to respond.  
7 Kelly, thanks for your comments.

8 You mentioned especially in the proxy about the  
9 Board allowing loopholes, and I feel obligated to go on the  
10 record to state that -- especially with the preservatives  
11 in ready-to-eat meat products, that that was not an action  
12 of the Board, it was done with no knowledge of the Board,  
13 substances were interpreted to be allowed as preservatives  
14 in these products, these are new compounds, they're not on  
15 the National List, they have --

16 The company was following the rules petitioned to  
17 the Board to have those substances reviewed, and the  
18 decision was made to allow them, without consultation of  
19 the Board, so I just want to be clear what the record is on  
20 that.

21 MS. KASPER: And make clarification that I don't  
22 think I was stating this board, it was the -- there's  
23 another board that was there.

24 MR. SIEMON: NOP.

25 CHAIRMAN KING: The program.

1 MS. KASPER: I'm sorry, I think I -- yes, so it  
2 wasn't -- I'm sorry, I mis- -- I did not explain myself  
3 very correctly, but it was important to GO so --

4 MR. RIDDLE: That's why I felt a need to clarify.

5 MS. KASPER: Thank you. Good. I'm kind of new  
6 at this. I appreciate it, thanks.

7 CHAIRMAN KING: Thank you. Next is Marty Mesh,  
8 on deck is Urvashi.

9 MR. MESH: While USDA -- Marty Mesh, Executive  
10 Director of Florida Organic Growers and Quality  
11 Certification Services.

12 While USDA has done many things right and I would  
13 like to give them more "atta boys" and positive  
14 reinforcement, the ever-ticking clock causes me to focus  
15 more on the discussions in the areas of concern. It does  
16 not mean (inaudible) things are not appreciated, and I'm  
17 sorry that USDA higher-up program staff aren't here to hear  
18 my positive comments and issues of concern to consumers.

19 I also want to express thanks on behalf of  
20 organic cotton growers, those of us who buy organic cotton  
21 products, and supporters of a more ecologically-sound  
22 production systems to the crops committee for considering  
23 public input and changing the recommendation in the entire  
24 board for the decision which affects cotton seed -- organic  
25 cotton seed for planting.

1           As an organic farmer for over 25 years and being  
2 involved in the community and the industry for over 30  
3 years, I'm concerned about the confidence that consumers  
4 may lose in the "organic" label. This loss of confidence  
5 has been the result of some of USDA's actions, the process  
6 or lack thereof, and most recently by the directives. Even  
7 the name, "the directives," brings to mind the old Soviet  
8 Union and Eastern European countries, where a directive  
9 would be issued from party officials and blind obedience  
10 was mandated, without comment, without revision, and  
11 without representation.

12           We again urge the NOSB to weigh in and the NOP to  
13 reconsider some or all of the recent directives. NOP  
14 acknowledged that a mistake was made in the title, and now  
15 we would like -- the NOP must acknowledge a mistake may be  
16 made in substance. How possibly could fishmeal, fortified  
17 with prohibited materials or containing prohibited  
18 materials be considered natural and not up for  
19 certification program to question the use of any amount.

20           As a board member of the Organic Trade  
21 Association, and my comments do not reflect the official  
22 position of the Organic Trade Association --  
23 (Laughter.)

24           MR. MESH: -- I urge the NOP to improve its  
25 communication with the Organic Trade Association, which

1 would result in less and less problems, more positive  
2 reinforcement, and consumers that maintain confidence in  
3 the "organic" label. It is in the industry's best  
4 interests to maintain confidence in the National Organic  
5 Program and organic products in the marketplace.

6           The recent directives play right into the hands  
7 of those who attack organic agricultural at every  
8 opportunity, for now we can't maintain that materials are  
9 reviewed before they were put on the National List and used  
10 in the field.

11           While I think that some flexibility to a degree  
12 is reasonable and Florida organic growers used to have a  
13 policy on unintended applications which would result not in  
14 the loss of certification for 3 years, the current policy  
15 -- I mean guidance -- I mean directive, goes too far in  
16 potentially allowing multiple uses in applications of inert  
17 ingredients that will make consumers wonder and facilitate  
18 attacks on the organic industry.

19           This seems contrary to the Organic Foods  
20 Production Act purposes, along with the other directives.  
21 Remember uniform standards, consumer confidence, and an  
22 increase in trade, the basic purposes of the Organic Foods  
23 Production Act.

24           I have to comment on the livestock variance which  
25 was put in the Rule, recognizing that disasters will

1 happen. It is in the Rule, and the USDA will set  
2 themselves up for possible legal action if some process is  
3 not implemented to deal with the valid request based upon  
4 the livestock variance on feed when a natural disaster  
5 happens.

6 At the recent meeting at Beoflock [phonetic] with  
7 internal certifiers, it was very easy to see that many,  
8 many, many of the certifiers who have been accredited by  
9 USDA were totally or basically unfamiliar with the  
10 regulation. These accredited foreign certifiers still have  
11 not had a site visit, and USDA should verify that its  
12 accredited certifiers are at least demonstrating that they  
13 are getting it right most of the time.

14 My compliments to the compost task force. I have  
15 a question. I thought I saw in yesterday's presentation  
16 that after two tests and a follow-up test, that it meant  
17 that the system would no longer need to be tested. Maybe I  
18 misunderstood. So I just -- on the record, I finished  
19 early, and I will designate my remaining time for the good  
20 of the cause.

21 UNIDENTIFIED MALE VOICE: For previous  
22 infractions.

23 (Laughter.)

24 MR. MESH: "We'll credit it against your  
25 account."

1           CHAIRMAN KING:  As always, thank you, Marty.  
2  Urvashi's up next, and I believe it's Bart Reid after that,  
3  on deck.

4           MS. RANGAN:  So I believe I'm taking Angela's  
5  proxy time, that's from Florida Organic Growers, so  
6  Consumers Union would like to thank them for their time.

7           Good morning.  It's really been quite a few days  
8  for all of you and for all of us out here, and my heart's  
9  pounding, so -- I think there's a lot of anger in this  
10 room.  People in this room deserve what's been happening  
11 the last few days, you deserve more.

12           We're all spending a lot of money and a lot of  
13 time coming to these meetings, and the goal of these  
14 meetings is supposed to be to improve the standards, and  
15 ever since the implementation of this program, I know we at  
16 Consumers Union an a number of these folks back here have  
17 been doing nothing but watchdogging what the National  
18 Organic Program is doing, and it's really a travesty to  
19 consumers, to farmers, to certifiers, to inspectors, and  
20 it's very rare to find an industry where you actually see  
21 all of those stakeholders sitting on one side of the fence,  
22 saying, "Please maintain high standards."

23           It was enlightening to hear the National Organic  
24 Program's presentation, and it was enlightening to learn  
25 how they arrived at some of these directives.  It's also

1 enlightening to know that they think that there aren't any  
2 significant changes and that the public has no right to  
3 comment on these directives. That is bull honky, and we  
4 have a right to comment on these, this is a public program,  
5 and so I'm going to continue to do that.

6           The goal of this program is not, as one of the  
7 NOP staff said, to level the playing field. The goal of  
8 this program is to create a consistent and meaningful label  
9 for consumers, that adds true value over conventional  
10 production, because that's why consumers are buying  
11 organic, because it adds a premium to the product.

12           At the very least we expect those standards to be  
13 maintained. At the very best, we hope that there'll be  
14 improvements in the standards over time.

15           As director of the eco labels program for  
16 Consumer Reports magazine, I'll tell you that there are  
17 other label programs, that are running up right behind  
18 organic, that are doing a pretty good job of maintaining  
19 standards and improving them over time. It's a lesson that  
20 can be learned by this program, which set the precedent for  
21 all of them.

22           Things of particular concern -- and I'm submitted  
23 for the public record our press release that we did  
24 yesterday, and I'll give that to Katherine, the fact that  
25 the USDA is drastically cheapening the meaning of organic.

1           These directives actually, even though this isn't  
2 a safety program, start to undermine the public health  
3 implications of this program, which is somewhat remarkable.

4           I want to go back to pesticides for a minute. I  
5 know I spent my whole time talking about it before, but  
6 it's worth mentioning again. I got a lot of questions,  
7 even from people here: What are EPA inerts? What is List  
8 3 and List 2? Why do we keep throwing these things around?

9           I want to say for the public record what List 3  
10 inerts are. Inerts are not benign ingredients, inerts are  
11 not the active ingredient in formulations. Really heavy-  
12 duty synthetic formulations require a carrier that's also  
13 heavy-duty synthetic to carry it into the system.

14           List 2 -- List 3 ingredients, it's 56 pages, if  
15 you care to go to EPA's website, of ingredients. It  
16 includes ingredients of unknown toxicity. We don't know  
17 what the toxicity is of the ingredients, and according to  
18 EPA, an inert ingredient was placed on List 3 if there were  
19 no basis for listing it on any of the other lists; that is,  
20 it wasn't toxic and it wasn't non-toxic, so it needed to go  
21 on this list.

22           The agency will continue to evaluate these  
23 chemical substances, as additional information becomes  
24 available, to reclassify as List 1, 2, or 4. List 3 is  
25 unknown, and it's prohibited in the OFPA and it's

1 prohibited in the regulations.

2 List 2, potentially toxic inert ingredients, high  
3 priority for testing inerts. Many List 2 ingredients are  
4 structurally similar to chemicals known to be toxic. Some  
5 have data suggesting a concern. There's a reason why these  
6 lists exist, there's a reason why the OFPA prohibits them,  
7 and there's a reason why the regulations, even though they  
8 never said "before use," mean that you can't use these  
9 things and you have to determine what's in them before you  
10 use them. That's what the public expects.

11 The fact that now prohibited pesticides can  
12 easily be used on these things is ridiculous. That's  
13 zylene, toluene, formaldehyde, here's some others,  
14 ethylbenzene, succinonitrile, methylisobutylketone,  
15 naphtha, toluene trichloroethane, these are all on List 2.

16 There is no way that the public is going to fly for these  
17 ingredients being used on crops, especially unknowingly.

18 Who's responsible for that? Who's responsible,  
19 if we find those pesticide residues on the food? Are the  
20 certifiers responsible? Is that what the NOP is doing?  
21 Are the farmers responsible? Because there's going to be  
22 liability issues that arise from that, and so someone needs  
23 to take those under consideration.

24 The next thing I want to turn to is fishmeal. I  
25 heard Richard Matthews say that there's no need to regulate

1 -- there's no need to review fishmeal because it's a  
2 natural ingredient. Wow. Consumer Reports just came out  
3 with 12 natural ingredients in dietary supplements that are  
4 incredibly dangerous, we'd like the FDA to get them out.

5 Ephedra is a natural ingredient. It's not okay,  
6 it's not safe. We know that fish contains ingredients that  
7 are not safe for consumers. Despite the fact that we  
8 learned that you could mix in synthetic preservatives and  
9 that those didn't need to be reviewed, and that was just  
10 absolutely amazing, on top of the fact that we've got tuna,  
11 the most common fish that's eaten in this country, laden  
12 with mercury.

13 The fact that an organic label can now be used on  
14 a can of tuna and not mean anything, including the NOP's  
15 lack of testing for it or requiring for it or even needing  
16 the NOP program, I want to take a little bit of time to  
17 talk about what FDA considers to be the public health  
18 concerns with fish right now, and especially tuna.

19 For a 22-pound toddler, the weekly reference dose  
20 is 7 micrograms of mercury. Two ounces of canned tuna  
21 provides a dose of 20 micrograms of mercury. A 44-pound  
22 5-year-old, the weekly reference dose is 14 micrograms of  
23 mercury. A 6-ounce sandwich, that's what a sandwich is, of  
24 tuna, would provide that child 61 micrograms of mercury.  
25 That is more than four times the recommended reference

1 dose, or the reference dose allowable.

2           For a 132-pound woman, the reference dose is 42  
3 micrograms of mercury, and you get it again, a 6-ounce can  
4 of tuna is still the same reference dose for that woman,  
5 it's 61 micrograms of mercury. That woman, if she ate a  
6 tuna sandwich a week, would exceed the reference dose by  
7 50 percent.

8           If we don't test fishmeal for mercury and we  
9 start allowing this to not only be fed to fish but to  
10 cattle, which -- incidentally, cattle don't eat fish,  
11 but --

12 (Laughter.)

13           MS. RANGAN: -- what are we doing? This is not  
14 what consumers expect out of this program. If a consumer  
15 sees an organic label on a fish, they're going to expect  
16 more than this, and the fact that we're going to feed it to  
17 our cattle does not get around this issue. Mercury doesn't  
18 really go away, it's a metal.

19           The last issue to deal with today is that  
20 Consumers Union believes that USDA is on a very slippery  
21 slope of allowing drug use in organic production. It is of  
22 particular concern when we heard clarifications to the fact  
23 that it isn't just antibiotics that could apply on the  
24 dairy farm but any drug, including growth hormones? You're  
25 going to have a lot of explaining to do to consumers by the

1 time we get there.

2           So my advice is: the answers are very simple, to  
3 address these problems, that's the good news. There's a  
4 lot of bad news today, but the good news is, how do we find  
5 out what's in pesticide formulations? Take EPA up on their  
6 program for their pesticide registration list. EPA has  
7 offered to review pesticide formulations and crack the code  
8 for manufacturers, to allow them to list it as appropriate  
9 for the National Organic Program and without violating  
10 confidential business information.

11           It seems like a more logical way to go to get  
12 these pesticide formulations approved, so we know what's in  
13 them, so we know it's appropriate for use, before we use  
14 them. What about the fish? Fish is food. The NOP does  
15 authority over food. So don't allow the use of any organic  
16 label on fish until the standards come out properly, and  
17 get moving, because the advice has been conflicting from  
18 the National Organic Program, they -- these are significant  
19 changes to what they have said before, so they have an  
20 obligation to get those standards ironed out, to work with  
21 the National Organic Standards Board and get those out for  
22 public comment. Let's get on with it, let's do it, let's  
23 test for mercury. These aren't difficult things to figure  
24 out.

25           On the antibiotic issue, the OFPA says no

1 antibiotics. We already started with the slippery slope on  
2 herd replacement and that a herd can be one cow, and now  
3 we're at the point of: any cow can come out of organic  
4 production at any time and receive any drug to treat  
5 illness? I'm going to be going back and looking up to see  
6 what growth hormones do over that year, are there any last  
7 implications? do you give a shrink hormone after a growth  
8 hormone?

9 (Laughter.)

10 MS. RANGAN: We appreciate your time. Thank you  
11 very much for your hard work.

12 CHAIRMAN KING: Rose, then Andrea.

13 MS. KOENIG: Thanks for your comments. I mean,  
14 one solution to the fishmeal, for those out in the  
15 audience, would be to petition it as a natural prohibited,  
16 and if you could, you know, go through the website and go  
17 through that process, that's one way. If in fact, you  
18 know, there are high levels of these heavy metals, it's the  
19 logical way to go about that issue.

20 MS. RANGAN: Thanks, Rose, we'll do that.

21 MS. KOENIG: As far as the -- you know, the  
22 List 3 and List 2, I mean, we had a task force that had a  
23 different recommendation than that -- of what is in the  
24 directive. You know, we'll work our best to try to see --  
25 see what can be achieved.

1 MS. RANGAN: Thank you.

2 CHAIRMAN KING: Andrea.

3 MS. CAROE: Rose made my comment, so --

4 CHAIRMAN KING: Jim.

5 MR. RIDDLE: Yeah. I appreciate your concerns  
6 and share your concerns and just once again want to make it  
7 very clear that none of these directives were developed in  
8 consultation with the advisory board, even though our  
9 charge under statute is to advise the Secretary on  
10 implementation of the Act, and implementation is a process,  
11 it's not an event that happened October 21st, 2002.

12 I was especially astounded to learn that this  
13 pesticide policy was developed with no consultation of EPA,  
14 when EPA controls pesticides and has the organic  
15 registration program. What would you advise the Board that  
16 we do or what do you see our next steps, not just for the  
17 Board, that should be done in response to these  
18 developments?

19 MS. RANGAN: Jim, thank you for that. Your  
20 point's well-taken, and I think that since the National  
21 Organic Program can't seem to consult with the EPA on  
22 pesticide registration, I recall this board a few years ago  
23 brought in someone from the EPA. I believe that's how this  
24 pesticide registration program got started. He seemed very  
25 willing to help out with the NOSB, they seemed very willing

1 to sit down with you and crack codes and make this program  
2 work.

3 So I would say you're going to meet with a pretty  
4 helpful EPA on that level, and that would be my  
5 recommendation. In my first public comment: what  
6 Consumers Union would like to see is we'd like you to make  
7 a recommendation to mandate this organic pesticide  
8 registration program for pesticide formulations. It's a  
9 voluntary program for manufacturers.

10 If you're a pesticide manufacturer, you don't  
11 have to do it, and if you don't want to do it, it's -- like  
12 you're a farmer and you don't want to be certified organic,  
13 then you don't have to be organic, you can make your  
14 pesticide formulation and go along the conventional  
15 production route.

16 But if you want that added value, if you want to  
17 add a premium to your product, then let's get it straight  
18 that you actually have value added in your product and that  
19 it's appropriate for organic production.

20 CHAIRMAN KING: Rose.

21 MS. KOENIG: Just a clarification. And I think  
22 -- it sounds like you understand. As far as my  
23 recollection on that program, it is a voluntary for -- you  
24 know, and it doesn't allow List 3, it basically allows only  
25 those formulations that contain List 4 --

1 MS. RANGAN: That's correct.

2 MS. KOENIG: -- and it's a dual label. So it  
3 still does not eliminate this List 3 directive issue. I  
4 mean, that would identify those formulations that are in  
5 contact compliant. So we could, you know, through that  
6 again develop a database of knowledge for those products,  
7 which I think is the way to go, those -- you know, we need  
8 to inform people, you know, the information's out there, so  
9 you don't have this, you know, difficulty in identifying.  
10 That is, to me, the cautions way of going about it. But  
11 the labeling program is not the answer to this List 3  
12 issue.

13 MS. RANGAN: It's one way of solving the problem.

14 MS. KOENIG: It doesn't solve the problem of that  
15 directive, it doesn't solve the problem, because if that  
16 directive is still out there, you could still have this  
17 labeling program and those things could be listed.

18 MS. RANGAN: You're correct. The directive  
19 itself needs to be rescinded. I'm sorry if that goes  
20 without saying, but --

21 (Laughter.)

22 MS. RANGAN: I mean, the directive itself can't  
23 stand while you mandate that. I understand implementing  
24 two contradictory programs, but --

25 MS. KOENIG: No, but I'm just saying I don't -- I

1 think it -- you know, that's not -- what I'm trying to say  
2 is that's not the solution.

3 MS. RANGAN: Yeah. That's fair enough. I'm just  
4 saying that I'm looking at these directives, and in picking  
5 up the phone and calling EPA before I got here: EPA's not  
6 going to give that information to farmers, they're not  
7 going to give it to certifiers. It would be an illegal  
8 violation, I guess that's redundant, of confidential  
9 business information. They're not going to do it. So this  
10 whole "You try, and if you can, great, and if you can't, go  
11 ahead and use it" is not -- is not a policy.

12 MR. RIDDLE: Yeah, I was just -- I wanted to add  
13 that it's -- their labeling program is not solution for the  
14 List 3s and List 2s, but the mechanism is a door for a  
15 conversation to solve it, and the phone call hasn't even  
16 been made.

17 CHAIRMAN KING: Thank you very much.

18 MS. RANGAN: Thank you.

19 CHAIRMAN KING: Next up is Bart Reid, with Brian  
20 Condon on deck.

21 MS. KOENIG: Just one comment on the List 3. We  
22 -- I believe we have a process, which is the petition  
23 process, which we've already proved -- we've added one  
24 List 3 inert -- actually, two List 3 inerts on my tenure on  
25 the board. That process has been established, and I think

1 that that is the process that should be followed, because  
2 we then can review those List 3 inerts. It doesn't allow  
3 any List 2 inerts, that I know of. I mean, I guess they  
4 could be petitioned. But there is a process; the process  
5 has worked.

6 For those farmers who have had formulations,  
7 they've come forth to the Board, they've petitioned, and  
8 we've solved the problem for those producers, and I have  
9 not heard, in the last couple of meetings, of any farmers  
10 who have come forth and told us there is a problem that  
11 exists on this issue.

12 CHAIRMAN KING: Thank you. Rose. Sorry about  
13 that. Bart, we are now ready.

14 MR. CONDON: Howdy. My name's Brian Condon, and  
15 I'm actually up next. Of course, I'm not Bart. Bart is in  
16 Texas right now.

17 CHAIRMAN KING: So Bart is up, all right.

18 MR. CONDON: Yeah.

19 UNIDENTIFIED MALE VOICE: We have a statement  
20 from Bart.

21 MR. CONDON: Yeah.

22 CHAIRMAN KING: Oh, so you're reading both.

23 MR. CONDON: Yeah.

24 CHAIRMAN KING: All right.

25 MR. CONDON: So really I guess I could be up here

1 for 10 minutes.

2 CHAIRMAN KING: 10 minutes, that's right. Okay.

3 MR. CONDON: We'll try to not do that. In any  
4 case, the first thing I'm going to do here is read a letter  
5 that Bart wrote to the USDA in response to the April  
6 guidance statement having to do with the scope of the NOP.

7 And just so you know, Bart is a certified organic shrimp  
8 producer in the state of Texas, and he feels that the  
9 directive did a certain amount of damage to him. So here  
10 goes Bart's letter to the NOP.

11 "Dear Mr. Jones: I would like to petition you,  
12 the NOP, and the USDA to initiate immediate rulemaking  
13 concerning the status of organic seafood, and particularly  
14 previously certified organic farm-raised seafood, shrimp in  
15 my case, that was certified by the USDA/NOP-accreted third-  
16 party certifier, Quality Certification Services.

17 "The Permian Sea Shrimp Company has spent  
18 considerable sums of money to obtain an organic  
19 certification and the latest guidance statement from the  
20 NOP totally usurps all our efforts and leaves us in  
21 financial jeopardy as a business. We have product in the  
22 market with the NOP seal as organic, and we have many  
23 customers that are purchased and are in negotiation with us  
24 to purchase our shrimp due primarily to the fact that we  
25 have obtained this certification via the NOP rules.

1           "The USDA recognizes fish and aquatic animals as  
2 livestock. In all programs that USDA offers, like the  
3 non-insured crop disaster program and Farm Service Agency  
4 loan programs, aquatic animals are listed as livestock.  
5 Most all 50 states' agricultural departments recognize fish  
6 and aquatic animals as livestock. It is only appropriate  
7 and logical for the NOP, a USDA division, to recognize  
8 aquatic animals as livestock.

9           "The organic rules have a base of rules and  
10 procedures that are suitable for any livestock regardless  
11 of specificity for specific breeds or species. There are  
12 parameters within these rules for feed, stocking densities,  
13 and ranging requires, water, health, welfare, and  
14 processing that can be applied universally to any livestock  
15 and used universally to certify any livestock.

16           "We recognize that specific rules can and should  
17 be appropriate in the long term, but initially there are  
18 enough basic rules that apply to all livestock that  
19 certification is possible. The certification using basic  
20 rules is a starting point, and the individual companies  
21 that obtain certification can provide additional  
22 information to develop species-specific rules in the  
23 future.

24           "There is no way to develop rules for every  
25 individual animal and plant that a producer may wish to

1 produce for the organic market, and to separate aquatic  
2 animals out from livestock is equivalent to separating out  
3 rice from terrestrial crops because it grows in water.

4 "The market definitely respects the USDA's NOP  
5 certification, and that is why we have sought and obtained  
6 this certification and why our market is using this very  
7 certification to develop confidence within their markets.  
8 The latest guidance statement erodes this confidence and  
9 will cause a significant burden on Permian Sea Shrimp  
10 Company and its customers, who have purchased our shrimp  
11 under the confidence that the certification was real and  
12 backed up by the NOP.

13 "Specifically, Permian Sea Shrimp Company will be  
14 financially and materially harmed and devastated by the new  
15 position of the NOP, and we ask that you initiate immediate  
16 rulemaking to clarify and alleviate this situation for us,  
17 our customers, and the organic retail community.

18 "We realize that organic seafood in general is a  
19 complicated situation, but farm-raised seafood, livestock,  
20 has a place in the organic market and is in the scope of  
21 the current NOP rules.

22 "We certainly will be willing to assist in  
23 developing any specific rules that are needed in the future  
24 but insist that the basic livestock rules are sufficient to  
25 allow the certification of our shrimp and other conforming

1 fish and aquatic animal operations under the NOP and using  
2 the NOP seal.

3 "Permian Sea Shrimp Company asks that you  
4 initiate rulemaking on this and consider our petition to  
5 maintain our certification and NOP's authority to support  
6 our certification in the marketplace. This not only will  
7 avoid financial ruin for us but instill confidence in the  
8 market for NOP's program and reputation and continue to  
9 develop a consumer confidence and awareness for organic  
10 farm-raised seafood. Sincerely, Bart Reid, Owner, Permian  
11 Sea Shrimp & Seafood Company."

12 So that was the letter from Bart. This is just  
13 an excerpt of a letter that QCS had sent to the USDA last  
14 week, responding to the guidance statements back in April.

15 I'm just going to read the last paragraph or two.

16 "In summary, we request that the USDA honor the  
17 simple statements that the NOP has issued previously via  
18 three concrete actions: 1) engage in immediate rulemaking  
19 to establish standards for aquatic animals; 2) allow beyond  
20 the current 18-month provision those aquaculture producers  
21 meeting current NOP standards to use the USDA 'Organic'  
22 seal in the marketing of their product; and 3) protect  
23 consumer confidence and organic producers by disallowing  
24 the use of the 'Organic' label on aquaculture products that  
25 do not meet NOP standards, products that also undercut the

1 price of those that do meet the standards.

2 "This lack of clarity on the issue in the past  
3 has gotten the organic industry into the current conundrum,  
4 and we hope that the NOP will act decisively, publicly, and  
5 promptly on the matter in order to restore order and  
6 confidence in the organic marketplace."

7 And that's all I've got for now.

8 CHAIRMAN KING: Thank you. Dave.

9 MR. CARTER: I'm sorry, what was number 2 that  
10 you just said?

11 MR. CONDON: Number 1 was: engage in immediate  
12 rulemaking. Number 2 was: to allow the use of the  
13 USDA/NOP seal beyond the 18 months, as provided in the  
14 guidance statement.

15 MR. CARTER: And also, just -- while I know you  
16 refer to them as guidance, and when they were they posted  
17 they were issued as -- or they were listed as guidance, but  
18 we were informed earlier this week that those were  
19 directives, and that is an additional level of concern that  
20 many of us have.

21 MR. CONDON: Okay.

22 CHAIRMAN KING: Thank you, Brian. Next is Brian  
23 Leahy, and Liana is on deck.

24 MR. LEAHY: I'm Brian Leahy. I'm President of  
25 California Certified Organic Farmers. We are a trade

1 association of -- made up of certified organic producers  
2 and handlers.

3 I'm here mainly today to talk about one of our  
4 lines of products, I would suppose, best represented by,  
5 say, Traditional Medicinals, a tea company --

6 UNIDENTIFIED FEMALE VOICE: What?

7 CHAIRMAN KING: Can you say that again.

8 MR. LEAHY: Can you hear? Traditional Medicinals  
9 is a tea company that's been in company since 1974. I'm  
10 not sure if they were here Wednesday or not. I have  
11 something written, that I'll submit afterwards, from them.

12 The recent guidance/directive that -- on the  
13 Scope just destroyed a long-term existing organic line,  
14 which is the supplemental teas. In Traditional Medicinals'  
15 case, they have a simple tea, it's peppermint, and they  
16 make a claim, they say it may promote digestion. Because  
17 of that claim, it then falls under FDA's regulations, and  
18 USDA is now saying that they cannot regulate -- they can't  
19 use that organic claim any longer, which we think is  
20 creating real confusion in the marketplace, it's really  
21 destroying a traditional organic line.

22 This is exactly why we came to USDA, was to  
23 establish, you know, standards so that we can market  
24 organic products and everyone's on the same level. USDA's  
25 now saying that because of this claim, they are thrown into

1 the world of "consumer beware."

2           So we think it's a real problem, and I think it  
3 -- it brings up three real problems with this program right  
4 now. One is the communications. It would have been very  
5 easy for USDA/NOP to have told the regulated community that  
6 "we are considering this change, is there a way we can talk  
7 about this first and maybe come up with some solutions,"  
8 and we think there are solutions, we think this could be as  
9 simple -- something as simple as an MOU between FDA and the  
10 NOP and just take care of this problem. We just think it's  
11 -- they opted out of a long-standing category of organic  
12 goods. So I think that is -- that is probably "the"  
13 biggest problem here, is simply the communications between  
14 the regulated community and the program itself.

15           I think that's really -- that's what we had to  
16 say, is -- and I know it's not your -- this board's  
17 problem, but it's your problem to communicate to this -- to  
18 our regulator and say, you know, this -- we did not  
19 establish the National rule to destroy organic trade, we  
20 set it up to facilitate it. So thank you. Is there any  
21 questions on this?

22           CHAIRMAN KING: Dave.

23           MR. CARTER: Thank you, Brian, and I think your  
24 point is excellent, because when you take a look at some of  
25 the interpretations that are made, it's not only just USDA

1 having jurisdiction over organic and that doesn't then  
2 involve FDA or EPA or, you know, whatever, but even within  
3 USDA, the fact that it's -- that NOP is within the  
4 Agricultural Marketing Service, and so therefore it doesn't  
5 relate to NRCS or whatever, that the importance of at least  
6 developing some memorandums of understanding, inter-agency  
7 and intra-agency, so that there is consistency, I think is  
8 something that is doable, you know, even if there's no  
9 legislative changes or new rulemaking down the road, that  
10 that would at least be a good set, and I appreciate you  
11 bringing that forward.

12 MR. CONDON: You know, if they didn't -- if USDA  
13 backed out of every product that some state regulation also  
14 talked about, or federal regulation, it'd be just about  
15 everything, we've got this many rules, you know, coverage  
16 everything, so -- this one just seems like it's -- it's a  
17 cop-out, to be perfectly honest.

18 CHAIRMAN KING: Andrea.

19 MS. CAROE: Brian, the Traditional Medicinals  
20 products, are they making a structure function [phonetic]  
21 claim (inaudible)?

22 MR. CONDON: Yeah, and they claims they -- in  
23 peppermint is: it may promote digestion.

24 MS. CAROE: So that's what puts it as a dietary  
25 supplement?

1 MR. CONDON: Yeah. And then they have -- on  
2 their box, then, that the consumer sees, they have to have  
3 the FDA dietary supplement label on the back.

4 MS. CAROE: Now, could you -- I don't know if you  
5 know this or not, but I'm not -- I'm trying to figure this  
6 out. Functional foods, where do they fit in and are they  
7 not making a structure function claim and would they then  
8 fall as a food -- I mean, there seems to be several  
9 different shades of gray between food and dietary  
10 supplement.

11 MR. CONDON: There are, I mean -- and -- you  
12 know, the Rule -- the organic Rule, it's very clear, it  
13 says -- it does -- agricultural products meant for human  
14 consumption, agricultural -- you know, herbal teas  
15 definitely fall within that, and they have since the very  
16 beginning of organic, it's just -- you know. So -- and,  
17 yeah, I don't know -- right now there's a turf war between  
18 FDA/USDA on, you know, "what do we regulate?", and in the  
19 industry right now, one of the hottest fads in food is to  
20 make all kinds of dietary supplements and just all kinds of  
21 claims. I mean, I sold kiwis because they were an  
22 aphrodisiac back in the '70s.

23 (Laughter.)

24 MR. CONDON: And the Farmers Market in  
25 San Francisco, they sold pot for a while.

1 MR. CARTER: Did you say kiwis?

2 (Laughter.)

3 MR. CONDON: You know. But does that fall under  
4 FDA? I -- you know, there -- I don't know, but it's --  
5 it's -- as soon as they start opting out of long-term  
6 existing businesses because some other regulatory agency  
7 has some claim in it, what kind of business alliance  
8 [phonetic] is that? We had -- one of our prospective  
9 clients was working with our processing person, Jane  
10 [phonetic] Kennedy, two days after this came out, she  
11 called, crying, on the phone, you know, "This has  
12 destroyed" -- "My life savings have been aiming at going  
13 into this particular business, USDA" -- "I had every reason  
14 to believe that it was part of this regulated scheme, and  
15 now, out of the blue, comes this directive," and that's --  
16 I mean, that is also one of the main problems, is  
17 communications, you know, let's talk about these. Existing  
18 businesses, that's -- it seems like a kind of a basic, you  
19 know, sense of dignity, is to talk to each other first.

20 CHAIRMAN KING: Andrea.

21 MS. CAROE: As a certifier, Brian? I mean, the  
22 USDA has kind of kept this open, that certifiers could have  
23 their own standards and certify to them and do them -- I  
24 don't know, basically, organic 5 years ago (inaudible).

25 MR. CONDON: Yeah.

1 MS. CAROE: As a certifier, do you see that  
2 that's something that would be attractive? I mean, is  
3 that --

4 MR. CONDON: Yeah.

5 MS. CAROE: -- you would do or -- I mean, it's  
6 really tough for you answer, I (inaudible) --

7 MR. CONDON: No, I think it's an excellent  
8 question, because when this directive came out, you know,  
9 there's all kinds of categories in here, and some of them  
10 make a lot of sense, they -- in my mind, to make organic  
11 cosmetics is kind of goofy, I mean you -- it's just -- it's  
12 not food, you know. Our standards were agricultural based,  
13 you know, and unless -- and if other industries, like  
14 cosmetics, pet food, right now, those make perfectly good  
15 sense to have, you know, different standards, non-USDA  
16 standards, but this one, peppermint tea, I mean that is --  
17 that's food, you know, and that's why we set up this  
18 regulatory scheme.

19 So I don't -- we have no problems doing other  
20 standards, we think that the marketplace will be there, but  
21 we also remember the confusion, you know, people were --  
22 even under the California act, you could have 2 percent  
23 organic ingredients in that thing and then the whole label  
24 said nothing but "organic." It was very confusing and very  
25 misleading. And the herbal tea people, dietary

1 supplements, I mean, they fit under the program, and they  
2 just think that it's going to be a race to the bottom and a  
3 lot of confusion.

4 CHAIRMAN KING: Thank you, Brian. Liana's up  
5 next, and Harriett is on deck.

6 MS. HOODES: Good morning, all. This is Liana  
7 Hoodes. I'm the Organic Policy Coordinator for the  
8 National Campaign for Sustainable Agriculture, Organic  
9 Committee.

10 As always, I'm going to really stick a lot to  
11 process here, and so -- I'm going to jump around a little  
12 bit at first, though, and make a few comments on some of  
13 the directives, guidances, whatever they are, and our  
14 comments on them. Mainly we have a comment on the whole  
15 damn process, that's broke.

16 (Laughter.)

17 MS. HOODES: So -- but I would like to say: in  
18 terms of the antibiotics in livestock, we would like to  
19 state unequivocally: this decision is about protecting  
20 management styles and not about animal health care. It's  
21 always been possible to raise healthy animals without the  
22 use of antibiotics, in general -- there are specific cases  
23 it's needed -- in an organic system, but it is probably not  
24 possible in a factory farm setting, and that -- this change  
25 is clearly catering toward factory farm settings, and that

1 is a problem, in addition to the process to get to that  
2 guidance or directive.

3 Similarly, inerts, the issue of the allowance of  
4 inerts if you don't know you have them is a real big  
5 problem in terms of this label and the consumers' expecta-  
6 tions about not having this in their -- in the organic  
7 system at all, and it seems to go way out of the -- what  
8 was normally expected, those normal decisions we wanted you  
9 as a board to have to make. This is way beyond any of  
10 that.

11 On the sunset provision, I just would like to  
12 make a comment. Our pressing for a couple years for you  
13 folks to be able to hire an executive director, this is  
14 directly related to that. This is coming up on some  
15 massive work that you folks have to do, and if -- you're  
16 amazing -- I didn't even start by thanking you.

17 You are an amazing volunteer board that has done  
18 incredible amount of work, and the least that we, as in  
19 representatives of our government, and our government could  
20 do for you is to get you an executive director that -- to  
21 staff out some of this massive work that you have already  
22 and that is coming up on you.

23 I do want to thank you for this forum, I want to  
24 thank you for my being able to speak to you, and also for  
25 us all to listen to all of the comments. We appreciate

1 that in an ongoing way.

2 We, as National Campaign Organic Committee,  
3 continue to object to the treatment of this OFPA-mandated  
4 board by the Department. We specifically refer to the  
5 NOP's refusal to move the recommendations of the board  
6 through a regulatory process and their increasing  
7 usurpation of the statutorily-defined role of the NOSB.

8 Where are those years of recommendations, and  
9 what is the process used to determination which ones will  
10 become regulation? You folks could join in the refrain,  
11 since you have heard it from me for years now, those exact  
12 words.

13 In addition, we object to the practice of the  
14 NOSB -- of the NOP making materials decisions without the  
15 NOSB or without public notice and comment, and we question  
16 severely their authority to do so. In this the NOP has  
17 crossed the line. The responsibility to review and make  
18 recommendations to the Secretary regarding National List as  
19 outlined in OFPA is the most important statutory role of  
20 the NOSB.

21 So here we know that the NOP's move from the  
22 issuance of policy statements, that were sort of Q & As on  
23 the website, to what on the surface may appear a more  
24 formal process of what were guidances, and may still be  
25 guidances on the web but are now directives, is confusing.

1 Those statements have gone through no more rigorous notice  
2 and comment, and while nominally welcoming input, really  
3 offers directives that materialize on the web and appear to  
4 be effective immediately.

5 We encourage you as a board to become much more  
6 active on your own behalf in supporting those pierces of  
7 process that you need to move through. We will as a  
8 community support you in standing up for not accepting  
9 these directives, these guidances, that violate the law and  
10 violate your statutory role.

11 We will be proposing some language that we think  
12 the NOP should go to rulemaking, defining guidances,  
13 directives, regulations, and your role. That has never  
14 been done. Many other agencies have those clear-cut lines  
15 so everybody knows which is which. None of us in this room  
16 know what a guidance or a directive is, and we all deserve  
17 to at least know that process.

18 CHAIRMAN KING: Jim.

19 MR. RIDDLE: Thanks, Liona, for your words of  
20 support and encouragement and your marching orders for our  
21 future lives.

22 (Laughter.)

23 MR. RIDDLE: I was thinking last night, you know,  
24 about the past two days and the Board here, and -- I mean,  
25 it's -- it's what keeps me going on the Board, the fact

1 that people came so well-prepared, and we've dealt with a  
2 myriad of issues, and done it in a very thoughtful manner  
3 and a respectful manner and an inclusive manner, trying to  
4 take into account public comments and the comments of  
5 diverging views on the Board. So I'm very pleased and  
6 proud of our process.

7 I want to comment on the executive director  
8 issue. Some of us have worked very hard to get that in the  
9 legislation, the appropriations, \$100,000 for NOSB  
10 executive director, additional funds for peer review and  
11 for TAP reviews, and that money was appropriated by  
12 Congress.

13 When we've asked about that, we really haven't  
14 gotten information from the program, but it's my  
15 understanding that a couple weeks ago, Undersecretary Hawks  
16 was asked by Senator Herb Cole a question about these three  
17 items, and Undersecretary Hawk responded that the NOP was  
18 just about to hire an executive director for the Board.

19 We don't know anything about that, and you'd  
20 think that the Board, according to OFPA, has the power to  
21 hire an executive director and we'd have a role in  
22 establishing the job description and reviewing candidates,  
23 and I think we need to follow through with that. The  
24 money's there, and we need to take action, the Board needs  
25 to get more assertive on that.

1 I also want to inform you and other members of  
2 the audience that in the last couple months, leadership of  
3 the Board has written two letters, the last one went in  
4 last week, signed by 11 members of the Board, expressing  
5 our concerns, particularly about the materials review  
6 process and how we are not able to exercise our statutory  
7 authority the way things have been going for the past four  
8 months, with petitions being submitted and materials being  
9 allowed, which are not on the list, and going to TAP  
10 reviews without our screening.

11 This is very disconcerting to the Board, so we  
12 share your concerns and have been trying to take some  
13 actions and will continue to take actions.

14 MS. HOODES: And I in no way meant to imply that  
15 you weren't taking actions --

16 MR. RIDDLE: No, you clearly said we were.

17 (Laughter.)

18 MS. HOODES: And I do hope that you know that we  
19 are going on the Hill specifically on those issues, those  
20 three questions have been asked several times of the  
21 Department, about the director and the TAP review and the  
22 peer review panel, and I note that in OFPA the quote is  
23 "requires the Secretary to" -- quote -- "authorize the  
24 Board to hire a staff director," is the exact language that  
25 -- in OFPA. And yes, we need to continue to push Congress

1 on these issues for you, on behalf of you, because you do  
2 work so well on behalf of us. Thank you.

3 CHAIRMAN KING: Liana, thank you for your  
4 comments and support. Thank you very much. Harriett. On  
5 deck is John Clark.

6 MS. BEHAR: Okay, my name is Harriett Behar. I'm  
7 a full-time organic inspector, a grower of organic  
8 vegetables since 1973, and certified organic since 1988.  
9 I'm also an avid organic consumer.

10 I'm concerned that the NOP is not going through  
11 the OFPA-mandated process of NOSB review and public comment  
12 on many of their directives and materials issues. The  
13 "organic" label is a privilege. It appears that the NOP,  
14 through their most recent directives, are allowing access  
15 to the organic market that is not based on a whole-systems  
16 approach of promoting soil, plant, and animal health but,  
17 instead, eroding the fundamental regulatory framework  
18 supporting that "organic" label.

19 I urge the NOSB to exert their OFPA authority,  
20 both as the materials list guardians and as the statutory  
21 advisory counsel to the NOP, to be even more proactive in  
22 fulfilling their role in the public private [phonetic]  
23 partnership given to them under the OFPA when guidance,  
24 directive, or other NOP provisions are put forth, and I'm  
25 extremely disappointed that the NOP process does not

1 consult the NOSB and the broad expertise and stakeholder  
2 support that you represent.

3 I'm concerned that the recent NOP directives set  
4 many dangerous precedents. The inerts and pesticides, as a  
5 precedent, this directive allows producers to use possibly  
6 prohibited products as long as they are unaware of the  
7 toxic List 2 or 3 inerts. This encourages manufacturers to  
8 hold back information in order to have access to the  
9 organic producer input marketplace.

10 In the future, fertilizer manufacturers,  
11 processed ingredients suppliers, et cetera, could choose  
12 not to release information as a way to gain access to the  
13 organic market. This is the precedent. Future NOP  
14 personnel and NOSB boards could use this precedent that  
15 permits this type of secrecy in order to just allow use of  
16 unknown materials.

17 Consumers wish the precautionary principle to be  
18 in place when putting their trust in organic products, and  
19 this allowance of unknown products seriously compromises  
20 their trust.

21 Lastly, this puts a significant burden on both  
22 inspectors and certifiers to work on obtaining information  
23 from suppliers, when the producers should prove themselves  
24 that their organic system plan meets the Rule, not that  
25 they do not know what they are using and therefore it

1 should just be allowed.

2           Antibiotics to be used in animals that are at  
3 least one year prior to organic milk production: first,  
4 I believe this directly contradicts of the OFPA and the NOP  
5 rule, which does not allow antibiotic use in organic  
6 animals or edible products from organic animals.

7           It is a human health concern that overuse of  
8 antibiotics, both directly admitted to humans and animals,  
9 are causing antibiotic-resistant bacterial strains to  
10 develop. During inspections it would be difficult to track  
11 that all uses of the allowed and present antibiotics are  
12 meeting the specific requirements of this directive.

13           The temptation to use antibiotics for problems in  
14 animals less than one year from organic milk production is  
15 great. This also substitutes an input use for a preventa-  
16 tive proactive approach that mandates that farmers develop  
17 healthy living environments for their animals, that promote  
18 health. The use of antibiotics to routinely control  
19 pneumonia in calves does not encourage the producer to  
20 improve the sanitation, ventilation, and stocking rates in  
21 the calf barn.

22           I understand the need for humane treatment for  
23 young animals, and if the NOP feels this is absolutely  
24 necessary, I would feel much more comfortable, although not  
25 in complete support, with this allowance if it was mandated

1 that a veterinarian verify that the antibiotic was needed  
2 and that they administered it. This opens the door to any  
3 type of animal health product to be used in animals one  
4 year from organic dairy production.

5 Fishmeal. The precedent here allows any  
6 secondary ingredient to be included in a non-synthetic  
7 product that is fed as a supplement. The allowed use of  
8 ethoxyquin, a prohibited preservative, embedded in this  
9 "natural" fishmeal opens the door for other items to be  
10 bundled into any "natural" products, such as synthetic  
11 amino acids, mammalian and poultry by-products, or other  
12 non-allowed materials.

13 In addition, this directive allows fishmeal as a  
14 livestock supplement, and this includes cattle, who do not  
15 naturally choose to eat fish.

16 Scope. I believe this directive sets the  
17 precedent allowing the use of the "organic" label on  
18 products that are outside the scope, whether they are  
19 certified or not, and this will confuse the consumers if  
20 organic throughout the marketplace truly does not have a  
21 meaning.

22 The word "organic" should be reserved only for  
23 those products that are certified by an accredited  
24 certifier, not those who just want to gain financially from  
25 the "organic" label, with no certification.

1 I urge the NOP to expedite work on standards for  
2 the areas mentioned in the Scope document in order to close  
3 this dangerous loophole.

4 Finally: I'm concerned that consumer confidence  
5 in the "organic" label will be eroded based on these  
6 directives.

7 CHAIRMAN KING: Thank you. Questions? George.

8 MR. SIEMON: You know we've taken a stand about  
9 the antibiotics and a lot of these issues, we've -- we've  
10 taken a stand once, twice, thrice, you know. So do you all  
11 -- I'd like to ask you and even several others: are we to  
12 the point of wanting to open up the Rule again and rewrite  
13 the Rule?

14 MS. BEHAR: Well, the Rule says that animals  
15 should be -- for emergency use, to preserve the animal's  
16 life, that antibiotics can be used, but the Rule is very  
17 clear that antibiotics are not allowed in animal products  
18 or edible products from organic animals.

19 So I believe that the Rule is very clear that  
20 antibiotics are not allowed.

21 MR. SIEMON: But the USDA lawyers say it's not  
22 clear, and they've interpreted it that way, so the only  
23 thing left is to either do rulemaking or the lawsuit-type  
24 thing, so --

25 MS. BEHAR: I believe, yes, that the consumers

1 and many organic supporters believe that if the Rule needs  
2 to be opened, to strengthen, that statement that I just  
3 said, then we should open the Rule.

4 CHAIRMAN KING: Thank you, Harriett. Dr. Clark,  
5 and Jonathan Landeck is on deck.

6 DR. CLARK: Thank you. My name is John Bill  
7 Clark, Cassopolis, Michigan. I'm a certified organic  
8 farmer. I have a proxy from another organic farmer in my  
9 neighborhood, name is Roger Outlaw, Niles, Michigan.  
10 Strange name, on this morning, I guess.

11 CHAIRMAN KING: I was going to ask you about  
12 that.

13 DR. CLARK: I wish to second the idea of regime  
14 change, and I would illustrate that by asking how many  
15 members of the NOP staff are here in this room at this very  
16 moment?

17 I count -- how many? One -- she may not even be  
18 considered a member of NOP, I'm not sure.

19 CHAIRMAN KING: No, she's very much a member, and  
20 she works very hard, and we do appreciate the fact that  
21 Katherine's here, so I will make that clear.

22 MS. BENHAM: Thank you, Mark.

23 (Laughter.)

24 DR. CLARK: But when she has any function in --

25 CHAIRMAN KING: You don't want to be on her bad

1 side, so --

2 (Laughter.)

3 DR. CLARK: -- in directives, I -- I don't think  
4 I want to blame her for the directives.

5 I don't disagree with anything that's been said  
6 so far except that it's always a puzzle to me, why do we  
7 even bring up List 2, List 3, List 4 inerts, because  
8 pesticide use is incompatible with organics paradigm.  
9 We've been farming livestock, fruit, fish, honey,  
10 vegetables. Livestock includes beef cattle and sheep, and  
11 now we're getting into some birds and hogs. But we've  
12 never seen any need for antibiotics or parasiticides, not  
13 even for the sheep.

14 So you have just approved a parasiticide which is  
15 also considered insecticidal and antibiotic, and I will  
16 state my -- my favorite way of putting the organic  
17 paradigm: pesticides cause pesticide -- pest problems, and  
18 when you stop using them, the pest problems go away,  
19 usually. And that's not limited to herbicides or  
20 insecticides, it goes to the full spectrum, -iocides of all  
21 kinds.

22 Bear with me for a careful reading of 6517(c)(1),  
23 Part A must precede Part B for every material and note that  
24 after A-B-3 is for non-synthetic, non-organically-produced  
25 materials that have survived A-2 and A-3. That leaves no

1 place for synthetics in handling. They are strictly  
2 forbidden by 6510(a)(1). There's no place on the National  
3 List for these. If used, products are remanded to the  
4 "made from" label.

5 Congress was very clear and specific about this.  
6 That's why they created the "made from" category.  
7 Handlers, and only handlers, are entitled to use this  
8 category and the 5-percent non-synthetic National List-  
9 listed ingredients for making their products.

10 Certifiers are not entitled nor responsible for  
11 certifying "made partly from" products. They certify only  
12 95 to a hundred products without synthetics, and certified  
13 ingredients on the ingredient panels, neither their seal  
14 nor USDA's "organic" seal is permitted by statute on these  
15 products. Certifiers who defy this are risking lawsuits by  
16 consumers, producers, and handlers, who have every right to  
17 use the "made partly from" label down to 50 percent.

18 Now that percent organic labels are permitted,  
19 this is not a demeaning of a "94-percent organic" label.  
20 70 percent for certain exports doesn't mean that 50 to  
21 70-percent "made from" products should be prohibited.

22 Do you realize how many minor ingredient  
23 producers, like Trout Lake Farms in Oregon, have been put  
24 out of the organic business? Why do you persist -- and I'm  
25 talking to NOP now -- in this liability risk-laden practice

1 of permitting synthetic ingredients and brow-beating  
2 handlers who have a statutory right to use these materials,  
3 if products are labeled properly?

4 Congress never intended for NOSB or certifiers to  
5 bear the burden of relisting/rehashing the FDA GRAS List.  
6 That's why they provided the "made partly with" label.  
7 They also designed the three-tiered labeling regime to  
8 avoid misleading consumers. That's also why the ludicrous  
9 attempt by NOSB to squeeze synthetic ingredients into the  
10 review process, that was never intended to include them,  
11 has been so difficult and convoluted.

12 A texturizing synthetic, TSPP, in a one-  
13 ingredient product, with no disclosure on the ingredient  
14 panel?: How low can you get? People buy that product, who  
15 are on low-salt diets, or maybe sensitive to synthetics,  
16 and they don't get any disclosure that it's in the product?

17 The annotation at least should include a requirement to  
18 put that on the ingredient panel. It's half a percent? --  
19 I heard yesterday.

20 Okay. All feed -- oh. The 5-percent allowance  
21 for non-organic ingredients does not translocate to feed.  
22 All feed must be 100-percent organic. Evasions of this by  
23 pretending that mineral supplements -- mineral supplement  
24 concentrates are not feed is clearly not conforming to the  
25 statute. No synthetics here either. Complete feed should

1 be made complete by using diverse organically-produced  
2 crops, not with some short of chelated proteins or  
3 synthetic amino acids.

4           Okay, slightly more here. Compatibility with  
5 organic resides primarily with alternatives, both practices  
6 and materials. The Secretary hasn't determined -- when I  
7 brought this up, tried to bring this up, yesterday, about  
8 6517(a) and (b), it has to be (a) and (b), not just (b)  
9 without (a), and George came back, he came over to see what  
10 I was thrashing around about, George came back and looked  
11 at what I said, he brought it to you, and then he came back  
12 with: the Secretary hasn't determined that it's harmful to  
13 human health, and go through the other two categories and  
14 that.

15           What has NOP been doing for the last 14 years?  
16 Policy -- policing any attempt to deal with the food safety  
17 and residue testing in 6518(k)(5) and 6511(c)(2)(b)? Those  
18 things are part of the law, and they've been totally  
19 ignored by NOP.

20           I would second the idea that you need an -- you  
21 have the right and the need for an executive director,  
22 whatever you call it, that would be selected not by USDA,  
23 and the process for appointing members of the Board should  
24 be also controlled by the organic community at least, if  
25 not you.

1 I found out from Dennis Blank [phonetic]  
2 yesterday, or the day before, I can't remember which, he  
3 FOIA'd certain documents from USDA and found out that the  
4 three red herrings in the Original Proposed Rule,  
5 radiation, sewage sludge, genetically-engineered things, he  
6 FOIA'd letters that showed that those insertions into the  
7 Original Proposed Rule, came from higher up and outside --  
8 well, higher up in USDA and from outside corporations.

9 I hope I haven't violated confidentiality with  
10 Dennis, but I thought that should be public knowledge, if  
11 it isn't already. So thank you very much, again. Any  
12 questions?

13 (No audible response.)

14 CHAIRMAN KING: Thanks, John. Jonathan Landeck,  
15 and Richard Wood is on deck.

16 MR. LANDECK: Thank you very much. I'm Jonathan  
17 Landeck, from the Organic Farming Research Foundation.  
18 This is imply a statement to acknowledge the diligent work  
19 of the NOSB and an encouragement to continue this work, and  
20 especially to echo the comments made by several of us, to  
21 be a bit more assertive in your role, in your interactions  
22 with the NOP, and to pursue further clarification of your  
23 role and scope of responsibilities. Again, thank you very  
24 much for your -- for your fine work.

25 CHAIRMAN KING: Thank you.

1 UNIDENTIFIED MALE VOICE: And he had offered that  
2 time to me (inaudible) --

3 (Laughter.)

4 CHAIRMAN KING: And I saw several Board members  
5 wanting to support him in his statements.

6 (Laughter.)

7 CHAIRMAN KING: This is Richard Wood, and we have  
8 Merrill Clark on deck.

9 MR. WOOD: I'm Richard Wood, the Executive  
10 Director of Food Animal Concerns Trust, or FACT. FACT is a  
11 non-profit organization that advocates for humane and  
12 sustainable farming practices to improve the safety of  
13 meat, milk, and eggs, and to promote humane and sustainable  
14 animal husbandry. Our formal comments are being passed  
15 around.

16 Kathy Seus, FACTS Farm Program Manager, presented  
17 comments to you on Wednesday on NOP's overall role and  
18 problems with that role. I thank you today for the  
19 opportunity to provide brief comments specifically focused  
20 on the issue of antibiotics, antibiotic use, with dairy  
21 livestock, as described in the Guidance Document issued on  
22 April 13th, or the Directive, however we want to refer to  
23 that.

24 FACT acknowledges that Section 205.236 of the  
25 Organic Rule addresses the origin of livestock. This

1 section defines how livestock can be moved into an organic  
2 herd and, even though the meat from these cows cannot be  
3 marketed as organic, how after 12 months the milk or milk  
4 products can be so labeled.

5 Some organic dairy farmers have asked for a  
6 clarification on this section. Kathy on Wednesday  
7 addressed our concerns with this section as well. However,  
8 this concern and this entire section of the Rule deals  
9 specifically with the origin of livestock and nothing else,  
10 and a number of dairy producers have been faithfully  
11 following this protocol.

12 FACT also strongly supports Section 205.238,  
13 stipulating that organic livestock producers must not,  
14 quote, "sell, label, or represent as organic any animal or  
15 edible product derived from any animal treated with  
16 antibiotics," unquote.

17 It is our understanding that organic dairy  
18 producers have been carefully following this protocol when  
19 marketing both meat and milk and dairy products. This  
20 prohibition is central to what it means for a product to be  
21 organic as we all understand, and in our view it is a basic  
22 assumption that consumers make as they go to the dairy  
23 cooler in the grocery store.

24 FACT also strongly affirms that a sick animal  
25 must be treated with therapeutic drugs, including

1 antibiotics, even though the animal is under organic  
2 management. The Preamble to the Organic Rule states  
3 clearly that the producer must not withhold medical  
4 treatment from a sick animal to maintain its organic  
5 status.

6           However, the Rule also states that if livestock  
7 are treated with antibiotics or any synthetic substance not  
8 included in the National List, then the product cannot be  
9 labeled as organic. We all understand that.

10           FACT believes that the Guidance document, or the  
11 Directive, on livestock health care undercuts the intent of  
12 the Preamble and the substance of the Organic Rule itself.

13           The Guidance Statement pieces together portions of 205.236  
14 and 205.238 to come up with a seemingly new section in the  
15 Rule altogether.

16           The Guidance document takes the provision of  
17 .236, that milk can be marketed as organic after 12 months,  
18 and pastes that provision into .238, so that now the  
19 "origin" provisions apply to antibiotic use as well.

20           FACT opposes this "cut and paste" approach to  
21 implementing the Organic Rule. We believe this revision  
22 undermines the integrity of the "organic" label as meaning  
23 "no antibiotics." It goes against the current practice of  
24 organic farmers, dairy farmers, and will undercut consumer  
25 confidence in organically-produced products of all kinds.

1           FACT is joined in opposition to this position, or  
2 this -- to this guidance, our opposition is joined by the  
3 Union of Concerned Scientists, the Center for Science in  
4 the Public Interest, Environmental Defense, and the  
5 Institute for Agricultural and Trade Policy.

6           This new Guidance is a major change to the  
7 organic standards. During the NOSB meeting on Wednesday,  
8 and probably yesterday as well, I wasn't there, though,  
9 there's already been much debate and a large amount of  
10 confusion about the meaning and intent of this document.  
11 However, there is an established procedure for making  
12 significant changes that allow for a well-informed public  
13 debate where all stakeholders have the opportunity to  
14 respond. That procedure is the rulemaking process. This  
15 Guidance should be withdrawn by the NOP and submitted for  
16 public debate as a proposed modification to the organic  
17 rule. The Campaign to Keep Antibiotics Working, or KAW, is  
18 submitted a letter to USDA Secretary Veneman to ask that  
19 this step be taken. FACT is a member of KAW, which has a  
20 combined total of more than 8 million supporters.

21           We see this Guidance Statement as a significant  
22 change that deserves full and formal scrutiny by the NSOB  
23 -- by the NOSB --

24 (Laughter.)

25           MR. WOOD: -- and by all stakeholders. Sorry

1 about that.

2 (Laughter.)

3 UNIDENTIFIED MALE VOICE: It's a Freudian slip.

4 (Laughter.)

5 MR. WOOD: We want all stakeholders, regardless  
6 of their name, to be involved in this, organic farmers,  
7 processors, suppliers, the consuming public, and we ask  
8 that this Guidance be withdrawn and submitted to  
9 rulemaking. Thank you very much.

10 CHAIRMAN KING: Questions.

11 MR. RIDDLE: No question, but I want to just  
12 thank you for that statement.

13 MR. WOOD: You betcha.

14 CHAIRMAN KING: Thank you.

15 MR. SIEMON: They've been called worse.

16 (Laughter.)

17 CHAIRMAN KING: Primarily by you.

18 (Laughter.)

19 CHAIRMAN KING: Next is Merrill Clark, and Carol  
20 King is on deck.

21 MS. CLARK: Thank you. My name is Merrill Clark,  
22 Roseland Organic Farms. We are primarily producers of  
23 organic livestock, and I was a charter member of the NOSB  
24 back in '92 to '96.

25 Actually, I view the role of this particular NOSB

1 to be particularly challenging, obviously, and that's been  
2 noted this week. Difficulty as it was for me to wade  
3 through the waters of the charter NOSB and try to figure  
4 out things like what elementare [phonetic] is before  
5 anything else was even discussed, plus becoming a livestock  
6 committee chair and consumer rep, this board has to leap  
7 other -- other hurdles, policy development criteria. Much  
8 improved, however, material review procedures, and a way of  
9 accommodating each other's special concerns that I find  
10 particularly refreshing, so congratulations on that. But  
11 you have this other hurdle, of dealing with the directives  
12 that have already been mentioned. We did not have anything  
13 like that in the original board I can tell you. You also  
14 -- actually, we didn't have enough, it was kind of a little  
15 laid back with the NOP at that point.

16 At the very least, I was known as one who never  
17 met a synthetic I could vote for --

18 (Laughter.)

19 MS. CLARK: -- many of the votes were 5 to 1,  
20 6 to 1, and, well, there goes Merrill again.

21 (Laughter.)

22 MS. CLARK: I'm still that way (chuckles). Which  
23 brings me, of course, to antibiotics, ivermectin,  
24 moxidectin, and fishmeal, plus the pesticides and inerts  
25 and everything that are popping up, that no one would ever

1 think would ever really be coming up, both by NOP and,  
2 unfortunately, some NOSB activity that I can't agree with.

3 The cut-and-paste, however, is certainly going on, and the  
4 paste jars at NOP must be quite large at this point.

5 We'll be petitioning, actually, talking about it  
6 ourselves, to remove ivermectin as a synthetic pesticide,  
7 which is what a parasiticide is, and an antibiotic, they're  
8 nothing but synthetic pesticides, let's realize that, with  
9 maybe moxidectin, after that, advertised as a, quote,  
10 "better" parasiticide, don't like it, not to mention a  
11 response to that antibiotic directive.

12 It's clear pasture -- non-confined, organic  
13 animals, such as ours, and many others out there, in the  
14 organic stream are never particularly threatened by  
15 parasites to the extent that they have to have a synthetic  
16 pour-on parasite poison for internal use, when alternative  
17 animal lifestyles and management practices, including  
18 outdoor pasturing, are included and are available and in  
19 place.

20 Parasiticides, antibiotics, whatever you want to  
21 call them, mean nothing but a deterrent to animals, and,  
22 again, as somebody mentioned, the huge potential for  
23 parasite resistance. Why do we want to trap an animal in a  
24 situation that they're being diminished, not enhanced.  
25 Pesticides are doing that.

1 I agree with Kathy Seus, who spoke yesterday, or  
2 Wednesday, suggesting that the NOSB work on animal  
3 husbandry standards a little bit more completely. I know  
4 you have the problems with the varying parts of the  
5 country, but to me -- I remember what Bill Welsh used to  
6 say: I can't grow pineapples in Iowa. If we can't  
7 sufficiently grow or raise a dairy animal someplace in  
8 boggy, wet Arkansas, okay; should we throw in materials to  
9 kind of make it work? I don't think so. That's where you  
10 kind of go a little bit to -- downhill, let people bloom  
11 where they're planted, and keep stuff wherever they are,  
12 that works with where they are, work with the earth.

13 Can both NOP be doing -- can the NOP really be  
14 doing more, actually, to discredit organic production in  
15 the eyes of consumers and the producers, who resort to none  
16 of the aforementioned synthetics?

17 Why are consumers demanding organic meat and  
18 milk? We've heard it before: no pesticides, no anti-  
19 biotics, no parasiticides. What's going on here between  
20 where I was and where we are now, lots of good things, but  
21 these are really troubling.

22 A quick look at materials criteria, for  
23 moxidectin, for instance, which was just voted unanimously  
24 and -- on the Board just yesterday. Harmful to the  
25 environment? Yes. Adverse biological chemical

1 interactions? None that have been found. Thank you, but  
2 how could they not have harmful interaction in an organic  
3 farm system? Binds to the soil? Yes. Adverse on non-  
4 target species? Yes. Sounds adverse to me. How many  
5 criteria not satisfied needed to kick a material off the  
6 list I've never understood. Some people have said, you  
7 know, you have to comply with all of them. Well, it  
8 doesn't matter. If one's good, it doesn't matter if the --  
9 all the -- aren't other [sic.], it's -- antibiotics and  
10 paracides don't even pass the first three qualifications,  
11 that talk about "Consistent with organic? No," "Not  
12 harmful to the environment? No," and "Are there substitute  
13 practices? Yes."

14 I heard on TV last night a headline that was  
15 stated, said what they were starting to do -- "What are  
16 they starting to do with your food?" Thank goodness they  
17 weren't referring to organic food at this time. But, you  
18 know, somebody else out there will be starting a challenge,  
19 the liability, if we don't -- if we aren't really careful  
20 with what we're starting to allow. Thank you.

21 CHAIRMAN KING: Jim.

22 MR. RIDDLE: Thanks, Merrill. I just want to  
23 clarify a couple things, and that is: I think I heard you  
24 say that our vote on moxidectin was unanimous, and there  
25 were --

1 MS. CLARK: Maybe not --

2 MR. RIDDLE: -- I think 3 votes against and 1  
3 abstained --

4 MS. CLARK: I'm sorry.

5 MR. RIDDLE: -- with a lengthy disclaimer.  
6 (Laughter.)

7 MR. RIDDLE: As I recall. But also, then, after  
8 we received, at the end of the day, a couple different  
9 people asked me about the annotation on moxidectin, because  
10 it's quite short, what we passed, "internal parasites  
11 only," and you look at the annotation on ivermectin and  
12 it's quite lengthy. But I just want to clarify that that  
13 lengthy annotation on ivermectin is really a restating of  
14 the section in 205.238, and so it's redundant, and that  
15 same restrictions apply to moxidectin, it cannot be used  
16 for slaughter stock at all, ever. The only allowance is  
17 for breeder stock when used prior to last third of  
18 gestation and not during lactation, for breeder stock; and  
19 dairy stock, when a minimum 90 days prior to the production  
20 of organic milk. So those override both of those  
21 parasiticides.

22 So I just wanted to make that clear to everybody,  
23 that this wasn't an allowance for slaughter stock or a more  
24 liberal annotation than ivermectin.

25 MS. CLARK: I get it, but it's still squeezing in

1 something --

2 MR. RIDDLE: No, I --

3 MS. CLARK: -- that begins to start the ball  
4 rolling downhill.

5 MR. RIDDLE: I understand your concerns, and  
6 that's why some people voted against.

7 MS. DIETZ: I'll tell you what the official vote  
8 was: 11 yes, 1 no, 1 abstention, 1 absence.

9 MR. SIEMON: I just wanted to make a statement  
10 about -- you said petitioning for materials. You know,  
11 after hearing what we heard yesterday about the sunset  
12 clause, it's rather obvious that we need the organic  
13 community now to start petitioning materials that are  
14 becoming more and more obvious they don't belong on the  
15 List --

16 MS. CLARK: I was hoping there was a petition  
17 form right here, that we could pick up and start doing it.

18 MR. SIEMON: -- because, first off, when you and  
19 I were together in '92 and '93, things have changed so  
20 dramatically in our knowledge, there's materials that we  
21 put on there in good faith, that really now, to us, seem  
22 obviously the wrong decisions, and maybe --

23 MS. CLARK: So you all --

24 MR. SIEMON: Maybe we're still making wrong  
25 decisions, but --

1 MS. CLARK: Somebody has to petition, you don't  
2 stimulate that; is that right?

3 MR. SIEMON: We can't do that. We need the  
4 organic community to help us, because there are materials  
5 that in the past were wrongly put on there, to come forward  
6 now and to start -- trigger that process.

7 CHAIRMAN KING: Dave.

8 MR. CARTER: And just to follow up on that,  
9 because that's -- as I said prior to my vote -- and the  
10 second-most-lengthy, I think, disclaimer. But, you know,  
11 given the fact that ivermectin is on there, then you start  
12 to phrase things -- as long as that's on there, then let's  
13 have something that's less egregious than ivermectin, but  
14 if, you know, the community wants to step forward and  
15 petition both of those things off of there, I don't think  
16 many of us on this board would have any problem with that.

17 MR. RIDDLE: Right. And those petition forms and  
18 instructions are on the NOP website, and you basically  
19 follow the same procedures as you petition to add  
20 something, well, you petition to remove it, but then you  
21 need to address the criteria and your specific objections  
22 need to be in the context of the criteria.

23 MS. CLARK: Yeah, we need to definitely be doing  
24 more of that.

25 MR. SIEMON: But I would do that material by

1 material and not lump things together.

2 MS. CLARK: Okay.

3 CHAIRMAN KING: Yeah, good point, George. Thank  
4 you, Merrill. Annie Kristo [phonetic] is up next, and Tom  
5 Harding is on deck. Wait, I'm sorry, you're right. It's  
6 Carol King. I apologize. Annie, you're on deck.

7 MS. KING: Actually, I have Amy's vote [phonetic]  
8 by proxy, and I am losing my voice, I apologize. We would  
9 first like to thank the Board for all your hard work, and I  
10 understand we're probably beating a dead horse here, but I  
11 do have a statement regarding the dairy replacement and the  
12 antibiotic use that I would like to read.

13 The contradictions in the National Rule referring  
14 to the organic dairy production must be corrected. In  
15 reference to the guidance document, which is now going to  
16 be issued as a direction, posted on the NOP website on  
17 4/14/04, Nova New York Certified Organic (indiscernible)  
18 would like to make the following statement.

19 Section 205.238(c)(1) says: "A dairy animal  
20 treated with antibiotics cannot be sold, labeled, or  
21 represented as organic."

22 Section 205.236(a)(2) says: "Milk or milk  
23 products must be from animals under continuous organic  
24 management beginning no later than one year prior to the  
25 production of the milk or milk products that are to be

1 sold, labeled, or represented as organic."

2           The meaning of these sections is clear: an  
3 animal treated with antibiotic or other prohibited  
4 substance must leave the herd and can never be considered  
5 organic again. Allowing treatment with antibiotics does  
6 not comply with this section of the Rule for "continuous  
7 organic management." By definition, continuous means  
8 without interruption.

9           To allow a dairy producer to treat a cow with  
10 antibiotic or other prohibited substances, then keep her on  
11 the farm and manage her organically for a full year, is  
12 problematic. Who's going to monitor that animal and be  
13 sure her milk is not sold as organic or fed to organic  
14 calves? This is going to encourage some dairy producers to  
15 cheat. There's no way a certifier can monitor what happens  
16 on a dairy farm day to day.

17           It is essentially allowing a continual state of  
18 transition, which was clearly not the intent of the Rule.  
19 The contradictory nature of this guidance goes hand in hand  
20 with the origin of the livestock Guidance issued on April  
21 11th, 2003, and I know that's a dead horse too, but we're  
22 still trying.

23           Section 205.236(a)(2) is clearly referring to a  
24 one-time whole-herd transition, and the last paragraph of  
25 that section states that once an entire distinct herd has

1 been converted to organic production, all dairy animals  
2 shall be under organic management from the last third of  
3 gestation. The intent of the Rule is clear, after dairy  
4 transitions of the herd to organic production, from that  
5 point on all animals must be managed organically from the  
6 last third of gestation.

7           The Guidance documents of 4/11 and 4/14, which we  
8 have now been told will be referred to as directives, leave  
9 the interpretation wide open. To correct this inequity to  
10 dairy producers is simple. If the intent of the Rule is  
11 followed, once any operation transitions their herd to  
12 organic production, all animals must be managed organically  
13 from the last third of gestation.

14           There can be no distinction between dairy farms  
15 that transition before or after the NOP went into effect or  
16 whether they transitioned with 100-percent organic feed or  
17 used the feed exemption. It is discriminatory to new farms  
18 and detrimental to the organic dairy industry as a whole.  
19 Once a farm is certified for dairy, all animals must be  
20 managed organically from the last third of gestation. This  
21 includes any replacement heifers purchased and brought onto  
22 the farm.

23           Requiring all animals to be managed organically  
24 from the last third of gestation was the clear intent of  
25 the Preamble. It is the interpretation that is fair to all

1 producers. It is the interpretation that maintains the  
2 integrity of the organic dairy industry, and it is the  
3 interpretation that consumers expect, are willing to pay  
4 for, and deserve. Thank you.

5 CHAIRMAN KING: Next is Tom Harding, and I  
6 believe it's John Cleary on deck.

7 MR. HARDING: Did you skip somebody, I thought,  
8 or --

9 UNIDENTIFIED MALE VOICE: No, she spoke --

10 CHAIRMAN KING: She spoke for Amy.

11 MR. SIEMON: We were so eager to hear you talk.  
12 (Laughter.)

13 MR. HARDING: Thanks, George. Well, good morning  
14 to everyone.

15 I just want to start off by saying that this  
16 process is incredible, and the work you're doing is  
17 incredible, and I don't think we say that enough, and I  
18 want to thank not only all of you on the NOSB now, I mean,  
19 I've seen an enormous improvement in processes and the way  
20 you're looking at it, and we're going back and correcting a  
21 lot of work that was, of course, in some cases a mistake in  
22 the past, but that's an imperfect world that we live in,  
23 and that's the nature of it, but I want to thank you very  
24 much for it.

25 Knowing that it's not [sic.] imperfect world, I

1 want to thank the NOP, because they've also laid some very  
2 important documents no the table, continue to raise the  
3 hair on the back of our necks, to make sure that we're  
4 focused on some very important issues.

5 (Laughter.)

6 MR. HARDING: We've asked for this document, by  
7 the way, for two years. Now we've got it and we don't like  
8 it. Now we have to do something about it, if we don't.  
9 But I want to tell you there are some pieces in these  
10 documents that are very important to us.

11 But I want to remind you that the work you're  
12 doing is critically important, I want you to focus on  
13 history, because there's a lot of history in this room,  
14 some we like and some we don't, there's a big industry out  
15 there who would like to see us -- perhaps either be part of  
16 us or see us fail, and I think it might be that they want  
17 to be part of us. We've got to make sure that the level  
18 playing field is very high and the consumers are always  
19 engaged in this process.

20 So don't give up this important work, continue to  
21 push hard, and even when we disagree, Jim, it's okay with  
22 me. I think it's very important, the process that I saw  
23 for the last two and a half days, it's an excellent  
24 process, you've done an enormous job to improve it, and  
25 that includes the people in the NOP, both those who were in

1 the room earlier and not in this room now.

2           The other thing I want to say is that it's very  
3 important that we recognize where we are today, because 25  
4 years ago, when there was no OMRI, there were certifiers  
5 running around the country, who were barely making the  
6 standards survive at farm level, who were organizing  
7 materials and evaluating them.

8           I was involved in one of them. We never approved  
9 ivermectin. George knows that. I look over here, Dave.  
10 We never approved it. We brought in the best of experts.

11           The fact is, is that we do have materials on the  
12 list. They're there for a reason. Some view those as  
13 tools, others as weapons and hazards to the industry, and I  
14 remind you that the rules were twice the withdrawal of the  
15 label for the use of antibiotics on dairy herds and in  
16 meats, up until we got the law.

17           So we need to fix this problem. We have not,  
18 with this new document, now called the Directive. We are  
19 still unclear, you just heard from this lady before me, we  
20 still have problems understanding where the dairy herd is.

21           I was operating with -- a lot of my dairymen were  
22 -- we were certified no antibiotics, 12-month transition,  
23 when all around me there were other dairymen being  
24 certified who were using antibiotics and who were not  
25 waiting 12 months. So we do need to put this consistency

1 [sic.] and fix the inconsistency right now.

2           The other things that are very important, for me  
3 anyway, the new directives are on the table, so what, let's  
4 go at 'em, let's be proactive, and let's camp on the Hill.

5           The other thing that's very important is the  
6 materials process. I think you've improved it enormously,  
7 but let me tell you, there's a lot of work on the table  
8 yet, and I want to remind you again that we want to grow  
9 the industry, and there are some needs for what I would  
10 call environmentally less-hazardous materials to be put in  
11 this process, you put a few on the List yesterday, in the  
12 livestock, in the soils, and also in processing. These are  
13 important things. But make sure we continue to manage the  
14 bar very high.

15           Our main objective is to grow the industry at a  
16 very high level.

17           Supplements in fishmeal, I would just like to  
18 know what the hell a supplement is and how much a  
19 supplement constitutes in the feeding of an animal, any  
20 kind of an animal. I want to remind you there are people  
21 working on organic fishmeal, and so we don't want to  
22 discourage that work by opening up the store, but at the  
23 same time, we're using fishmeal, let's quantify it. Let's  
24 quantify, at least some guidance, what a supplement is.

25           I've already said enough about antibiotics, but

1 whether you believe it or not, there's probably a bunch of  
2 farmers out there saying, "Woo, I am really happy about  
3 this," and there's a bunch of people in this room that are  
4 sad, and some consumers very confused. So we need to fix  
5 it.

6 The other thing that's really important is to  
7 change. The scope of work that came out, that's now -- it  
8 went from a guidance to a directive, I'll tell you, there's  
9 some pretty meaty stuff in there, and I would encourage us  
10 to put the flag and plant it high. We don't want to lose  
11 the word "organic."

12 We don't want to lose any part of this industry  
13 that can grow, whether it be a tea or a supplement or a pet  
14 food or a fish. Everyone knows that I think wild fish are  
15 better than farm fish, but that's another whole discussion,  
16 and I stand by that.

17 Let's plant this flag and let's not let the FDA  
18 or any other department within the government take the word  
19 "organic" from us, and you need to be [phonetic] damn mad  
20 and damn correct to make sure that doesn't happen.

21 The other thing that's truly important is that we  
22 don't give up. In fact, we should never give up. We might  
23 abuse one another, and we might fight like hell, but we do  
24 stand for a common set of objectives, that's: to build an  
25 organic industry with integrity.

1           The other thing that's very important to me is  
2 that we look at the communications, you open this in  
3 transparency.

4           MS. DIETZ: Time.

5           MR. HARDING: You have made this process. I  
6 encourage you to continue to do that, and I want to  
7 encourage you, as I close, absolutely build this  
8 partnership, this public-private partnership, with the  
9 USDA, don't let anybody off the hook, and hang in there,  
10 because there's no other partnership like it in the world.

11          There's none in Europe, there's none in Japan, no  
12 consumers at those tables, no industry at those tables,  
13 they just make the laws. Thank you very much.

14          MR. RIDDLE: Yeah, Tom, thanks for your comments,  
15 and I wanted to ask, when you said "camp on the Hill," I  
16 just want to be clear: you're saying that members of the  
17 industry, community, consumers, take their concerns to  
18 Congress over some of these issues, that's what you're  
19 saying as one option?

20          MR. HARDING: Absolutely.

21          MR. RIDDLE: And then you also said something  
22 about, you know, some farmers out there being happy about  
23 the antibiotic directive --

24          MR. HARDING: Uh-huh.

25          MR. RIDDLE: -- possibly. We haven't heard from

1 them. We have heard from farmers and veterinarians about  
2 some missing tools in their toolbox --

3 MR. HARDING: Right.

4 MR. RIDDLE: -- never antibiotics, and those --

5 MR. HARDING: I agree.

6 MR. RIDDLE: -- have been petitioned, have been  
7 considered, and have been recommended by the Board, and  
8 they have never appeared on the National List --

9 MR. HARDING: Absolutely right.

10 MR. RIDDLE: -- where we are still missing the  
11 livestock materials that the Board's recommended, and I  
12 think if we had those tools we wouldn't be in the  
13 predicament that we find ourselves in now, and, once again,  
14 I don't know if there's anybody to ask, but that's a  
15 question of mine.

16 MR. HARDING: You're right, Jim, you're right.

17 MR. RIDDLE: What's happened with those livestock  
18 materials?

19 MR. HARDING: And we need to find out where they  
20 are and why they aren't on the table and why they haven't  
21 been voted on and why aren't they put on there. What I  
22 said about the antibiotics, I can tell you, there are  
23 people in this room, there are people not in this room,  
24 that feel very different about antibiotics than perhaps you  
25 and I do, and I can promise you that if we ask most

1 consumers, the perception is: no antibiotics, yet that's  
2 not the case in some cases.

3 I would strongly ask the Board to move those  
4 issues back to the table, those materials that we have  
5 recommended and do need, and get them back on the plate,  
6 and I'm not sure that the course of action we have with the  
7 antibiotics, no matter who we make happy, is going to be  
8 good for the industry as a whole, but I think whatever we  
9 do, there must be a level playing field, and all certifiers  
10 must be playing under the same set of rules and  
11 interpreting those rules the same consistent way for  
12 consumers.

13 Anything else?

14 (No audible response.)

15 MR. HARDING: Thank you all very much again.

16 CHAIRMAN KING: Thank you, Tom.

17 MR. SIEMON: I think we ought to give additional  
18 time for praises for us, every -- a half minute, instead of  
19 praising us, they get a half-minute longer, I really do.

20 (Laughter.)

21 CHAIRMAN KING: Thanks for setting a precedent,  
22 Tom.

23 (Laughter.)

24 CHAIRMAN KING: John Cleary is up next, and Eric  
25 Bremmer is on deck.

1 MR. BREMMER: Mr. Chairman, Eric Bremmer, from  
2 (inaudible), New Jersey, I'm going to proxy my time to John  
3 Cleary. I just want to additionally state that (inaudible)  
4 appreciate the quality of the composition and the work of  
5 the NOSB, and thank you very much.

6 CHAIRMAN KING: Thank you.

7 UNIDENTIFIED MALE VOICE: You have ten and a half  
8 minutes.

9 CHAIRMAN KING: Because of the kind comment, of  
10 course.

11 (Laughter.)

12 MR. CLEARY: And I'll -- I'll still try to be  
13 concise. My name is John Cleary, an accredited certifier  
14 from Vermont Organic Farmers, which is the certification  
15 program owned by Nova Vermont. We certify about 300  
16 operations in Vermont. Nova Vermont also represents  
17 another -- a thousand organic consumers that are Nova  
18 members.

19 I want to thank the NOSB for the incredible work  
20 that you all do, and also to thank the National Organic  
21 Program.

22 There's been a lot of concern and criticism here  
23 today of some things about the National Organic Program,  
24 and I want to, as a certifier, make sure that I acknowledge  
25 that, you know, we highly respect both the individuals and

1 the regulatory role of the National Organic Program and  
2 sincerely look to having a positive constructive  
3 relationship to build this public and private partnership,  
4 that is, the National Organic Program.

5 The key thing in having this partnership be  
6 successful really is this Board, and at the risk of being  
7 redundant, I have to say some of these things, because the  
8 farmers that we represent at our last annual meeting gave  
9 me a mandate to come here to affirm the role of this Board  
10 as the advisory committee that continues to work on these  
11 interpretation issues.

12 So I know you all know that, we can't say it  
13 enough, but this Board is critical to the success of this  
14 program, because in order for the National Organic Program  
15 to be successful, we need to have transparency, we need to  
16 have public participation, and we need to have organic  
17 expertise. Those are three things that this Board  
18 provides, in an excellent format, and we can't lose those  
19 things.

20 One key thing about the lack of process in  
21 interpreting the standards, and I'll be honest about this,  
22 as a certifier, certifiers are nervous about asking the NOP  
23 questions, because we're scared that we're going to get an  
24 answer that has been developed without any consultation  
25 from the organic community, without any consultation from

1 the NOSB.

2           As a result, we found -- just the things that  
3 people have mentioned -- inconsistent interpretations among  
4 certifiers, farmers who don't know what the rules are  
5 because they hear different things from different people,  
6 and certifiers, like myself, kind of stuck in a strange  
7 place where we're truly trying to do the right thing, truly  
8 trying to follow the regulation, but getting conflicting  
9 messages.

10           Even when we do get clarification from the NOP,  
11 in terms of guidance documents or directives, and as we  
12 look at those things as compared to the guidance that we  
13 receive through NOSB recommendations, we're not clear how  
14 we're supposed to use that information that we get, and  
15 we're not clear what process was followed to come to those  
16 conclusions. And as a certifier, that's a real problem for  
17 us.

18           One key thing that will help, that's been  
19 mentioned before, is hiring an executive director. I just  
20 encourage you all to keep pushing on that, and I encourage  
21 the NOP to make sure that the NOSB is a major player in the  
22 hiring of that person.

23           I'm going to move on to a few specifics.  
24 Regarding the antibiotic Guidance document, I'll say it's  
25 something we've been very sensitive to in Vermont and in

1 the Northeast, in determining: what do our farmers need,  
2 and this document came out, actually, just in time before  
3 our recent meeting of our livestock and dairy advisory  
4 committee, and we talked about this quite a bit, and we've  
5 gone out, we've asked our farmers -- we have a dairy tech  
6 program that works closely with our transitioning producers  
7 and our existing organic producers, and we've heard from  
8 the farmers, they're saying, "You know what? When we  
9 transitioned, we thought that this was going to be a really  
10 big deal and we were going to need these antibiotics for  
11 our calves and for our young stock, but we found out that  
12 we don't," and we have not heard from our farmers that  
13 there is a need for increased use of antibiotics in organic  
14 production. So I wanted to put that out there.

15 In addition, a major concern for us and for the  
16 farmers that we represent on the dairy side is this  
17 12-month conversion, continuous conversion, process.  
18 Nowhere else in federal regulations have I seen parallel  
19 and unequal standards that are applied arbitrarily,  
20 depending on the time frame or your method of transition.

21 Clearly this does not maintain to the standards,  
22 and I know you all have worked a lot on this, but I feel  
23 like the antibiotic issue and the transition issue will  
24 both be solved by pushing, in any ways we can, for Rule  
25 change, to clarify that the 12-month conversion was only

1 meant to be for a whole-herd conversion and not as a  
2 continuous conversion.

3           So I'd just encourage you to keep working on  
4 that.

5           MS. DIETZ: Time.

6           MR. CLEARY: I can continue on to the proxy time,  
7 is that true?

8           CHAIRMAN KING: Yes, you have a proxy, five more  
9 minutes, yes.

10           MR. CLEARY: The next thing -- again, just to  
11 reiterate, the NOSB livestock medications that were  
12 approved, our farmers need those things, it's really  
13 critical, and as a certifier, I'm in a really tough  
14 position, to have to say either -- to tell farmers "either  
15 you have to sell this animal or you can't treat it in the  
16 human way that's required," even though we know those  
17 materials are allowed.

18           Just encourage you and to ask if we could get a  
19 response at some point today, maybe from the NOP, about the  
20 status of those in relationship to FDA.

21           Last thing, a separate topic, but also something  
22 that I haven't heard anything -- haven't heard much about  
23 today is this issue about National List products, multi-  
24 ingredient products that are on the National List,  
25 phosphoric acid, you know, fish emulsion, or seaweed issue,

1 and it also kind of brings in the fishmeal/ethoxyquin  
2 issue, is we need to clarify, and it may take some changes  
3 to the National List, this issue of adding synthetics to  
4 other natural materials and what effect that has.

5 My recommendation is that the National List  
6 should only have single-ingredient things, rather than  
7 multi-ingredient formulations, and that all ingredients  
8 have to be reviewed, rather than just saying, "Well, if  
9 it's on the list as an allowed synthetic," any synthetic --  
10 the example is that you could add, you know, urea to -- or  
11 another synthetic fertilizer to a fish emulsion, and under  
12 the Guidance that we've received through various letters,  
13 that would now be allowed, because, you know, fish emulsion  
14 is an allowed synthetic.

15 The other thing I wanted to point out about that:

16 The only way that certifiers, like us, know about this  
17 phosphoric acid issue is because these letters kind of  
18 bounce around on the internet, you know, one letter goes to  
19 a certifier here, from the NOP, someone else hears about it  
20 somewhere else, and, you know, we're calling each other and  
21 -- so this a lack of communication between the certifiers  
22 and the NOP is a real problem.

23 One thing I'd like to present, people have talked  
24 about a little bit, a number of certifiers in this room  
25 have organized a new organization of accredited certifiers

1 to work on these communication issues, and we sincerely  
2 look forward to working closely with the NOP and the NOSB  
3 to clarify some of these issues.

4 So that's all I have. Thank you very much for  
5 your time.

6 CHAIRMAN KING: Thank you. At this time we have  
7 a break scheduled, and when we come back, I have Eddie  
8 Daniel, with Angela -- and I can't pronounce --

9 UNIDENTIFIED MALE VOICE: Cadell [phonetic].

10 CHAIRMAN KING: -- Cadell on deck. So we'll take  
11 a 15-minute break.

12 (Off the record at 10:00 a.m. and reconvened at 10:17 a.m.)

13 CHAIRMAN KING: Thank you for allowing us to take  
14 a break, and one quick comment.

15 I want to thank everyone for their well-thought-  
16 out public comments, they are very important, we take them  
17 very seriously, and we will be adjusting the agenda  
18 accordingly. However, I will remind everyone that there  
19 are a couple factors out of our control.

20 One is that there is an ACA training this  
21 afternoon in this room, which means that we cannot be out  
22 of here any later than 12 o'clock. At our current rate,  
23 it's going to be challenging to accomplish that, so I would  
24 just suggest -- you do rightfully have five minutes;  
25 however, if you can keep your comments a little bit

1 shorter, that will allow us to get everyone's comments in.

2           And at this time, one -- another issue. It was  
3 mentioned earlier that the Board has responded with an  
4 official letter concerning process, that being materials  
5 review among that, among those processes, and because of  
6 the lack of time, that sort of thing, I was literally  
7 forced, as chair, to distribute this letter, asking Board  
8 members to review and support the letter in 24 hours or  
9 less.

10           As you might imagine, considering we all travel,  
11 and we have professional endeavors and, believe it or not,  
12 other lives as well, that was difficult to do, and in that  
13 case I know Kim was out of her office and had -- you know,  
14 basically managing multiple priorities, and at this time I  
15 wanted to just give Kim some time for a brief  
16 acknowledgement.

17           MS. DIETZ: Thank you. I'll time myself, two  
18 minutes.

19           I had told this Board that I would formally  
20 acknowledge that letter, so I'm going to do so for the  
21 record. I'd like to formally acknowledge the dedication  
22 and hard work of this Board. As representatives of this  
23 industry, it is very important that we work together to  
24 protect the word "organic."

25           As mentioned earlier, the NOSB drafted a letter

1 to the NOP with regards to the materials review process. I  
2 did not sign the letter prior to its submission because of  
3 the short time frame we were asked to review it.

4 As promised, I will formally go on the record to  
5 say that I support the letter's directive on the materials  
6 review process.

7 As past materials chair, I can tell you that it  
8 is essential that we have a full understanding of the  
9 process and our roles in that process.

10 I also plead with the NOP and this Board to  
11 respect the fact that each and every one of us deserves to  
12 have an adequate time period to review documents. I will  
13 continue to object to any policy or recommendation on  
14 something where -- he's telling me --

15 MR. MESH: One minute.

16 MS. DIETZ: One minute.

17 (Laughter.)

18 MS. DIETZ: I will continue to object to any  
19 policy or recommendation unless given an adequate time  
20 period to fully understand what I am reviewing. It is  
21 disrespectful to each of us to push things through the  
22 process. Thank you very much.

23 CHAIRMAN KING: Thank you, Kim. Next we have  
24 Eddie Daniel, and Angela, you are on deck.

25 MR. DANIEL: My name is Ed Daniel, I'm Vice

1 President of Bushinboy [phonetic] Farms. We grow Pacific  
2 white shrimp in Florida, in fresh water, and we are  
3 currently certified antibiotic-free, alum-free [phonetic],  
4 and specific chemical-free. The board of directors of the  
5 company made a decision, based on sales and marketing, to  
6 go a hundred-percent organic. This is two years ago. So  
7 the chairman asked me, "What do we have to do," and I told  
8 him, "Well, we can be certified based on the NOP rule, but  
9 there's one problem," because I had -- at a conference, I  
10 had a talk with Richard Matthews, and the NOP's stand  
11 [phonetic] was that you couldn't certify shrimp because you  
12 would have -- you needed to have certified organic  
13 fishmeal, and as long as you have certified organic  
14 fishmeal, then you could certify your shrimp organic. So I  
15 asked the board for a million and a half dollars, so I got  
16 a million bucks, plus we bought Tilapia [phonetic] Farm and  
17 we contracted for certified organic feed for the --  
18 Tilapia, and we also are building a processing plant to  
19 process the fishmeal so we'll have certified organic  
20 fishmeal. Then with my certified organic fishmeal, I  
21 should be able to have my certified organic shrimp.

22 But then later on there was a guidance, some  
23 ruling, that, well, shrimp can be certified under  
24 livestock, and livestock doesn't require to have certified  
25 organic fishmeal. So I said wow, that's good, we're still

1 going to continue with our program of providing a certified  
2 organic fishmeal, and we can be certified organic, USDA  
3 organic shrimp, based on the livestock regulations, and --  
4 so we sent a formula to the feed manufacturer, using  
5 conventional fishmeal, of course excluding any material  
6 that would be prohibited, and we promise our customers,  
7 because they're the ones who ask us, "We want organic  
8 shrimp," so this year we're producing 2 million pounds of  
9 shrimp, that should be -- should be organic.

10           Recently, as you all know, there is another  
11 Guidance, statement that came out, saying that we cannot  
12 have our certified shrimp. My only question is -- I don't  
13 want -- I'm not asking for any favors, I just want: what  
14 do I have to do to have my certified organic shrimp, that  
15 my customers are requesting? We are willing to follow any  
16 regulations and do whatever has to be done and spend the  
17 money that has to be spent to do it, but what are the  
18 rules? -- and we would appreciate if they can't keep  
19 changing the rules while we're doing it, and all I do, the  
20 board of the company, I just ask them for what I want and  
21 they give me what I want, because they tell me what they  
22 want. So I can't keep (chuckles) -- you know, "What's  
23 going on here?"

24           Also I'm helping change company -- a shrimp  
25 processor in Ecuador also, and they are certified organic

1 by Nature Land, and they don't even have to use certified  
2 organic feed, they can use conventional grain, also  
3 fishmeal, as long as it doesn't have any prohibited  
4 material.

5 Now, I stopped them from doing this last year,  
6 even though they could, I told them, "No, we'll get you  
7 certified organic by the USDA." Now they're telling me,  
8 "What we gonna do?" And apparently they are going to be  
9 sending in shrimp that are certified by Nature Land, which  
10 is an accredited agency, by the USDA.

11 Now, they wanted me to market that product for  
12 them, but I refused, because I don't want to market any  
13 shrimp that's not USDA-certified organic. And they also  
14 would like to do that, they can produce up to 10 million  
15 pounds of shrimp a year, that's certified organic.

16 So, again, my purpose for being here, just to ask  
17 the NOP, "Tell me what I have to do," and I'll do it. And  
18 I would like an answer somehow from them --

19 (Laughter.)

20 MR. DANIEL: -- sometime this week, or I give  
21 them a few more days next week.

22 (Laughter.)

23 MR. DANIEL: Because I don't want a refund from  
24 the USDA, okay, I don't want the million and a half back, I  
25 just want to know what to do. Thank you.

1 CHAIRMAN KING: Thank you.

2 (Applause.)

3 CHAIRMAN KING: Angela is up next, and Ray Green  
4 is on deck.

5 MR. MESH: We designated her time for Urvashi  
6 earlier.

7 CHAIRMAN KING: Oh. Thank you, Marty.

8 MR. MESH: I'm being forthright and honest.

9 CHAIRMAN KING: Ray, you're on. I see Ray's on  
10 his cell phone. Ray, do you want to -- okay, no, he's  
11 hanging up.

12 MR. GREEN: Good morning, NOSB Board members, and  
13 I have to say "dittos" for all of the quality work that  
14 you're all doing, and I know a good portion of that comes  
15 from the California delegation. You can't hear me?

16 UNIDENTIFIED MALE VOICE: Not quite. Get a  
17 little closer, just in case.

18 UNIDENTIFIED MALE VOICE: Speak up, Ray.

19 MR. GREEN: Okay. So "dittos," and special  
20 thanks to the California contingent.

21 I'm here representing over 3,000 companies in  
22 California that are engaged in the production and  
23 processing of organic products, and I want to introduce  
24 perhaps something that the NOSB Board, as well as the NOP,  
25 possibly have not considered, which is: the activities,

1 the directives, the guidance documents, the guidelines,  
2 whatever we care to call them, how they may affect state  
3 organic programs. At this point in time we only have two  
4 of them, but it does have an effect.

5 To save time, I'm going to read just a short,  
6 short paragraph and then enter into the record here just a  
7 two-page excerpt from the California Administrative  
8 Procedures Act of 2002.

9 "No state agency shall issue, utilize, enforce,  
10 or attempt to enforce any guideline, criterion, bulletin,  
11 manual, instruction, order, standard or general  
12 application, or other rule which is a regulation as defined  
13 in Section 11.342 unless the same has been adopted as a  
14 regulation."

15 So some of the guidance documents and directives  
16 that come are possibly not enforceable, and since we are  
17 going to be funding all of the appeals for administrative  
18 law judges, the guidance documents and directives and  
19 policy statements that are being issued may not have the  
20 force of law in some states, that have to actually follow  
21 an administrative procedures act.

22 So as you're making some of these, please  
23 consider the implications and the effect that it could have  
24 on state organic programs, and I'll give this to Katherine  
25 to enter into the record and I'll stop there.

1           CHAIRMAN KING: Thank you, Ray. Questions?

2           (No audible response.)

3           CHAIRMAN KING: Okay. Moving on, Cissy Bowman,  
4 and Mack Devin is on deck.

5           MS. BOWMAN: Hello. I'm Cissy Bowman. I'm  
6 president and owner of Indiana Certified Organic, an  
7 accredited private certifying agency. I also have the  
8 proxy for Jay Feldman, of the National Coalition Against  
9 the Misuse of Pesticides, although I'm signed up in two  
10 places, so do you want me to speak all at once?

11          CHAIRMAN KING: Yes.

12          MS. BOWMAN: Okay. I'm going to start with the  
13 incamps [phonetic] statement. We would like to address  
14 compliance -- the compliance and enforcement directive on  
15 pesticide use, and because it directly impinges on the  
16 statutory authority of the National Organic Standards Board  
17 under the Organic Foods Production Act and its  
18 responsibility to ensure compliance with the standards of  
19 the Act. As we understand this directive from the National  
20 Organic Program on allowable inert ingredients and  
21 pesticide products used in organic production, we believe  
22 it is in violation of the law. This directive does not  
23 ensure that the materials introduced into organic  
24 production are in compliance with the standards set forth  
25 in the process of review.

1           This failure to comply with the statute goes to  
2 the very heart of the law, that is intended to establish  
3 reasonable production practices and consumer confidence  
4 that organically-labeled products are held to a clear  
5 standard of review distinct from other laws and programs.

6           The directive as we understand it would allow  
7 inert ingredients listed by EPA as List 2 or 3 inerts to be  
8 used in certified organic production if the certifying  
9 agent and producer, after a reasonable effort contacting a  
10 manufacturer, EPA, and other USDA-accredited certifying  
11 agents, are unable to ascertain whether inerts in a  
12 pesticide are allowed under the NOP.

13           This approach erodes the clear standard of the  
14 Act and allows hazardous and potentially hazardous  
15 substances to be added to organic production.

16           As the NOP knows, OFPA mandates that only the  
17 NOSB may propose substances for inclusion on the National  
18 List of synthetic substances permitted in the production of  
19 organic products.

20           By its action USDA fails to understand the  
21 purpose of the National List. OFPA Section 21.18 requires  
22 that the List contain an itemization by specific use or  
23 application of each synthetic substance permitted. It also  
24 states: "The National List may provide for the use of  
25 substances in an organic farming or handling operation that

1 are otherwise prohibited under this title only if the  
2 Secretary determines, in consultation with the Secretary of  
3 Health & Human Services and the Administrator of the  
4 Environmental Protection Agency, that the use of such  
5 substance would not be harmful health and the environment,  
6 is necessary to the production or handling of the  
7 agricultural product because of unavailability of wholly-  
8 natural substitute products, and is consistent with organic  
9 farming and handling."

10 Use of the language "only if" mandates the  
11 Secretary to determine that each requirement identified in  
12 Section 21.18(c)(a)(i), (ii), and (iii), is met before a  
13 synthetic substance is considered for inclusion on the  
14 National List.

15 Thus the National List cannot be a list of  
16 synthetic substances just generally recognized as safe or  
17 registered by EPA or under review and can only be  
18 considered if identified in Section 21.18(c)(b)(i) for use  
19 in farm production or as a synthetic inert, Section  
20 21.18(c)(b)(ii), in an approved pesticide, and must be  
21 based on a case-by-case determination of safety, need, and  
22 consistency with organic methods.

23 As designated by OFPA, the NOSB and the Secretary  
24 are directed to consider only three classes of substances  
25 for inclusion on the National List. The managers of the

1 Senate House Committee [phonetic] report on OFPA stated  
2 that:

3 "The National List may include exemptions for  
4 substances otherwise prohibited but which the National  
5 Organic Standards Board and the Secretary determine are  
6 harmless to human health and the environment, are necessary  
7 because of the unavailability of wholly-natural substitute  
8 products, and are determined to be consistent with organic  
9 farming practices. Such exemptions, however, must meet one  
10 of the three following criteria: the substance is used in  
11 production and contains a synthetic active ingredient in  
12 the following categories," I will not waste time by reading  
13 all of this to you, because I'm assuming by now you guys  
14 already know it, but -- you know that section, I'm  
15 assuming.

16 Why is this inert issue important for organic  
17 growers and consumers? The organic industry is successful  
18 because of the trust that exists between the industry and  
19 consumers. Consumers are willing to pay a premium price  
20 for organic food in order to provide healthy food for  
21 themselves and their families and to support sustainable  
22 agricultural practices.

23 In order to maintain this trust, consumers must  
24 feel confident that practices and materials used by organic  
25 growers and processors adhere to the highest standard and

1 provide labeling disclosure when that is not possible.

2           The standards and the National List, however,  
3 need to remain strong in order to maintain consumer trust,  
4 on which the organic industry is based and thrives. Thank  
5 you.

6           And I also want to say I am aware that some of my  
7 comments, and this comment, is really directed at these  
8 directives and not at the NOSB, I understand that you guys  
9 are not responsible for those directives.

10           Okay. I'm going to -- I have a very scattered  
11 public input because I've had so many thoughts, so I'm  
12 going to be jumping around between NOP and NOSB, and I hope  
13 you'll bear with me.

14           With regard to this pesticide List 2 and 3 issue  
15 -- or this inerts 2 and 3 issue: as a certifier, we've  
16 developed a process for trying to identify what's in --  
17 what are the ingredients, and what we do is when we have a  
18 farmer that wants to use a product, an input, and we don't  
19 have an ingredients list on it, we contact the  
20 manufacturer, we have a letter that we send to them, we  
21 have forms that we have them fill out, we offer them  
22 confidentiality statement, and in that process, in over a  
23 dozen cases, we have never had one manufacturer refuse to  
24 provide us, under confidentiality, with the ingredients,  
25 including inerts, for these materials.

1           On the plane here I had the interesting  
2 experience of riding with almost an entire plane full -- it  
3 was a small plane -- of people from Cargill, and I noticed  
4 all of these Cargill things and said, you know, "What are  
5 you guys going to Chicago for?", and they said that they  
6 had a meeting, and I said, "Well," you know, "could I talk  
7 to you about" -- you know, "that you sell inputs to  
8 farmers," and they said yes.

9           And so I said, you know, "Well, if like one of my  
10 organic farmers wanted to use soybean meal, or something  
11 like that, could you give me verification that it's  
12 identity-preserved" [phonetic] "GMO-free?" They said, "No  
13 problem."

14           They also told me that they would release to me  
15 inert ingredients in any of their materials. I have the  
16 guy's card. Okay. I think that this is something that can  
17 be done. We've been doing it. And quite frankly, I'm not  
18 very interested in going backwards on this and saying if we  
19 don't know, then it's okay. Now, this -- that's, again, an  
20 NLP issue.

21           This is an NOSB issue. With regard to your  
22 committees, in the past -- and I know George remembers this  
23 -- committees used to have members of the public come, they  
24 would meet and have members of the public come and help  
25 discuss things with them. I think with regard to materials

1 review, having some members of the public maybe be on there  
2 as like a task force, when you're dealing -- wouldn't it  
3 have been great to have some organic cotton growers, you  
4 know, when you were working on hydrochloric acid?

5           So I suggest to you that maybe you should find a  
6 way, or try to find a way, to bring members of the public  
7 with experience in before we get to the point of the  
8 meeting here; you might have a lot more clarification on  
9 what's really happening out in the field. And it was done  
10 in the past, so I don't know why it can't be done again.

11           GMOs. Gosh, yesterday, I got upset when I  
12 started hearing, "Oh, well, is that only about seed?"  
13 There is no difference between planting a roundup-ready  
14 soybean in the ground and grinding it up and putting it on  
15 the ground. I'm sorry. Consumers -- when they said no  
16 GMOs, they didn't mean just no GMO seed, they meant no  
17 GMOs. I'm a grandmother. I raised my kids on organic  
18 food. They didn't have GMOs back then. But when my  
19 grandchildren were born, I told my kids, "I don't want them  
20 eating GMOs." This is the first generation of children  
21 that are being raised on food that's genetically  
22 manipulated. If GMOs are going to be in organic food, I  
23 guess I'm just going to have to make sure I feed them stuff  
24 I grow myself, because there is no way I'm going to let  
25 those little boys be eating GMOs.

1           Yesterday there was some discussion about a  
2 database. I just want to bring up one point about that. I  
3 certify a lot of Amish farmers, and I think that if they  
4 knew their names were going to be in a database that was  
5 shared with every agency in the government, they're  
6 probably going to get out of organics.

7           It's going to affect the dairy industry greatly,  
8 there's a lot of transitioning Amish farmers, but I can  
9 tell you right now, if I go back to my Amish farmers and my  
10 Amish grower groups and tell them that's going to happen,  
11 their bishops are going to tell them "We're not going to be  
12 part of this anymore."

13           They didn't even get certified, a lot of them,  
14 until it was required by law, and I think that this  
15 infringes on their freedom of religion, and -- so it's just  
16 something I think that needs to be taken into  
17 consideration.

18           I also want to talk about antibiotics. My  
19 daughter was just in the hospital for 14 days, in intensive  
20 care, with an antibiotic-resistant staph infection. She is  
21 on four months of oral antibiotics, it's a new formula they  
22 hope will work. Before that they were talking about four  
23 months of a permanent IV of antibiotics, meaning that she  
24 could not work, someone had to take care of her. She's 29  
25 years old. The antibiotics issue is huge. It's not just

1 about whether or not we're getting them.

2 I also want to speak to you from my heart: I've  
3 been a proponent of this program for a long time, but I'm -  
4 - after some of the things I've been hearing with these  
5 directives and with regard to the GMOs, I'm getting kind of  
6 ashamed, I really am. I've told a lot of people that this  
7 made a difference. We've got to make sure it continues to  
8 make a difference, we really do. Thank you for your time,  
9 and for all of your hard work, you guys are great.

10 CHAIRMAN KING: Andrea.

11 MS. CAROE: Cissy, it's my understanding from the  
12 presentation yesterday on ECERT that there would be an  
13 opportunity to remain confidential as far as your listing.  
14 I may have picked that up wrong, I think we have to clarify  
15 that, but --

16 MS. BOWMAN: I know there are a lot of questions.

17 MS. CAROE: Well, I mean -- and I think there is  
18 for them too, that it's in development, and I think we were  
19 -- we were presented with something that is in process, but  
20 I -- I believe that question was asked, regarding  
21 confidentiality, and specifically, I believe that anybody  
22 that's listed will have to sign a release with their  
23 certifier, is the way I remember that.

24 MR. SIEMON: Yeah, that's what I heard too.

25 MS. CAROE: So just to ease your mind on that one

1 little issue, is I think we will have some protection --

2 MS. BOWMAN: I just have to speak for my Amish  
3 farmers because they're not going to come here and speak to  
4 the government for themselves.

5 MS. CAROE: And, you know, there's a variety of  
6 reasons why I think people would want to keep their names  
7 or their addresses or their products somewhat confidential,  
8 so -- I do believe that protection is going to be in there,  
9 and I believe the program has heard the concerns on that,  
10 so hopefully we'll be able to deal with that issue.

11 CHAIRMAN KING: Kim.

12 MS. DIETZ: Cissy, I wanted to comment on the  
13 materials process (inaudible) this, but the process that we  
14 went through with this group of materials I think was the  
15 best that we've ever done this far --

16 MS. BOWMAN: I agree.

17 MS. DIETZ: -- so it builds into that, that the  
18 committees have to have recommendations posted on the web  
19 30 days prior to a meeting, and that's the opportunity for  
20 people to comment and to submit written comments and to  
21 tell the Board what you think of that recommendation, and  
22 then we take those and then come back to the meeting with  
23 them.

24 So I agree that we need public input, but I'm not  
25 sure how we -- how or if we could even go about getting

1 people involved during the material process.

2 MS. BOWMAN: I wasn't necessarily talking just  
3 during the materials process, but in committee discussions.

4 George could tell you how it was done in the past.

5 MS. DIETZ: Okay.

6 CHAIRMAN KING: Jim, then Dave.

7 MR. RIDDLE: Yeah, I just wanted to follow up on  
8 that too, because I think it is -- you know, a valuable  
9 suggestion is more public involvement in the materials  
10 process, but I think the responsibility does rest here with  
11 members of the public, because we certainly would be open  
12 to accusations of favoritism, you know, who do we leave in?  
13 who do we leave out? kind of thing, and that's why we've  
14 tried to, you know, make sure that whatever's been  
15 petitioned is available on the database right from the  
16 get-go, so people know what's even entering the pipeline,  
17 and then all the way through our recommendations, so that  
18 that can be commented on. So I just wanted to, you know,  
19 say that.

20 Where I do see the expertise being drawn in is in  
21 our task force process, such as the compost tea task force  
22 and other task forces we've done, that that's very  
23 valuable. So I just wanted to say that.

24 MS. BOWMAN: I don't think I've used all of my 10  
25 minutes. Could I just say a couple more things?

1 MS. DIETZ: You know, and I stopped the clock, so  
2 I --

3 MR. RIDDLE: Well, you can always respond to  
4 comments -- I mean questions.

5 MS. BOWMAN: I just have one more very -- really  
6 short thing to say, and that is that it seems like USDA is  
7 making my job a lot harder, as a certifier, and if I am  
8 really a government regulatory agent and they're going to  
9 tell me what to do and make this job this hard, I think I  
10 should be on the payroll.

11 (Laughter.)

12 MS. BOWMAN: And I also want to add --

13 MR. RIDDLE: You're an agent.

14 UNIDENTIFIED MALE VOICE: Go, woo, woo.

15 (Laughter.)

16 MS. BOWMAN: I also want to add that if I were to  
17 change OFPA today, I would say that you guys should be  
18 compensated for loss of productivity and for the time that  
19 you spend. I think that that was one of the worst parts of  
20 the law, is the fact that you guys don't get anything for  
21 the hard work that you do.

22 UNIDENTIFIED FEMALE VOICE: Yes.

23 MR. CARTER: Did that get in the record?

24 CHAIRMAN KING: Yeah, can you say that again.

25 (Laughter.)

1 CHAIRMAN KING: Dave had a question, then Nancy.

2 MR. CARTER: No, Kim and Jim covered mine, as far  
3 as the public input.

4 CHAIRMAN KING: Nancy.

5 MS. OSTIGUY: I actually do, though, want to  
6 second what Jim was saying about the difficulty of pulling  
7 in individuals in the committee meetings, who gets included  
8 and who doesn't, I don't want to get accused of favoritism,  
9 so what I happen to like about our new process is the fact  
10 that it's posted, anybody can comment, anybody can call me  
11 up, call a board member up, write us, tell us what they  
12 think, rather than me, as the chair of the crops committee,  
13 saying, "Oh, I would like so and so to tell me about this."

14 MS. BOWMAN: But not every farmer has access to  
15 the web.

16 MS. OSTIGUY: That's true. But it is a whole lot  
17 better in terms of broad public participation than me  
18 requesting specific information from a specific person.

19 MS. BOWMAN: I know, I've -- I've personally  
20 called with regard to issues, I just -- and I don't have to  
21 be their certifier, I call farmers and just say, "What are  
22 you doing," you know, "What's happening," and maybe that --  
23 I just ask for -- you know, "Who do you know that's doing"  
24 blah, you know.

25 But, again, you know, I can tell you right now

1 there aren't that many farmers who use the web, and they're  
2 not going to start. And there used to be a mailing that  
3 went out from NOP, you could sign a postcard and get a  
4 mailing, and I don't think that exists anymore.

5 UNIDENTIFIED FEMALE VOICE: It's too expensive.

6 MR. RIDDLE: Nothing about this, I just am  
7 concerned about kind of our schedule, I know you --

8 CHAIRMAN KING: Right, (inaudible) people --

9 MR. RIDDLE: -- but we've still got a lot of  
10 people signed up, and we have never cut off public comment.

11 I mean, we represent the public, it's important for us to  
12 hear, and I'd just like to suggest that if there's a need  
13 for another room, that NOP should start making arrangements  
14 for the afternoon, because I think we need to hear public  
15 comment, and that's the top priority, people have spent  
16 their time and money to come, and we're not going to cut  
17 that off.

18 CHAIRMAN KING: Duly noted. I think if we stay  
19 on schedule and everyone considers the time, that we can be  
20 done in an efficient manner.

21 MR. RIDDLE: Okay.

22 CHAIRMAN KING: So let's please try to stay on  
23 track. Next up is Mack Devin; Lynn Coody is on deck.

24 MR. SIEMON: No more praise.

25 (Laughter.)

1           CHAIRMAN KING: Right. Just get straight to the  
2 issue. Mack's not here. Lynn, you're up.

3           MS. COODY: Hello again. I'm Lynn Coody from  
4 Organic Ag Systems Consulting, in Eugene, Oregon, and my  
5 consulting practice is focused on assisting certifiers in  
6 meting the accreditation requirements of the NOP.

7           I consider the policy directives recently  
8 released by the NOP to be stunning in the sense that I've  
9 been thinking about them for days and I've had a hard time  
10 figuring out just what to say at public comment about them,  
11 but luckily I did recover enough this morning in order to  
12 write down a few thoughts in order to give public comment  
13 and break my -- and not break my commitment to talking to  
14 the NOSB.

15           To me, the most disturbing aspect of these  
16 directives is that they were devised and promulgated  
17 without the consultation with the NOSB. Although it may be  
18 the NOP's legal right to make some interpretations of the  
19 Final Rule, it is not the NOP's right to make drastic  
20 changes to the organic standards without careful  
21 consultation with the NOSB and with the public. That's  
22 part of the Organic Foods Production Act.

23           Not only is it not right, it's counterproductive,  
24 and at the end -- and the end result is unacceptable in  
25 that it created a regulatory environment that is untenable.

1           For example, the inerts directive forces  
2 certifiers to act in violation of the Organic Foods  
3 Production Act by allowing synthetic materials that are on  
4 the EPA inerts List 2 and 3, which have not been reviewed  
5 by the NOSB, and certainly not been approved, this is  
6 clearly in violation of the NOP and it puts certifiers in a  
7 very difficult position, possibly even a legally untenable  
8 position.

9           The fishmeal directive allows farmers to feed  
10 livestock a toxic preservative, ethoxyquin, which is  
11 commonly known to be in the commercially available supplies  
12 of fishmeal, with -- basically using fishmeal as a carrier  
13 for an unapproved material. This could be extended to  
14 other synthetic materials easily if you take the NOP's  
15 directive further.

16           The antibiotics directive results in organic  
17 dairy products derived from cows who may have been treated  
18 with antibiotics, a situation that has been vigorously  
19 protested by consumers since before the NOP was even  
20 established.

21           Simply put: These directives are not right. I  
22 have been involved with writing industry standards, laws,  
23 and policies for over two decades, including having had the  
24 honor of representing farmers and certifiers during the  
25 negotiations and drafting of the Organic Foods Production

1 Act.

2 I know what the intent of these provisions in the  
3 OFPA mean, I know what it means when we put in there that  
4 the NOSB must approve and recommend to the NOP about the  
5 use of synthetics materials. This simply has not been  
6 followed in some of these directives.

7 Since the time of the drafting of OFPA, the  
8 voices of farmers and certifiers, and even the NOSB itself,  
9 have been tuned out by the NOP. What I see now is that NOP  
10 directives to certifiers twist both the intent and the  
11 plain reading of the law, creating a system of regulation  
12 that forces certifiers and producers to act against their  
13 own better judgment and the long-held understanding of the  
14 elements of organic production systems.

15 During this NOSB meeting, I've been very grateful  
16 to see wonderful examples of the NOSB listening carefully  
17 to public comment and reconsidering their positions, mostly  
18 on materials, which has been a major focus of this long  
19 meeting we've just been through, and in light of the ideas  
20 of the public, they -- the positions have been changed.

21 Although I -- I've thought hard to try to  
22 remember even one example of the NOP responding to public  
23 comment in recent times. I have been unable to think of  
24 even one example.

25 I urge the NOSB to continue and amplify its

1 effort to uphold the organic standards as we understood  
2 them back in the days when we were writing OFPA and  
3 specifically to work to get the NOP to reconsider the  
4 contents of the policy directives.

5 Thank you once again.

6 CHAIRMAN KING: Thank you, Lynn.

7 MR. RIDDLE: A very quick comment, I said this  
8 before, but Barbara wasn't in the room and --

9 Yesterday, Barbara, when we were talking about  
10 sunset, said that it's a process, not an event, and clearly  
11 implementation is a process, not an event, it's something  
12 that happens every day.

13 CHAIRMAN KING: Thank you, Jim. Next up is  
14 Weenonah, I can't make out the last name, and she has a  
15 proxy from James Christianson. On deck is Richard Kanak.

16 MS. BRATTSET: Thank you. My name is Weenonah  
17 Brattset. My family and I own and operate a 250-acre beef  
18 and grain farm in southeastern Wisconsin. For many years  
19 my husband and I employed sustainable farming practices  
20 because we believed we had an obligation to treat the land  
21 with respect.

22 Several years ago, at the urging of friends and  
23 neighbors, we decided to begin the process to become  
24 certified organic. At first, the many rules and  
25 regulations governing organic certification seemed

1 overwhelming. However, as we studied and learned more  
2 about these rules, we were continually impressed with how  
3 sensible they were and how, as we became more involved in  
4 the process, these rules and regulations made more and more  
5 sense.

6 My husband recently passed away, and now my adult  
7 children have helped pick up the work which he did. They  
8 too are committed to organic agriculture. We are willing  
9 and eager to abide by the rules governing organic  
10 production because they make our way of life sustainable.  
11 We have found that our products are sought after by people  
12 eager to find healthy food.

13 For small farms, like ours, being organic makes  
14 the difference between barely getting by and being able to  
15 command a fair price for the food we produce.

16 Unfortunately, we're seeing an effort on the part  
17 of the National Organic Program staff at the USDA to weaken  
18 organic standards for the benefit of corporate agricultur-  
19 al. This is shameful. It's also somewhat enlightening.  
20 Can it be that mega-dairies and huge chicken farms need to  
21 steal the label "organic" to be profitable? -- because  
22 that's precisely what the NOP is allowing them to do when  
23 they bypass the rules which honest organic farmers follow  
24 and respect; or is it that these corporate farms see  
25 organic agricultural as a threat and wish to make the

1 "organic" label meaningless?

2 I've included with this letter a list of issues  
3 which are of concern to those of us who truly value organic  
4 agricultural, and I won't read them, but they're attached,  
5 for the record.

6 It's past time for a change at the USDA's  
7 National Organic Program. It's time for Secretary Veneman  
8 to respond to the concerns of organic farmers and  
9 consumers. We need leadership which is respected and  
10 trusted. We need transparency in all of the NOP's actions.

11 We need accountability from USDA and the NOP. And we have  
12 no intention of settling for any less.

13 And I would like to tell you people all thank you  
14 so much for your volunteer work, and I know what volunteer-  
15 ism is and how time-consuming it is, and I and all the  
16 people that I know in this organic movement really  
17 appreciate your efforts.

18 And now I'll read a letter from Jim Christianson,  
19 who is my next-door neighbor and a dairy farmer and, for  
20 obvious reasons, couldn't get up at 3 o'clock and come with  
21 me this morning, so (chuckles) --.

22 Jim Christianson is a third-generation dairyman  
23 from Jefferson, Wisconsin, area. The land he farms has  
24 been in the family since 1955. In 1999, when conventional  
25 milk prices dropped \$6.50 overnight, Jim decided to become

1 certified organic with OTCO.

2           The changes were mostly on paper since the land  
3 and herd had always been managed biologically. He began  
4 selling organic milk to Organic Valley in 2001 and has  
5 never looked back. The following are his comments to the  
6 NOSB and the NOP:

7           "Organic has been a Godsend to my family and me.  
8     There is little doubt that I would have gone out of  
9 business when milk prices dropped in the '90s, just as I  
10 watched many of my neighbors do. Now our farm is thriving  
11 and my cows have never been healthier.

12           "I want you all to know that I am very concerned  
13 about the future of organics when I hear about some of the  
14 recent decisions that have been passed out. I am also  
15 worried about how long it seems to take to change and  
16 enforce organic rules. My cows go outside and graze  
17 pasture. It's not only the way God meant cows to eat, it's  
18 the law with organic.

19           "I understand that there are organic dairies that  
20 do not pasture their cows or that have too little pasture  
21 for the size herd they are managing. You need to do  
22 whatever it takes to make sure that the requirement for  
23 pasture is enforced uniformly for all organic dairymen.

24           "As a fairly small producer, with a closed herd,  
25 I often have certified-organic replacement heifers for

1 sale, but I usually have to sell them at the conventional  
2 auction, because the way the Rule is being enforced, many  
3 larger producers are allowed to use conventional heifers.

4 "I have written letters, filled out surveys, and  
5 signed petitions in favor of closing this loophole, but  
6 nothing seems to be happening. The extra premium that I  
7 would get from selling organic heifers would make a big  
8 difference on our farm.

9 "Please enforce the Rule that says that once a  
10 farm is converted to organic, all the calves must be  
11 organic from the last trimester. In fact, the situation  
12 seems to be getting worse, since now I understand that  
13 organic dairymen can not only buy conventional heifers,  
14 with unknown background, but they can even give antibiotics  
15 and conventional feed to their calves born on the organic  
16 farm. Antibiotics have no place on an organic dairy, not  
17 even with calves. If you start allowing antibiotics on  
18 dairy farms, customers will abandon organic milk in droves.

19 "The last thing on my mind has to do with health-  
20 care medications that have been approved for use in  
21 organics but are still not allowed because they have not  
22 been finalized into law. Organic dairy farmers need these  
23 tools to treat our cows. Particularly important for me is  
24 to be allowed to use aloe vera, which I used to use, and  
25 propylene glycol to take care of milk fever. We need to be

1 able to use something as soon after it is voted to be  
2 allowed as possible. To have to wait two or three years is  
3 ridiculous.

4 "My neighbors often ask me, 'What is the most  
5 difficult thing to deal with when changing to organic?' My  
6 answer is always: 'Good information.'" Gradually, over  
7 the years, there's been more and more information available  
8 to us.

9 "Therefore, when the USDA changes the rules on  
10 what we can use and what we can do, it causes a lot of  
11 confusion. We end up not knowing what we can and cannot  
12 do. We have a very good thing going, with organic. Please  
13 don't mess with it just to make it easier. The consumer  
14 won't believe that organic is any better than conventional.

15 Thank you." From "James Christianson."

16 I thank you very much.

17 CHAIRMAN KING: Thank you.

18 MR. RIDDLE: I have a request. I mean, this  
19 subject has come up a couple times now, at least, about the  
20 materials, livestock materials, that the Board has reviewed  
21 and approved, and I just have a request that before we  
22 adjourn, that we could have an update from the staff on the  
23 status of that.

24 MR. SIEMON: That'd be great.

25 CHAIRMAN KING: Next is Richard Kanak, and

1 I believe it's John Chernis on deck.

2 MR. KANAK: Hi. My name is Richard Kanak. I'm  
3 an organic consumer. I have two proxies I'd like to read,  
4 plus my own statement, if that's okay.

5 CHAIRMAN KING: Only one proxy allowed, you get a  
6 maximum of ten minutes.

7 MR. RIDDLE: A total of ten minutes, one way or  
8 the other.

9 MR. KANAK: That's pressure, then, right?

10 CHAIRMAN KING: Yeah.

11 MR. KANAK: Okay.

12 CHAIRMAN KING: We're confident you can do it.

13 MR. KANAK: Well, I'm going to start with the  
14 easiest one first. This is from an Amish farmer, received  
15 over the internet, and it's a little difficult to read  
16 because sometimes -- the way it was written. But anyway,  
17 here it goes.

18 This is from Rufus Yoder, in Belleville,  
19 Pennsylvania. This is his statement:

20 "We are a certified organic from PCO. We are a  
21 dairy farmer and have 20 cows and about 70 acres of land.  
22 We put a big effort to this farm. But the problem is that  
23 the NOP, without the approval of the NOSB, decided to allow  
24 the large organic dairy farms, like Horizon and others, to  
25 purchase conventional heifers and then phase them into

1 organic production. This clearly puts sustainable farmers,  
2 like us, who make extra efforts to care for their animals,  
3 at a competitive disadvantage, and we do not want this to  
4 happen. We need to draw the line in the sand where it  
5 belongs. We want the rules to be kept the same. We very  
6 badly need better or new management in the NOP." This is  
7 signed "Sincerely, Rufus Yoder."

8 I'm going to read my own statement, and then if I  
9 have next time I'll read the next proxy.

10 The organic standards must be such that we  
11 consumers do not have to be concerned that there are  
12 degrees of organics. Purchases are made because of what is  
13 not in or not on the item. I once read a statement  
14 attributed to Warren Porter, a toxicologist from the  
15 University of Wisconsin, and this is a quote: "There are  
16 more than 77,000 pesticides out there right now. Not a  
17 single one of them that's been registered has been tested  
18 for neurological, hormonal, or immune function or impact on  
19 those functions. People need to understand that just  
20 because a pesticide is registered, that does not  
21 necessarily mean that it has no biological activity." That  
22 was the end of the quote.

23 It is very a difficult and time-consuming task to  
24 keep up with this ever-changing world. It is very  
25 difficult to read the fine print of ingredients on the

1 labels of all too many items. It would be a full-time just  
2 to be searching that all the -- what all the ingredients  
3 are, let alone knowing the reason for the inclusion in the  
4 package.

5           The simple solution should be: looking for the  
6 USDA "organics product of the USDA" on the label, but this  
7 is not the case. The New York Times of Wednesday, February  
8 26, 2003, highlighted several issues of questionable  
9 practices which were accepted as organic by the USDA:  
10 organic livestock being fed non-organic feed; and uneven  
11 enforcement of the outdoor grazing requirements. Would the  
12 NOP have made a different decision if there were not so  
13 many questionable areas in the standards? The NOSB must  
14 take steps so the USDA organics label is not under constant  
15 pressure to be revised to accept as organic: questionable  
16 practices.

17           Mad cow disease is an example of the results of  
18 questionable practices. Is not the rule that allows non-  
19 organic dairy cows to be converted to organic production  
20 also a questionable practice?

21           Do I have time for my next proxy?

22           MS. DIETZ: You have 7 minutes left.

23           MR. KANAK: A lot of time. I can slow down,  
24 right? I'm just too nervous, that's all.

25           This is a proxy before the National -- I'm sorry.

1 It's from the Churches' Center for Land & People. It's  
2 from Tony Ends, and I begin:

3 "My name is Tony Ends. I offer testimony  
4 regarding organic farm policy from several vantage points.

5 With my wife Della and family I've worked for ten years to  
6 establish a direct-market-approach produce enterprise and  
7 small-scale livestock farm in southern Wisconsin. As such,  
8 I live and work in a farm community and care deeply about  
9 my neighbors and countryside.

10 "I've written on farming and farm issues for  
11 daily newspapers and agricultural publications. I worked  
12 full-time at an institute for sustainable agricultural  
13 research and education for four years, helping agronomous  
14 soil scientists and farmers design and fund on-farm  
15 research projects in Iowa, Illinois, and Wisconsin.

16 "I presently lead a USDA small business  
17 innovation research project that is establishing a yield  
18 and marketing cooperative in Wisconsin. In July 2003 I was  
19 appointed part-time director of Churches' Center for Land &  
20 People. This ecumenical effort for farming people promotes  
21 justice, earth stewardship, and community. The Center was  
22 organized during the 1980s farm crisis and has been active  
23 in Iowa, Illinois, and Wisconsin, expanding services to  
24 Minnesota last year. People of Lutheran, Catholic,  
25 Episcopal, United Methodist, United Church of Christ,

1 Presbyterian, and Quaker faiths support our work.

2 "From long-standing experience, I address you  
3 with a sense of urgency. Trends that have driven  
4 agriculture to consolidate and specialize in endlessly  
5 large scale are well-documented. Over the past 60 years  
6 they've almost completely undermined local infrastructures  
7 and support for farming communities across our region.

8 "In shackling our farmers to federal subsidies  
9 and excessive reliance on fossil fuels, they have also  
10 placed US food security in jeopardy. In the past 15 years,  
11 direct marketing, premium production, and value-added  
12 enterprises have brought some relief from oppressive  
13 consequences of agricultural industrialization.

14 "Sustainably integrated and organic farming  
15 practices that spawn these new trends have benefited many  
16 thousands of alternative growers and producers. If  
17 National Organic standards, however, bring industrial  
18 practices to these new areas of farm and food production,  
19 neither the people nor the land will benefit. Young  
20 farmers and farm couples will not have a chance to enter  
21 agricultural. Local economies will not regain the ground  
22 they lost to global and corporate interests in conventional  
23 food and farm production.

24 "The rural revival of our nation desperately  
25 needs to happen, for food safety, food security,

1 sustainability will never take place. I ask you to broaden  
2 your board membership and to ensure representation of these  
3 interests in ongoing development and implementation of  
4 National Organic standards. I ask you to help save organic  
5 farming from being lost to the same trends that have caused  
6 conventional agricultural production to cannibalize itself.

7 I ask you quite simply to oppose genuinely free market and  
8 fair trade practices in your policies and rules for the  
9 common good of the democratic majority instead of the  
10 private gain of a very few."

11 CHAIRMAN KING: Thank you. Yes, Kevin.

12 MR. O'RELL: Mr. Chairman, I would just like to  
13 go on record of saying that I'm disappointed today to hear  
14 that people are coming to use public comment period for  
15 making public and personal attacks to companies. I don't  
16 feel that that's what public comment is for in this forum.

17 It's for commenting about organic standards, commenting  
18 about the National Organic Standards Board and the National  
19 Organic Program, and it's not -- in my opinion, it is not a  
20 place for public attacks and personal attacks on companies  
21 or individuals. I would just like to urge the public not  
22 to use this tact.

23 CHAIRMAN KING: Thank you, Kevin.

24 MR. SIEMON: As well as positive. Just don't use  
25 any brand names or company names. We're talking about

1 policies here, doesn't matter, positive or negative, just  
2 don't do it.

3 CHAIRMAN KING: This is clearly your time to  
4 express your thoughts and feelings, and we appreciate that,  
5 just try to keep them somewhat generic and don't refer to  
6 specifics. We may not have all the facts. Do you have a  
7 comment?

8 MR. RIDDLE: No. I just -- I -- well, yes, then.  
9 (Laughter.)

10 MR. RIDDLE: No, I'm uncomfortable as well, and I  
11 just second what Kevin is saying. I think it's one thing  
12 to talk about scale issue or systems issues, but I'm  
13 uncomfortable and really don't think it's appropriate to be  
14 singling out companies or individuals, but anyone is free  
15 to speak as well, so --

16 MR. O'RELL: I recognize that. Thank you.

17 CHAIRMAN KING: Thank you, Kevin. Next is John,  
18 I believe it's Chernis, and on deck is Michelle Wander.

19 MR. CHERNIS: No, that's okay. Sorry I don't  
20 have papers to hand to you, I decided last night at  
21 8 o'clock to come. I'm a certified organic farmer. I farm  
22 5 acres of vegetable crops in central Illinois, and I wish  
23 there were more growers here, I think they might have been  
24 able to make it had the timing been a little bit different,  
25 it's -- it's hard to get here at prime planting season.

1           I guess I have two comments, and I'm afraid that  
2 we're losing the small grower under the present setup. I'm  
3 one of the few growers in our market that's certified, but  
4 I'm among many that have farmed organically for 15, 20  
5 years, and they're leaving primarily -- or they're not  
6 becoming certified primarily for two reasons:

7           One, what seems to them -- who -- they sell the  
8 produce primarily locally, that the rules are overly  
9 burdensome in terms of recordkeeping, they just don't fit  
10 their scale of operation, the detail needed. You can still  
11 come on these farms and track what happened, but just the  
12 transferring of records to meet the certification standards  
13 are quite time-consuming, and I think that if some thought  
14 would be put into it, we could get at this and reduce this  
15 load.

16           Secondly, they also point to the fact that NOP is  
17 consistently changing the rules, and without good process,  
18 and -- so they really feel that -- as if it's become to  
19 mean nothing, and if we lose them, if they no longer use  
20 the term "organic" to describe themselves, we'll lose their  
21 consumers, and their consumers are the ones that primarily  
22 have helped made this whole thing become a word, it helped  
23 make the definition, "promote organic" and why it ended up  
24 becoming a word that USDA has now defined.

25           So I guess, in the end, you know, I urge you to,

1 one, try to get back this local small grower, and small  
2 isn't really below \$5,000, small is -- can be pretty big  
3 and still just sell in your local area, and 5 acres can  
4 become -- we have 600 -- my yearly activity log has 600  
5 line items. My harvest log has another 6-, 700 items.  
6 It's really burdensome, and it really would help no  
7 inspector get to what happened.

8 So -- and also just redefining and having good  
9 process, it takes time to get the rules right, and they're  
10 ever going to -- they're going to be ever-changing, but you  
11 guys need to be supported. Thanks.

12 CHAIRMAN KING: Thank you.

13 MR. CARTER: Two things. Number one, obviously I  
14 support completely what you say about the disruption and  
15 the changing of the rules in midstream, it is an evolving  
16 process, but we have to have some consistency, and that I  
17 think is what this Board is trying to push for.

18 In terms of the scale issue and the small  
19 growers, I think that one of the things that is the  
20 strength of the Rule today is that it doesn't prohibit  
21 additional labeling claims on there, and I think that those  
22 of us that work in those areas, those are some things that  
23 we need to continue to work on, is to get some parameters  
24 around areas, such as locally produced or certified GRAS  
25 finished [phonetic] or those type of things, that can be

1 brought in as additional claims.

2 I think the computer is getting more savvy as  
3 they go forward, to read what's in there, and we need to  
4 make sure that there's some integrity on those additional  
5 claims as we go forward.

6 MR. CHERNIS: But you're forcing growers to move  
7 away from a term that they wholly support, because it's  
8 being redefined in the marketplace.

9 CHAIRMAN KING: Jim.

10 MR. RIDDLE: I also wanted to just very quickly  
11 respond to your concerns about the burdensome  
12 recordkeeping, and the Rule does allow for a lot of  
13 flexibility, that the records be appropriate to the  
14 operation, so a small grower can have, you know, records  
15 that are appropriate, that meet the lot numbering or  
16 something, of a different operation.

17 And I also wanted to point out that there are  
18 some standardized templates for vegetable growers, that are  
19 on the ATRA website (inaudible) tools --

20 MR. CHERNIS: Sure. I have -- my spreadsheet's a  
21 little bit better than that one, and it's a total line item  
22 on Excel as well, but -- I mean, I -- I guess my point  
23 being that -- is that we've worked really hard to keep the  
24 records that we're being asked for, and we're not being  
25 told, "Oh, you don't need any of that," we're being asked

1 that we need -- that they want to be able to track it, and  
2 so more clarification -- and some examples -- I guess a  
3 specific example would be: so we write things in notepads  
4 and then we process them to the -- to a computer, or we  
5 transfer them to computer. That process I don't think  
6 really helps anyone. Just having those data sheets in a  
7 pile for our type of operation should be sufficient. If an  
8 inspector asks me, what happened on this date, I could find  
9 that information.

10 But having to transfer all that to -- and we have  
11 a computer -- I put a computer in our barns so we could  
12 facilitate this, but it's really -- takes my employee an  
13 hour a day to input everyone's -- what they did that day.  
14 It's overly cumbersome when you could still get at the -- I  
15 could simply have a list of -- a materials list of what we  
16 use. Do you really need to know which crop I sprayed on  
17 it? You need to know what day, but do you need to know  
18 which crop and which field? I have five acres, "I sprayed  
19 it out there." I mean, I could tell you -- I could answer  
20 the question, and if you decided to -- I mean, the only  
21 caveat I would see is: let's say you then banned that  
22 product, or I was using a product that wasn't approved for  
23 use, so all the -- so the grower would risk, if they didn't  
24 want to keep that record, that they -- well, their whole  
25 crop would be uncertified, and they should be allowed to

1 take that -- that risk, but --

2 CHAIRMAN KING: I encourage you to work with your  
3 certifier. Thank you. We have another question, Andrea,  
4 and then Rose, did you --

5 MS. DIETZ: I don't.

6 MS. CAROE: I just want to point out that if you  
7 truly feel you're meeting the intent of the Rule and your  
8 certifier disagrees, there is a process for an appeal, and  
9 that process is in there as an education to both you and  
10 the certifier and the community at large, and it shouldn't  
11 be looked at in a negative way but in a way that we get  
12 further clarification, we bring these issues out, we talk  
13 about them, and so I encourage you, if you really feel that  
14 what you're doing, your manual methods of maintaining the  
15 data --

16 MR. CHERNIS: Uh-huh.

17 MS. CAROE: -- are sufficient to meet the intent  
18 of the Rule, then you have that right to ask for --

19 MR. CHERNIS: Yeah. I think my point here would  
20 be that for me, certification -- being certified was an  
21 easy step. I didn't want to lose control over the term,  
22 and we can -- we can handle the recordkeeping, but five  
23 other growers at our market have said, "To hell with it,"  
24 so how do I convince them that "No, it's not so burdensome"  
25 and so forth, because the way it reads and the thing they

1 get confronted with, you know, everybody's up in arms over,  
2 you know, seed, you know, how can I prove to them that I  
3 got -- you know, these are really -- getting more  
4 instruction on that and showing examples of flexibility --  
5 "Well, you could do this" -- would really help these  
6 growers make that move and say, "Okay, I can do that, I can  
7 make" -- "I can give them that information."

8 MS. CAROE: Yes. Commercial availability is an  
9 issue we are spending a lot of time on. We're starting  
10 with minor ingredients, but as our Guidance has suggested,  
11 we are talking about further taking that into the seed  
12 commercial availability. We see this as one of those  
13 growing areas where we're constantly filling in the detail  
14 as we go. So we hope to be able to do that for you, we do  
15 understand that's a huge challenge, and please understand  
16 that, you know, it's not unheard, it just is going to take  
17 some time to work out the sophisticated details of that..

18 MR. CHERNIS: Just more clarification on it to  
19 help growers --

20 CHAIRMAN KING: Thank you, sir, I'm sorry, but we  
21 have too many --

22 MR. CHERNIS: Sure.

23 CHAIRMAN KING: I really, truly am. Thank you  
24 for your input. I'm just trying to work everyone in.

25 MR. CHERNIS: No, no, I didn't want to be here

1 anyway.

2 CHAIRMAN KING: All right. Thank you. Michelle,  
3 and then Rachel is up next.

4 MS. WANDER: Hi. I am a professor at the  
5 University of Illinois, I'm a soil scientist.

6 MR. RIDDLE: If you could state your name,  
7 please.

8 MS. WANDER: This is Michelle Wander. -- and I  
9 have a proxy for Lloyd and Deanna Shaffer [phonetic] from  
10 Elkman [phonetic], Wisconsin, and, being an educator, I'm  
11 -- really thank you all and the people who have spoken  
12 today for the education that I have already gotten, and I'm  
13 sort of I guess catching up with realizing how much of a  
14 communication and education role that you all play, and you  
15 need to maybe do better, and I know that's ridiculous to  
16 ask a group of people that's volunteering all their time,  
17 but it seems like this organic discussion of the concept  
18 and the intent is of critical importance, I hope that --

19 UNIDENTIFIED MALE VOICE: It's a little hard to  
20 hear.

21 MS. WANDER: I have to be that close, wow. Okay.  
22 And I -- so I hope that the comments -- and I know they  
23 will be taken seriously by you. As I said, I'm an  
24 academic, so I go to a lot of committee meetings, and I  
25 realize that very often the meeting is not heard, and

1 that's because the level above can either just check off  
2 that that meeting was held and they proceed with their  
3 assumptions and their conclusions already, so I know that  
4 -- my hope is that our testimonies today will help you get  
5 done some things that I suspect you want to get done.

6 I'm a person who's been interested in organic for  
7 a long time, for nearly 20 years, I've been working on this  
8 topic, studying soil organic matter, which is believed to  
9 be one of the critical aspects of well-managed organic  
10 systems.

11 People who are certified use lots of practices  
12 that are intended to improve and basically enhance the  
13 characteristics of organic matter so we achieve efficient  
14 nutrient cycling and on and on, and I've had the luxury,  
15 really, of using say big science and lots of fancy tools so  
16 that I could prove or understand what was different about  
17 organic systems than conventionally-managed systems.

18 I have to confess to you today that my work  
19 hasn't done any or very much good for practical managers to  
20 do a better job at being organic stewards, and that's  
21 because the basic caveats or philosophy of organic  
22 management is pretty good, it's basically common sense  
23 systems management, and this goes for crops and livestock  
24 systems, as we've heard many people attest to today, and  
25 the standards that were negotiated socially within

1 communities within context were very, very reactive and  
2 intelligent, easy to inform and to maintain checks and  
3 balances.

4           Now that we've gone to a system that's regulated  
5 at a higher level, this puts a lot of very good things that  
6 were in place at jeopardy. I have a colleague who's a  
7 legal scholar and he talks really about how when you go to  
8 rules, how they become actually vulnerable and in a way how  
9 science serves as a handmaiden to undo social goals, and I  
10 heard his comments, they were about fisheries in Africa,  
11 but I really heard them having a lot of meaning for what I  
12 see is going on in organic.

13           There are a lot of things that -- even though I  
14 said a moment ago that the science that I've engaged in, I  
15 think there's a lot of things that scientists can and need  
16 to do that will help with the standards, will help with  
17 some of the discussion, but I think by getting engaged in  
18 these sort of technical small points, in some ways you get  
19 off of the -- off balance when you get -- are engaged in  
20 this discussion of organic, because it really is -- people  
21 use terms that are not -- as a scientist I don't regularly  
22 use, about philosophy and values, that are subjective, but  
23 they're shared and they're common in this community, and  
24 these are the things that, yes, while you should use  
25 scientific input, you really need to go back to your base

1 and your community to have these discussions and have  
2 process that lets this be negotiated, and I know you all  
3 try to do that, and you're getting undercut.

4           And I guess the reason I'm motivated to come here  
5 and talk to you about this is that I hear students who I  
6 see as a critical future, and I know some of you, as former  
7 students, where really this is important that the public  
8 and these students who care very much buy in, they're  
9 walking away from organic, they're reviewing it with  
10 skepticism, and they're choosing between growers at local  
11 markets and who's got the best local face or commitment  
12 that they hear, and this is really a tragedy for, I see,  
13 the people who have done the really heavy lifting, and I  
14 know many of you have done that heavy lifting.

15           So I'm very concerned about that, and I guess  
16 it's this really -- you know, I have some specific cases  
17 where I think the stewardship aspects that are specifically  
18 managed, that science will help you with, are one  
19 territory, and I think that the work that people like  
20 myself do, we can go in and help organic do it better, but  
21 the truth is, a lot of what we learn and publish will be  
22 immediately adopted, sometimes be more effective at the  
23 stewardship component of organic production. Right?

24           We saw in the Nature article on organic nature  
25 being given -- organic being suggested to be less

1 sustainable than no-till when you include a cover crop.  
2 Right? So organic is going to be pounded and pressed to  
3 make that case over and over.

4           Where organic will always hold the upper hand in  
5 the cards will be the broader goal set of sustainability if  
6 they hold onto that. If you trade away care about social  
7 goals, about health and these larger, more subjective,  
8 difficult-to-grapple-with concepts, organic should, in many  
9 ways, lose the strong competitive edge that it should have,  
10 and this is really where people involved in trade, you  
11 know, corporate partners, need to protect the brand, and if  
12 they're smart, they will -- they will retain their  
13 traditional base.

14           And I guess that's really my main message, and I  
15 think that some of the issues, say in GMs, are really  
16 instructive, where we could talk about how BT toxin doesn't  
17 persist in soil so it must be safe, another person: well,  
18 is this specific case an allergen or not?

19           Don't get caught up in the petty small pieces,  
20 you know. It's the philosophy and multiple sets of goals  
21 that you have to go through that really will keep you safe,  
22 and that's really by entertaining it, you know, and I  
23 encourage the NOP to use the Board as the shepherds of the  
24 philosophy, you know, and that's: as a citizen.

25           And I guess -- because there were so many

1 engaging ideas, I'll try to contain myself here. The  
2 comments of Lloyd and Deanne Shaffer from Elkman,  
3 Wisconsin, submitted on April 28th, which I do appreciate  
4 the date because I know this time of year is very stressful  
5 on producers.

6 "We have a small family dairy farm with 50 cows.  
7 We have been shipping organic" --

8 UNIDENTIFIED FEMALE VOICE: Louder, please.

9 MS. WANDER: "We have been shipping organic milk  
10 for approximately one and a half years. We abide by strict  
11 rules set out by our certifying agency. We were under the  
12 impression that the NOP was set up to make sure that  
13 certifying agencies were all uniform, that they will and  
14 have the same rules. What is the NOP doing by changing the  
15 rules? They should be enforcing the strict standards that  
16 the certifying agencies have set forth. The Secretary of  
17 Agriculture should only be appointing people that are  
18 devoted to the organic" -- or "devoted to organic  
19 agricultural and to the NOSB. We are organic farmers  
20 because we believe in what we are doing. NOP is making a  
21 mockery of the organic farmer. They are taking organic out  
22 of "organic." Everyone should have to follow the strict  
23 standards in this country and in others. We feel that the  
24 organic industry is doing fine before the governments  
25 decided to get involved. Now they are," and then the word

1 got cut off, c-h, unless that means something to somebody.

2 Thank you.

3 CHAIRMAN KING: Thanks. Next is Rachel, and then  
4 Jane Brandley is on deck.

5 RACHEL: Good morning, or afternoon now, I  
6 suppose. My name's Rachel, and I live in Chicago, and I'm  
7 a third-generation Chicagoan. I've been a vegetarian for  
8 12 years, and I'm involved locally with organic gardening  
9 clubs and Organic Farmers Market, which is held in West  
10 Humboldt [phonetic] Park, if any of you are familiar with  
11 the Chicagoan area. I'm also a chef.

12 So for this reason, and many other reasons, I am  
13 concerned about the direction of the word "organic." I am  
14 concerned when it comes to the federal government getting  
15 involved in regulating such a thing. I think that organic  
16 by itself is a manifestation of natural processes of Mother  
17 Earth and can in and of itself not necessarily be  
18 regulated.

19 But, of course, we work with corporations and we  
20 work with the global economy, so we have the government  
21 stepping in and trying to mandate it, and I become very  
22 scrupulous [sic.] and very weary of their intentions,  
23 because most of the time the government is working hand in  
24 hand with the corporations because they're the ones that  
25 pocket the money to them for their campaign funds or

1 whatever else.

2           So that's where you get things like the EPA  
3 petitioning for toxic sludge to be considered organic,  
4 that's where you get Lists 1, 2, and 3, with synthetic  
5 chemicals that nobody's even heard of and -- so I am  
6 impressed that everybody here volunteers, and I'm sure that  
7 you guys all have a very committed self to organics.

8           But I'm also here on a proxy, so I'll just read  
9 that.

10           CHAIRMAN KING: Unfortunately, I need to  
11 announce: we have official Board policy for written proxy,  
12 so I'll give you the full five minutes, I'm forced to  
13 enforce it today, and I apologize for that, due to time  
14 constraints.

15           RACHEL: Written? I don't understand what you're  
16 saying.

17           CHAIRMAN KING: You didn't provide a written  
18 proxy. Do you have a written proxy?

19           RACHEL: I have a proxy written, yeah.

20           CHAIRMAN KING: Thank you, you're fine.

21 Continue. Never mind.

22           RACHEL: Oh, you turn it in, and after I cross my  
23 e-mail off.

24           Okay, the testimony's from Nathan Hetterick  
25 [phonetic] before the National Organic Standards Board

1 today. "My father and uncle are the president and co-  
2 president and owners of Village Edge Farms, LTD, a  
3 certified organic dairy farm and a member of the Organic  
4 Choice Co-Op. Village Edge Farms is located next to the  
5 little village of Nelson in the area of west-central  
6 Wisconsin, along the Mississippi River. The farm was  
7 homesteaded in 1865 by David Hetterick and has been owned  
8 and operated by six generations of the Hetterick Family.  
9 Brothers Greg and Dennis, along with their families, now  
10 operate the family farm.

11 "One of the family highlights has been the  
12 process of becoming an environmentally safe certified  
13 organic dairy farm. In 1991 the Hetterick Family went away  
14 from the chemical and commercial fertilizers that pollute  
15 the air, soil, and water. By 1997 the farm was partially  
16 certified organic, then two years later the cows and all  
17 the land that was farmed was certified organic. In the  
18 year 2000 Greg and Dennis met together with other  
19 sustainable and organic farmers to start the formation of  
20 Organic Choice, with the dream to market their own dairy  
21 products.

22 "Our farm and families are our biggest pride and  
23 joy. The Hetterick Family is very proud to work hard  
24 together to provide a better product for the consumer. The  
25 family is also proud to provide a healthier environment for

1 the next generation to come.

2 "One of our concerns is the use of GMO  
3 contamination in organic crops. While we typically support  
4 new technology, we are very suspicious of the push for GMO  
5 crops. Now only have they not been adequately tested, but  
6 they are being forced upon farmers by market pressures and  
7 not simply offered as one choice of many.

8 "We do not believe that GMOs offer any benefit to  
9 any creature that consumes them, and we do not want cross-  
10 contamination of GMO crops with our certified organic  
11 crops. Please keep the concerns about GMOs and organic  
12 farmers in mind.

13 "We support strong standards for organic farming.  
14 While no farmer would attest to enjoying the red tape and  
15 paperwork necessary to become certified organic, we truly  
16 believe that we offer a product that is superior to  
17 conventional farming techniques.

18 "We strongly urge you to support the need for  
19 standards for organic personal-care products, fiber, fish,  
20 and seafood and pet food, the need for an ongoing peer-  
21 review panel as mandated by the OFPA in the Final Rule to  
22 oversee the USDA's accreditation program, the need to  
23 conduct on-site evaluations of foreign certification  
24 agencies approved by the USDA, the need for an NOSB  
25 executive director staffed to asset the 15 volunteers

1 onboard, the need for a technical advisory panel, contract  
2 announcements to be publicly posted, and for bids to be  
3 solicited in an equitable and transparent manner.

4 "The need for NOP enforcement actions, including  
5 suspensions and revocations of certification to be publicly  
6 posted. Currently there is no public record of NOP  
7 enforcement actions.

8 "We, along with the members of Organic Choice,  
9 oppose recent action by the USDA's NOP to allow companies  
10 to use substances not on the National List, sodium lactate  
11 and potassium lactate as processed-meat preservatives and  
12 phosphoric acid to fortify aquatic plant extract  
13 fertilizers. These actions were taken with no consultation  
14 of the NOSB, who has authority under the OFPA over the  
15 National List, actions by the NOP to undermine the NOSB's  
16 statutory authority over review of petitioned substances  
17 and the National List. NOP's two-track [phonetic] dairy  
18 herd interpretation, which requires family farms that  
19 convert their entire herd to organic production, to raise  
20 all replacement heifers as organic from the last third of  
21 gestation while allowing factory-style operations to  
22 continually introduce conventional heifers so long as they  
23 are managed organically for one year prior to milk  
24 production.

25 "This is wrong and undermines the effort of

1 farmers like us, who are still family farmers, lack of  
2 outdoor access for poultry, as evidenced by actions of the  
3 NOP to mandate certification of the country hen, the lack  
4 of NOP implementation of over 50 NOSB policy  
5 recommendations.

6 "In closing, I also wish to say that we need a  
7 management change, regime change, at the USDA's National  
8 Organic Program. We want someone who has extensive  
9 experience in organic agricultural and is universally  
10 respected by organic farmers and consumers. We have lost  
11 confidence in the present management and do not believe  
12 they are working towards the best interests of the organic  
13 farmers, who are truly farmers of integrity and care about  
14 the environment.

15 "We do not want people who are only concerned for  
16 those enterprising and greedy farmers who only enter the  
17 organic market for the money. Please keep standards high  
18 and farmers accountable. We work very hard to ensure the  
19 consumer gets the highest-quality organic product we can  
20 provide. Keep the standards high so other farmers can do  
21 the same. Thank you for your time. Nathan Hetterick."

22 CHAIRMAN KING: Thank you. Next is Jane  
23 Brandley, and on deck is Dave Engel.

24 MS. BRANDLEY: Yes, I'm Jane Brandley, and I'm  
25 here to read my own statement as well as a proxy statement,

1 and I'll start with the proxy, if you don't mind.

2           This is from O Farm [phonetic], John Bobbi  
3 [phonetic], Executive Director, and they are in Brussels,  
4 Wisconsin. This statement is to the National Organic  
5 Standards Board for submission to the National Organic  
6 Program, from John Bobbi, Organic Farmers Agency for  
7 Relationship Marketing, Executive Director.

8           "The Organic Farmers Agency for Relationship  
9 Marketing is a farmer marketing agent in Cummin."

10 [phonetic] "We represent organic field crop cooperatives  
11 and farmer marketing associations in a region that spans  
12 the major grain-producing areas of the United States, over  
13 an 18-state area and Ontario, Canada. A number of our  
14 member organizations market their farmers' grain into the  
15 world market. In addition, O Farm members, organization  
16 farmers, produce organic milk and livestock.

17           "We wish to bring to your attention the following  
18 points of concern to our farmer members in maintaining the  
19 integrity of the organic industry: 1) The integrity of  
20 organic feed and grains must be continued to be maintained  
21 and the standards strictly forced. Weather conditions are  
22 already stressing crops over a large part of the US,  
23 pointing to another tight year of feed and grain supplies,  
24 especially for livestock. Significant amounts of grain may  
25 be important. Organic standards and certification

1 requirements need to be strictly enforced.

2 "2) Dairy heifers should be raised according to  
3 organic standards from the pregnant cow on through to the  
4 freshening animal. Organic dairy producers should not be  
5 allowed to bring conventional dairy heifers into their herd  
6 at any point.

7 "3) The pasture requirement standards should be  
8 uniformly interpreted and strictly enforced.

9 "And 4) The NOP has matters before it that were  
10 brought for resolution up to two years ago. NOP's inaction  
11 in deciding these matters has the potential to compromise  
12 the integrity of organic to farmers, consumers, and the  
13 entire industries. Matters before it should be decided and  
14 acted upon in a timely manner.

15 "We respectfully request for NOP to act upon  
16 matters before it and take necessary steps to protect the  
17 integrity of organic grain, dairy, and livestock producers,  
18 because their livelihoods and incomes depend upon it," and  
19 he thanks you "for your consideration, John Bobbi."

20 My statement, I'll begin by saying I am just a  
21 consumer, and I'm probably more confused than I was before,  
22 about what organic is. I live in Lake Geneva, Wisconsin.  
23 I've had a college education. I have my own small  
24 business. I raised four children, and I have a grandchild.

25 I make this trip here today because eating

1 organic is a way of life for me. I gladly spend three to  
2 four times what one would spend for conventional food  
3 because I believe it affords me the best opportunity of a  
4 long and healthy life. However, I am not happy to spend  
5 that kind of money on food that is labeled "organic" but  
6 has been adulterated by the use of unapproved additives,  
7 chemicals, or other so-called safe items.

8           What I'm hearing is that factory farms are to be  
9 allowed to call themselves organic. There is no way that  
10 factory farms and "organic" can be synonymous. In the face  
11 of a mad cow disease outbreak, the USDA lied about the  
12 amount of testing done. That lie not enough, they tried to  
13 strong-arm other countries into reducing the amount of  
14 their testing. How can we trust an agency that lies to the  
15 public? How can we trust an agency that appears to be bent  
16 on destroying the public trust in organic labels?

17           The agency is being asked today to fund a  
18 director and to maintain the integrity of the "organic"  
19 label. Those are legitimate and reasonable requests. If  
20 the USDA and NOP continue to erode the integrity of the  
21 "organic" label, it will be up to the individual to  
22 research each and every bit of food they eat, every item  
23 they put on their body. It will be up to organic  
24 organizations to investigate every item that calls itself  
25 organic and make that information available to the public.

1           Presently I do my best not to buy so-called  
2 organic products that are put out by large food producers,  
3 and I won't mention any names here. I do not trust that  
4 these large producers are totally honest about their  
5 organic ingredients.

6           I no longer donate to my representatives because  
7 they do not hear me. No one in the government seems to be  
8 listening. My giving goes to organizations that I believe  
9 will preserve organic food sources, will encourage the  
10 intelligent use of our land and resources, will disseminate  
11 the information we need to make safe choices in food and  
12 other products we use in our ordinary daily lives.

13           Organic has become a thriving business. It will  
14 continue to grow and prosper because we cannot trust our  
15 conventional food sources. Company who want to get into  
16 the organic business should recognize the reasons behind  
17 the lack of trust in conventional foods and understand they  
18 will not win a share of the market without garnering the  
19 public trust.

20           I would just like to add that this has been an  
21 eye-opener for me today, because I am just a consumer, I do  
22 read labels, I try very -- to be very careful about what I  
23 eat and what I feed my children, even what I feed my dog.  
24 I don't eat meat. I'm concerned now about the fish.

25           We out there in the public who buy these products

1 want to know that there is someone who is being honest and  
2 honorable about this "organic" label, and while you all are  
3 volunteers, you all seem to have our best interests at  
4 heart, the truth of the matter is: you are a board, and  
5 someone in the government someplace is really pulling the  
6 strings and making the decisions, and it's discouraging to  
7 the average public, but I thank you for your time and  
8 effort.

9 CHAIRMAN KING: Goldie.

10 MS. GOLDBURG: I just want to respond that I  
11 heard you twice refer to yourself as "just a consumer."  
12 Don't ever do that.

13 MS. BRANDLEY: Well, but I'm not in the trenches  
14 (chuckles), I just buy.

15 MS. GOLDBURG: Well, I would urge you also not to  
16 -- not to stop having faith in the "organic" label,  
17 recognize that it is a process, recognize that we all have  
18 to guard against many forms of attack, not the least of  
19 which is the expansion of genetically-engineered crops,  
20 which is a very -- and other such technical situations,  
21 continue to believe in this, you have four grandkids, I  
22 have five, and I'm interested in my own health, but I'm  
23 much more interested in the future and in maintaining a  
24 future that we can all see our children going into, so  
25 please don't lose faith in this process. Thank you.

1 MS. BRANDLEY: Well, I continue to buy organic,  
2 because I certainly can't buy conventional.

3 (Laughter.)

4 MS. BRANDLEY: But I would like to know that when  
5 the label says "organic," it is what I believe organic to  
6 be, and I don't want to -- I don't want to see any of that  
7 other stuff in it.

8 MS. GOLDBURG: Your participation is very much a  
9 part of that process of maintaining integrity. Thank you.

10 CHAIRMAN KING: One quick comment. Coming from  
11 the retail background, like Goldie, what I would add to  
12 that is that: yes, you are in the trenches, you're the  
13 front line, you're the end user, and what you think and  
14 care about matters, and we need to hear that message and we  
15 need to respond to that message, so thank you very much,  
16 seriously, for coming here today.

17 MS. BRANDLEY: Thank you.

18 (Applause.)

19 CHAIRMAN KING: Kim.

20 MS. DIETZ: On behalf of someone who works for a  
21 large corporation and one of the first acquisitions in the  
22 organic industry, we have been leaders in this industry, we  
23 follow all the rules, each and every one of us have been  
24 instrumental in implementing these standards, so while  
25 organic foods is a personal choice and I will always stand

1 behind that, I do take offense to the daggers and  
2 everything being thrown against large corporations, because  
3 we too are just as invested as each and every one of you in  
4 this audience, and it's not fair to say stuff like that.

5 Thank you.

6 CHAIRMAN KING: Okay, next is Dave Engel, on deck  
7 is Leslie Zuck. We have approximately 15 minutes and we  
8 have five people, that's all I'll say.

9 MR. ENGEL: David Engel, a dairy farmer from  
10 Wisconsin, and the Executive Director of the Midwest  
11 Organic Services Association.

12 I too want to provide great encouragement and  
13 thanks to the Board, to the National Organic Program and  
14 their staff, and to all the pieces that I referred to in my  
15 last public comment two days ago, because we're all working  
16 together. I think, you know, in the interest of time, I  
17 would just like to make one observation, and I don't think  
18 Marty will mind my using him as an example, but all of the  
19 comments that have been made today have been, I think,  
20 good, they have a context, tomorrow is another day, we have  
21 to go forward and practically and considerately take things  
22 into consideration in our own spheres on our daily work  
23 lives, our personal lives, and as the collective here, but,  
24 you know, the organic industry, when it started -- the  
25 reason we're here now is because we wanted to be here now.

1           The minor, relatively minor, intensities that  
2 have come up these last few days are all part of a process  
3 that we're going through, and, you know, Marty got up and  
4 said some very fine words about the directives, et cetera,  
5 how we need to change them, but on the other hand, you  
6 know, he was part of an effort to approve a very specific  
7 product for a very specific industry, and I think we all  
8 need to have that kind of leeway, that kind of honor and  
9 respect from everybody, because we're all in it together,  
10 and what was good for one person may not be of interest to  
11 another person, but in the sum of things, a lot of what  
12 we're talking about here today needs to be taken in a  
13 larger context. I don't think we're "going to hell in a  
14 hand basket," but we need to keep working together.

15           CHAIRMAN KING: Thank you, Dave. Leslie, and  
16 then Jean Zanzaville.

17           MS. ZUCK: Leslie Zuck, Pennsylvania Certified  
18 Organic, an accredited certifying agent, in Pennsylvania,  
19 and I have to say that I agree with everything that  
20 everyone has said about all the wonderful work that the  
21 Board has done, how's that for a collective compliment.

22           CHAIRMAN KING: We'll take that.

23           UNIDENTIFIED FEMALE VOICE: You still just have  
24 five minutes.

25 (Laughter.)

1 MS. ZUCK: Our farmers in Pennsylvania are,  
2 however, very upset about the antibiotic directive, and  
3 they say to me that they work very hard to raise their  
4 animals organically and now they see the door being opened  
5 to those farmers who do not make those efforts and who may  
6 now resort to antibiotics, especially for their young  
7 stock.

8 The farmers who manage their farms organically do  
9 provide humane treatment to their animals, they will  
10 administer a prohibited medication to an animal to save its  
11 life or to reduce suffering, and we know this, because they  
12 -- they call us and they ask us what do they do now with  
13 that animal, and we -- we do tell them that the treated  
14 animal would have to be a non-organic animal and so forth,  
15 and this happens occasionally, and it's usually a few  
16 calves, maybe as many as five or six, and, you know, with  
17 this new directive, the farmer would be allowed to keep the  
18 calves in the herd, and that's not necessarily a bad thing,  
19 and I think the farmer would agree that he would like to  
20 continue to be able to do that.

21 However, the consequences are also that it would  
22 be increasing the practice of treating animals with  
23 antibiotics, parasiticides, et cetera, et cetera, and our  
24 farmers do consider this a significant weakening of organic  
25 integrity.

1           Because once these materials are on the farm,  
2 they're ready available and they will be regularly used.  
3 Essentially, calves and heifers will be managed no  
4 differently than conventional calves and heifers, including  
5 perhaps medicated milk replacer or calf feed.

6           Okay. As an accredited certifying agent, we are  
7 being directed to allow this practice, in violation of the  
8 Organic Foods Production Act, which prohibits the use of  
9 antibiotics and other prohibited materials. If we as a  
10 certifying agent -- if a certifying agent doesn't follow  
11 the directive to allow antibiotics in violation of the Act,  
12 the certifying agent will have its accreditation revoked.

13           The same goes for pesticides with unknown inerts:  
14 if we allow them, we violate the Act; if we prohibit them,  
15 we violate the directive. Same goes for the fishmeal,  
16 preserved with ethoxyquin: if we allow it, we violate the  
17 Act; if we prohibit it, we violate the directive.

18           I'm not sure how much longer we can go on in this  
19 schizophrenic state or how much longer the organic  
20 community can really put up with it, and I don't know the  
21 answer, but I do know that there are a lot of really smart  
22 people in this room and we need to put our heads together  
23 and figure out something very soon, because this is very  
24 urgent. Maybe we need to march on Washington, I don't  
25 know.

1           At the very least, I think that we need to have  
2 an implementation period for the certifying agents and  
3 producers to swallow these directives, you know. We can't  
4 be expected to implement them instantaneously, and that's a  
5 real -- a difficult burden, especially on the producer.  
6 It's like we told them yesterday they were supposed to be  
7 doing this, and now tomorrow they have to be doing that.  
8 So that's a problem.

9           And I have an announcement to make: any  
10 accredited certifying agents who would like to join the new  
11 certifying agents organization, or are thinking about  
12 joining, to meet us in the lobby at 7:30, at this hotel,  
13 and we're going to have an informational dinner meeting at  
14 8 tonight. If anyone would like to attend that and has  
15 already done so, let myself or Dave Engel or Valerie  
16 Francis know so we can put you on the reservation list.

17           CHAIRMAN KING: Andrea.

18           MS. CAROE: Leslie, you had mentioned that in  
19 regards to the antibiotic directive that came out, that --  
20 I guess you're not satisfied but you do see some benefit to  
21 this -- that it might be a good thing if they could keep  
22 those few animals on the farm.

23           In that vein, do you see that there is any  
24 suggestion that you or the community can make for how this  
25 could be implemented with some restrictions or something

1 that would alleviate your concern that this would initiate  
2 overuse of these materials?

3 MS. ZUCK: Whenever this issue has come up  
4 before, in the exact vein, you know, "should we allow  
5 antibiotics up to 6 months," or any of those kind of  
6 exceptions, our farmers have been adamant and said that  
7 they've done -- you know, for them, the cost benefit  
8 analysis don't allow it at all, because they're doing that  
9 now, for the most part, and if they have to sell a calf or  
10 so, they don't mind. They feel that it's more important  
11 that we have strict standards.

12 MS. CAROE: That wasn't my question. My question  
13 was: Could this be implemented with something attached to  
14 it, something more, that would prevent it from being  
15 overused? I mean, I understand you're saying if it's in or  
16 out, you prefer out, because you think it (inaudible) --

17 MS. ZUCK: Well, the my answer is: No.

18 CHAIRMAN KING: Thank you. Next is Jean, then  
19 Steve LaFayette, and Kelly Shea will be our last comment  
20 today.

21 MS. ZAZADIL: Hi. I'm Jean Zazadil, I'm a  
22 consumer and interested or concerned citizen. I'm not  
23 going to read my own comment, because everything has been  
24 said more eloquently before, but I do want to comment on  
25 the praise for the Board as well as the statements of

1 Thomas Harding.

2 I am reading the proxy of Jim Cone [phonetic] of  
3 Almar [phonetic] Orchards in Flushing, Michigan:

4 "My wife, five children, and myself, along with  
5 four full-time and many seasonal part-time workers grow  
6 40,000 bushels of organic apples on our 250-acre farm. We  
7 used to grow with conventional methods and almost went  
8 broke because of the cost of chemicals, low market prices,  
9 and cheap foreign imports. Sven years ago we started  
10 transitioning to certified organic production, and now, as  
11 an organic grower, I can make a decent living for my family  
12 and afford to hire other people that went to spend their  
13 life growing food for others.

14 "Our farm is more sustainable now that we do  
15 organic production because it has less reliance on costly  
16 chemicals that damage my soil and negatively impact the  
17 environment.

18 "Almar Orchards now grows in harmony with Mother  
19 Nature, letting her do most of the work in controlling the  
20 pests, insects, and diseases. We use very friendly  
21 chemicals like hot pepper juice, soap, garlic, vinegar, and  
22 Neem [phonetic] oil, molasses, liquefied fish and seaweed,  
23 insect mating disruption, diatomite herb [phonetic], and  
24 kaolin clay.

25 "Our farm is now teeming with wildlife because of

1 the absence of harsh chemicals. I only wish that I had  
2 started growing organically 25 years ago, before my wife  
3 and I started rearing our children on the farm.

4 "Organic farming is part science and part  
5 religion. Probably only other organic farmers truly  
6 comprehend that statement. One cannot be close to God if  
7 you are out there poisoning His Earth. Organic farming  
8 takes a lot more labor, a greater understanding of the  
9 complexities of life that is interacting in and on the  
10 land. It is a proactive approach instead of the  
11 conventional reactive method of spraying a chemical to fix  
12 a problem that shouldn't have occurred because it could  
13 have been prevented.

14 "The conventional apple-growing industry is going  
15 broke, without government support dollars. Look at the  
16 hundreds of millions of dollars that were given to growers  
17 the last three years, and yet 23 percent of them still went  
18 under, according to the Michigan Department of Agriculture,  
19 here in Michigan in the last three years. If you lower the  
20 standards for organic certification or change the rules to  
21 make it easier to grow organically, you'll substitute man-  
22 power and brain-power for chemical-power.

23 "Factory farms and corporations will overpower  
24 the family organic family operations. If consumers become  
25 confused about what organically-grown food really is, or

1 lose faith in the certification process and enforcement, or  
2 think for one minute that government is manipulating the  
3 system and the rules to help big business may get another  
4 buck, then the increasing demand for organic food will  
5 shrivel and die. My farm and most of my other pioneer  
6 organic farms of the 21st Century will also die. They will  
7 probably be resurrected as housing projects.

8 "Please don't listen to big business, but  
9 instead, listen to the simple little organic farmer, for he  
10 is the meek of this Earth."

11 Thank you.

12 CHAIRMAN KING: Thank you. Steve LaFayette, and  
13 then Kelly, you're on deck.

14 MR. LAFAYETTE: Good afternoon. Thanks for your  
15 time and the opportunity to speak with you. I am going to  
16 forego my own personal statements, I've given copies, on  
17 organic acid-free paper, and I'm just going to read the  
18 proxy statements of two other farmers, but quickly try to  
19 just make the connection that I am here as a consumer, I'm  
20 -- I know we're all consumers, but I'm not affiliated with  
21 any organization, I'm not a member of an organization, I  
22 don't farm; I shop.

23 But I am here to speak for a few farmers that I  
24 have a great admiration for, who grow things that -- you  
25 know, I try and grow these same foods and I kill 'em half

1 the time, so I have a --

2 (Laughter.)

3 MR. LAFAYETTE: I have a great appreciation for  
4 what they do. And one of the main other reasons why I'm  
5 also here to make the connection is that I have health  
6 issues, I have allergic reactions to certain foods, which  
7 you can read about in my statement, but it speaks directly  
8 to my concerns, that have been already voiced and  
9 articulated regarding organic labeling and to the larger  
10 issue of organic marketing.

11 So just to just straight into the proxy statement  
12 here, of Jeff Webster, he wants to make some comments  
13 regarding the federal program of organic certification.

14 "My name is Jeff Webster, and I'm Secretary of  
15 the Sierra Club National Agricultural Committee. I'm  
16 speaking for myself and not for the committee at this time.

17 I'm concerned about means testing regarding organic  
18 production and processing of our food. I'm also concerned  
19 about the possibility of the federal certification process  
20 not checking with producers and processors regarding  
21 compliance of set-forth organic standards.

22 "I would hope that at least an annual inspection  
23 be done by certified federal inspectors regarding the use  
24 or misuse of chemicals introduced into the process, that  
25 should not be there. Also there should be a soil test done

1 each year of any land that is certified to be organic.  
2 There should be an annual test run on all food crops on  
3 farm that are part of the organic program, to ensure that  
4 they meet the strictest standards of organic purity, in  
5 addition to the above monthly checks at random, an  
6 unannounced should be conducted at any processing facility  
7 preparing organic foods for human consumption. The organic  
8 food in question should be checked at every step of the  
9 processing and packaging process.

10 "If any of the above checks are not done or if  
11 they fail organic standards set forth" -- "set forth, the  
12 land, grower, and procedures should be held liable for not  
13 meeting these standards and put on non-producer or  
14 -processor status for a period of six consecutive months  
15 for the failure. At the end of the six-month period, the  
16 system in question is checked again, and, if in compliance,  
17 will be allowed into the organic chain of food production  
18 for humans again.

19 "The entire process of organic food production  
20 should be very transparent and open to public inspection.  
21 Federal organic standards should be at least as rigid as  
22 the traditional organic certification processes and was.  
23 The health of our nation and its food supply is an issue of  
24 the highest importance."

25 And again, because of, you know, my own food

1 allergies to specific foods, you know, I clearly understand  
2 how, you know, even -- you know, how our health is  
3 inextricably connected to the food we eat.

4           The other proxy statement here is from Larry  
5 Gilbertson.

6           "The testimony" -- no. As Larry: "I farm a  
7 small certified organic dairy in central Wisconsin. This  
8 farm has been certified nearly three years and has been  
9 farmed that way at least three years prior to  
10 certification. Milk from about 40 cows is sold organic,  
11 and all herd replacements are from on-farm births. It has  
12 been a closed herd for many years, well before being  
13 involved with organics. All winter forage and summer  
14 grazing come from this farm. No split conventional crop or  
15 livestock production is done on the farm.

16           "I have deep concerns for organic food and the  
17 people who look to the USDA "organic" label. They want to  
18 feel assured that what they are buying and paying a premium  
19 for truly meets organic standards and that those standards  
20 are consistent for all production.

21           "There is little need for a National Organic  
22 standard if favoritism and exemptions are granted to large  
23 influential deep-pocket farm operations that do not want to  
24 or can not follow the standards set by the National Organic  
25 Rule.

1           "When stories of these exemptions come out in the  
2 press, it destroys the whole organic program for everyone,  
3 save perhaps only the few getting the favors, at least in  
4 the short term. Those consumers looking for food produced  
5 in more earthly friendly way and the small producer  
6 following the rules are directly affected. The small  
7 producer feels his work is in vain and the consumer trusts  
8 nothing. Those on the outside, looking in, the  
9 conventional producers scoff at the whole organic movement  
10 and label it all as" -- "and label it all as. They are  
11 only in it for the money.

12           "This is real unfair to the people who have  
13 worked hard in the cause and believe in what they do. The  
14 National Organic Program needs people who understand  
15 organics and have a passion for this alternative type of  
16 food production in this country.

17           "If the present leadership of the National  
18 Organic Program is only really versed in conventional  
19 production methods and maybe feel there is really no  
20 difference, then this leadership should stay in the  
21 conventional USDA community and not be in a position where  
22 exemptions can be granted to rules for a select few, rules  
23 such as: poultry outside access; or being able to feed  
24 non-organic feedstuff because organic costs too much; or  
25 replacement heifers slipped into large operations, that

1 were not raised organic due to limited supply, and waiting  
2 to cash in quick on the rising organic market, and a whole  
3 host of other shortcuts.

4 "With organic sales increasing annually, there  
5 are many who wish to destroy this whole thing and make it  
6 go away. Companies producing GMO crops do not like the  
7 organic community, suggesting there may be consequences to  
8 using their products, and they don't like the complaints  
9 about contamination with pollen drift or production  
10 mix-ups.

11 "Conventional food production is threatened with  
12 loss of market share. When bad press comes out regarding  
13 some organic rule that was suspended in favor of large  
14 production and the almighty dollar, those who wish to  
15 destroy the whole organic movement are just smiling."

16 So I'd just like -- and as far as this last  
17 sentence, I'd just like to include myself. You know, Larry  
18 and I would wish and request upon the Board to appoint  
19 people to the National Organic Program that will protect  
20 the integrity of the program.

21 So thank you for your time.

22 CHAIRMAN KING: Thank you very much.

23 MR. LAFAYETTE: And Larry and Jeff, thank you for  
24 your time.

25 CHAIRMAN KING: Thank you. Kelly.

1 MS. OSTIGUY: Before you start, Kelly: I need to  
2 leave, Rose is going to leave, this is not -- the public  
3 comment has been absolutely wonderful; we have a plane to  
4 catch, so I apologize.

5 MS. SHEA: I'm not even going to be two minutes,  
6 okay? This is Kelly Shea, with Horizon Organic Dairy. I  
7 had no prepared statements for today, but in light of what  
8 I've heard in this room since this morning, I really felt  
9 that I needed to stand up and speak, and not only to the  
10 NOSB but to this audience also.

11 I'm appalled by what I saw here today. I really  
12 believe in activism and in bringing people together to  
13 effect change, but when it's based on untruth, I cannot  
14 support it. I spoke to the consumer today who stood up  
15 here -- great lady with the little boy -- and said it's  
16 very disappointing to discover that Horizon Organic is held  
17 to a different, less-demanding standard than the small  
18 farmers out there.

19 Who is Horizon Organic? We are a dairy marketing  
20 company, with 260 to 300 independent family farmers  
21 supplying milk to us. We are held, our company and our  
22 farmers, to the same standards as everyone else. And when  
23 I asked this lovely lady where she got her information  
24 from, she pointed to another person in this room and said  
25 that actually she was a consumer of Horizon Organic

1 products and was shocked to learn from this person that we  
2 employed these type of practices.

3           Horizon Organic, since its inception in 1991, has  
4 fought for organic foods produced without growth hormones,  
5 antibiotics, or dangerous inputs, and if you really want to  
6 talk about the truth, you should talk about that. If you  
7 want to talk about the truth, you should talk about the  
8 fact that Horizon Organic just gave all of its producers a  
9 voluntary raise, but that kind of good news is not brought  
10 up here. Untruths are brought up here. And if there is an  
11 enemy to the organic industry, it is not from without, it  
12 is from within, and I suggest we get ourselves together.  
13 Thank you.

14           CHAIRMAN KING: Thank you all for your public  
15 comment, it's a very important part of the process, we  
16 appreciate it, it is considered, and we appreciate you  
17 taking time out of your busy schedules and lives to come  
18 here, to help this program.

19           Unfortunately, we have to move very quickly --

20           MR. CARTER: Mr. Chairman.

21           CHAIRMAN KING: Yes, Dave.

22           MR. CARTER: If you would formally close the  
23 public comment period, I have a motion that I would like to  
24 make very quickly, while we're --

25           CHAIRMAN KING: Thank you. The public comment

1 period is formally closed.

2 MR. ANDERSON: As I mentioned this morning during  
3 a point of personal privilege, I would like to offer for  
4 the Board's consideration a resolution that simply says:

5 The National Organic Standards Board expresses  
6 its strong opposition to and concern with the National  
7 Organic Program's issuance of significant policy directives  
8 without consultation with or advance notice to the NOSB. I  
9 would so move that resolution.

10 MR. RIDDLE: Second.

11 UNIDENTIFIED FEMALE VOICE: Do you have that in  
12 writing, for the record, so that I don't have to remember  
13 what you said?

14 MR. CARTER: Yes.

15 CHAIRMAN KING: Okay, moved and seconded.

16 Discussion.

17 (No audible response.)

18 MR. CARTER: This does not do anything to change  
19 the motion -- the motion yesterday directs the policy  
20 development committee to bring forward some further, but I  
21 just -- as I mentioned this morning, I thought it was  
22 important for this Board to make a statement before we  
23 leave Chicago.

24 CHAIRMAN KING: So it's your intent that it's  
25 read into the record.

1 MR. CARTER: Right. Moved and seconded, this was  
2 a formal motion.

3 CHAIRMAN KING: Discussion?  
4 (No audible response.)

5 CHAIRMAN KING: All those in favor, signify by  
6 saying aye.

7 BOARD MEMBERS: Aye.

8 CHAIRMAN KING: Opposed, same sign.

9 MS. DIETZ: I'm going to abstain.

10 CHAIRMAN KING: 1 abstention.

11 MR. SIEMON: Can we do our work plans offline?

12 CHAIRMAN KING: I would suggest by next Friday  
13 just submit your work plans, and then any unfinished  
14 business concerning recommendations, information, and the  
15 like, please have that to Katherine by next Friday, if at  
16 all possible. That's May 7. Next meeting.

17 (Off the record and reconvened.)

18 CHAIRMAN KING: All right.

19 MR. RIDDLE: An update on the status of the  
20 livestock materials that the Board's recommended, and we  
21 heard from the FDA in October, and we've heard it come up  
22 from several public commenters, the need to move that  
23 forward, so I just wanted people to know, on the record,  
24 where that's at.

25 MR. JONES: The document has been completed, it

1 is at Office of General Counsel, they've raised a number of  
2 questions about the document, they have significant  
3 concerns about the level of documentation associated with  
4 the materials. We are going back in consultation with OGC  
5 and attempting to answer their concerns. But that's where  
6 it's at, and it won't move forward until those concerns get  
7 answered.

8 MS. DIETZ: Keith, are any of those materials on  
9 the docket that we have re-reviewed from the May meeting or  
10 are these all --

11 MR. JONES: The docket contains everything  
12 through May 2003.

13 CHAIRMAN KING: Any questions, comments?

14 MR. RIDDLE: No, that's all. I just wanted to  
15 know and have it in the record where it was at, so -- some  
16 things may get kicked back to the Board if there's  
17 clarifications on kind of our language or --

18 MR. JONES: I actually don't think it's -- you  
19 know, and this is what I know at this point, and I am  
20 drafting that docket, it is in my control, okay, so my  
21 conversation with OGC at this point leads me to believe  
22 that it is a drafting process, that the information that we  
23 have is sufficient, it's a question of getting it in the  
24 docket. I do not anticipate that we'll need to come back  
25 to the Board.

1           We have gone through the consultation process  
2 with FDA on all of those materials. Some of the materials  
3 I think that were mentioned in public testimony this  
4 morning, as many of you know, are off-label use and will  
5 not be included in the docket. Propylene glycol for the  
6 use of treatment of milk fever is an off-label use for that  
7 material, and that will not be included in the docket.

8           CHAIRMAN KING: Other questions?

9           MR. RIDDLE: Thanks, Keith.

10          CHAIRMAN KING: Thank you very much. Quickly, at  
11 our last meeting we had tentatively said we would like to  
12 have an NOSB meeting in conjunction with Expo East.  
13 I believe the proposed dates were October 12, 13, and 14,  
14 so if people could confirm that on their calendars quickly.

15          MS. CAUGHLAN: Is the 12th, 13th, and 14th the  
16 date of --

17          CHAIRMAN KING: -- the meeting. Expo would  
18 follow.

19          MS. CAUGHLAN: Expo would follow it, as it is  
20 this time.

21          CHAIRMAN KING: Correct. It's my understanding  
22 it begins on the 15th, Expo.

23          MR. O'RELL: You know, Mark, the only thing that  
24 I would raise is a question -- for those people who have to  
25 be there for the full length of Expo, like we have to be

1 for the full length of OTA, this is for seven days that  
2 we're out on the road, and for people who travel all the  
3 time, it's really tough.

4 CHAIRMAN KING: Yeah.

5 MS. CAUGHLAN: But it's important, for a lot of  
6 us, to be able to combine those two.

7 MR. O'RELL: Then hold them overlapping somehow,  
8 to cut the time, if that can be done.

9 MR. SIEMON: As much as I agree with Kevin,  
10 because I'm going to be here nine days, it also brings a  
11 lot more public commenters, the other side of the coin.

12 MS. CAUGHLAN: Yes, and that's very important.

13 MR. SIEMON: The other side of the coin. So it  
14 really is a toss-up -- it's a tear, it really is. And  
15 Goldie, they're proposing that we meet Tuesday, Wednesday,  
16 and Thursday, and then Expo starts on Friday, is the  
17 proposal.

18 MS. CAUGHLAN: Right.

19 MR. SIEMON: So it's a little better than this,  
20 where we've got a day lag in here.

21 CHAIRMAN KING: Right. Right.

22 MS. CAUGHLAN: Or a day of recovery, no matter  
23 how you -- depending upon how you look at it.

24 MR. RIDDLE: Just one other factor, and Rose is  
25 gone, but, you know, there's that whole sunset proposal or

1 process out there, and there -- if that does kick in,  
2 there's a certain period where the Board would have to  
3 meet, and so that may impact or we need to kind of  
4 coordinate or think about that in our meeting schedule, but  
5 for now let's set it at this --

6 CHAIRMAN KING: Well, thank you, Jim, that is an  
7 important point, we may need to adjust based on the sunset  
8 provision, but for now, if we could agree on October 12,  
9 13, and 14, that's Tuesday, Wednesday, Thursday, we'll just  
10 move forward with that.

11 MR. RIDDLE: Okay. As far as our next executive,  
12 will you just send -- executive committee meeting, will you  
13 just send something around?

14 CHAIRMAN KING: Yeah, I'll send an email.

15 MR. RIDDLE: Yeah.

16 CHAIRMAN KING: Okay. Thank you. Any other  
17 business?

18 MR. SIEMON: I move to close.

19 MR. CARTER: I second.

20 CHAIRMAN KING: It's been moved and seconded that  
21 we adjourn. The meeting of the National Organic Standards  
22 Board is officially adjourned. Thank you.

23 (Whereupon, at 12:08 p.m., the meeting was adjourned.)

24 \* \* \* \* \*

25

1  
2  
3

CERTIFICATE

In Re: NATIONAL ORGANIC STANDARDS BOARD MEETING  
Place: CHICAGO, ILLINOIS  
Date Held: APRIL 30, 2004  
Time Held: 8:00 A.M.

We, the undersigneds, do hereby certify that the foregoing pages, number 578 through 764, inclusive, is the true, accurate and complete transcript prepared from the reporting by LEAH JOHNSON in attendance at the above-identified hearings, in accordance with applicable provisions of the current USDA contract, and the below-signed persons have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the hearings and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the hearing.

5/5/04                   TRANSCRIBER: Debbie Barnard  
                                  R & S Typing Service

\_\_\_\_\_  
Signature

5/5/04                   PROOFREADER: Sheila Orms  
                                  R & S Typing Service

\_\_\_\_\_  
Signature

5/5/04                   REPORTER: LEAH JOHNSON

\_\_\_\_\_  
Signature

R & S TYPING SERVICE - (903) 725-3343  
5485 S. LIVE OAK, GILMER, TEXAS 75644

R & S TYPING SERVICE - (903) 725-3343  
5485 S. LIVE OAK, GILMER, TEXAS 75644