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UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C.

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NATIONAL ORGANIC STANDARDS :
BOARD MEETING :
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A meeting in the above-entitled matter was held on
March 27, 2007, commencing at 1:03 p.m. in the Washington
Plaza Hotel, Ten Thomas Circle, N.W., Washington, D.C.
20000.

Andrea Caroe, Chairperson

APPEARANCES

BOARD MEMBERS:

Andrea Caroe, Chairperson	
Bea E. James, Secretary	14
Daniel G. Giacomini, Chairperson, Materials Committee	36
Gerald A. Davis	
Jennifer M. Hall	
Jeffrey W. Moyer	
Joseph Smillie	
Julie S. Weisman, Chairperson, Handling Committee	47
Kevin Engelbert	
Katrina Heinez	
Rigoberto I. Delgato	
Steve Demure	
Tracy Miedema	
Mark Bradley, Associate Deputy Administrator	16
Bruce Knight, USDA	31

PUBLIC SPEAKERS:

Will Fantle, Cornucopia Institute	59
Dr. Barbara Blakistone, National Fisheries Institute	63
Nancy Hirschberg, Stoneyfield Farm, Inc.	67
Jim Riddle, Organic Outreach, UMN	73
Andrea Kavanaugh, Pure Salmon Campaign, National Environmental Trust	83
Jim Pierce, Organic Valley/CROPP	88
Jim Pierce, Wisconsin Aquaculture Association	93
Chef Rick Moonen, Mandalay Bay Resort and Casino per Rachel Hopkins of Pure Salmon Campaign	97
Sue Ann McAvoy, Sensient Colors	105
Marc Cool, Seeds of Change	112
Joseph Mendelson, Center for Food Safety	120
Brian Baker, Organic Materials Review Institute	125
Lisa Engelbert, Northeast Organic Farming Association	132
Caralea Arnold, The Center for Food Safety	136
Emily Brown Rosen, Pennsylvania Certified Organic	139
Tom Ferguson, Perdue Agricycle	149
Rudi Lamprecht or Israel Snir or Michael Picchietti, Regal Springs Tilapia Company	
Joe Dickson, Whole Foods Market	
Leslie Zuck, Pennsylvania Certified Organic	
Melanie Saffer, PCO	

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

2 MS. CAROE: We're ready to call the meeting to
3 order. Can everybody quiet down a little bit and take your
4 seats? The spring meeting of the NOSB is now in session.
5 I'd like to thank you all for coming.

6 This is going to be a very productive meeting.
7 We're going to have more votes in this meeting than any NOSB
8 meeting has ever had before. I thank you all for your
9 comments in advance that we've received, and the comments
10 that we'll receive here at the meeting. We have quite a few
11 issues that evoked quite a bit of passionate comment, and we
12 will take them very seriously as we deliberate to make the
13 best recommendations possible.

14 At this time, I'd accept a motion to approve the
15 agenda for the meeting. Do I have a motion?

16 MR. SMILLIE: So moved.

17 MS. CAROE: Do I have a second?

18 MS. JAMES: Second.

19 MS. CAROE: Is there any discussion on the agenda
20 for the meeting? Hearing none, I'd like a vote for accepting
21 the agenda. All those in favor say aye?

22 (A chorus of ayes was heard.)

23 MS. CAROE: All those opposed same sign? The
24 motion passes. We have an agenda. I'd like to take the
25 opportunity now to welcome four of our new members, or our

1 four new members. One of our new members, unfortunately,
2 could not make it here today. That's Tina Eller. Tina is
3 holding one of our environmental seats, and she is going to
4 be -- she is holding spot on the Crops Committee and the
5 Livestock Committee and has been engaged in that activity
6 already, and is already a very valuable member of this Board.

7 I'd like to recognize Steve Demure. Steve is
8 holding a handler's seat. And he is actually vice-chair of
9 the Handling Committee. He is also on the Materials
10 Committee.

11 Tracy Miedema.

12 MS. MIEDEMA: Miedema.

13 MS. CAROE: Miedema. I apologize. Tracy is a
14 consumer rep, and she is going to be representing the Crops
15 Committee and the CAC. And last but not least, Katrina
16 Heinez, who is holding the scientist position on this Board,
17 and has also been assigned to the Handling Committee and the
18 Materials Committee.

19 All four of these members have been engaged in
20 activity on the Board since they were appointed in January of
21 this year. They, we have no novices anymore. These folks
22 came in and have been harnessing the load for us.

23 At this time, I'd like to ask if there's any
24 announcements from the Board? Any announcements? As I said,
25 this is a very productive meeting. We have a lot of

1 materials that have been reviewed. We have several other
2 very important issues that we've taken up. We will be making
3 more votes than ever before, and they will be done fairly
4 quickly. The Board members have spent a tremendous amount of
5 time on these recommendations. And we expect there to be a
6 lot of public comment, because there are so many
7 recommendations on the table.

8 At this time I'd like to go around the table and
9 have the members introduce themselves. If you can tell us
10 your name, what seat you hold, the committees that you're on,
11 and why you're serving on this Board. I think it's important
12 for the public to understand what compels you to do this
13 insane amount of work as a volunteer. So we'll start with
14 Dan, since I don't want to start with a new member, put you
15 on the spot. Dan.

16 MR. GIACOMINI: Dan Giacomini. I'm on the consumer
17 seat on the Board. I am an animal management nutrition
18 consultant and mostly in the dairy industry with ruminant
19 livestock in California.

20 I've taken the position of consumer, you know, very
21 seriously, and as I've spent a lot of time trying to
22 understand the consumer and learn the consumer, and I -- as
23 it turns out, I am now finding myself trying to explain the
24 consumers to producers a lot more than I'd ever have to worry
25 about explaining producers to consumers. So I think it's

1 been -- it's an interesting position.

2 I was just at a large dairy producer meeting in
3 Wisconsin last week, and that was essentially my whole talk
4 is trying to get them to understand and see where the
5 consumer is. And I try to continue that education on myself
6 whenever I can.

7 MS. MIEDEMA: Good afternoon. My name is Tracy
8 Miedema. I currently work for Stallbush Island Farms, a
9 family farm in the Willamette Valley in Oregon. I am on the
10 Crops Committee and CAC, as Andrea just mentioned. And my
11 motivation for being part of the Board is that a fundamental
12 belief that people should contribute at the level that they
13 are capable of. And I felt like I could make a contribution
14 and am here to do so. Thank you.

15 MR. ENGELBERT: Hello. I'm Kevin Engelbert. I'm a
16 producer representative on the Board. I operate 120-cow
17 organic dairy farm in upstate New York. I'm on the Crops
18 Committee and the Livestock Committee, and I have been
19 involved with organic agriculture all my life, and my boys
20 got old enough that I can turn over some responsibility, and
21 a good share of the responsibility of the farm to them, and
22 that has allowed me to serve on this Board, and which I'm
23 very grateful to be a part of.

24 MR. MOYER: I'm Jeff Moyer. I'm the farm manager
25 for the Roedale Institute. I've been involved with organic

1 production for over 30 years now. I hold a producers seat on
2 the Board. I'm on the Livestock Committee, and I'm also the
3 vice-chair of the Crops Committee. I'm involved with the
4 Board here because of my lifelong commitment to organic, and
5 I feel that I can make a commitment and a contribution to the
6 Board's work.

7 MR. SMILLIE: I'm Joe Smillie. I'm the senior vice
8 president of Quality Assurance International, and I hold the
9 certifier seat on the Board. I've been involved in the
10 organic movement since 1977, based on a decision I made on
11 ecology in 1969 during a momentary vision of enlightenment.
12 And I want to serve on this Board because I really think that
13 it's time to put the community perspective of, and
14 regulations and industry together, and to work out
15 compromises so that everyone can achieve their objectives
16 underneath the regulation of organic integrity.

17 MS. WEISEMAN: My name is Julie Weisman. I hold
18 one of the handler positions on the Board. This is the
19 beginning of my third year on the NOSB. I'm on loan to the
20 NOSB from the two businesses that I'm involved in, Ewon
21 Vanilla, which supplies commercial ingredients to food
22 manufacturers and Flavorganics, which is a retail brand.

23 I'm chair of the Handling Committee, and I am also
24 on the Certification Accreditation and Compliance Committee
25 and the Materials Committee. And I'm here because I have

1 been involved in organic, at least as a consumer, you know,
2 since I was, you know, adult enough to make my own food
3 purchasing decisions. And it's a chance to really, you know,
4 put into practice and work towards, you know, many, many
5 values that have been important to me my whole adult life.

6 MS. CAROE: Hi. I'm Andrea Caroe. I'm executive
7 director of Protected Harvest, a sustainable commodity
8 certifier. I am presently the chair of this Board, and I am
9 the past chair of the CAC. I am also a member of the
10 Handling Committee, the Policy Committee, and have had the
11 good fortune to be working with the Aquaculture working
12 group.

13 The reason that I am on this Board is, back in the
14 early nineties when I first was introduced to organic and
15 asked to be an inspector, I was brought into this industry
16 that was struggling with their next mutation to federal
17 regulation. Being that my past is running environment
18 laboratories and being under the thumb of EPA regulations, I
19 felt that I had something to offer. I felt that I could help
20 this industry adopt, adapt to a federally regulated industry
21 and so I am here to serve.

22 MS. JAMES: My name is Bea James, and I hold the
23 retail seat here on the NOSB. I am currently also the
24 secretary for the NOSB. I am on the Policy Committee, and I
25 am vice-chair of that committee, and Accreditation and

1 Certification, and I'm also a vice-chair of that committee.
2 I am currently working now with the NCGA, which is the
3 National Cooperative Grocer's Association, and I am very
4 excited to be here representing out of the 180 coops across
5 the nation 130 of them.

6 And the reason that I took this position is because
7 I want to contribute to our future generations, and I'm
8 hoping to maintain the organic integrity that all of us old
9 timers currently grew up with and believe in, and keep it
10 alive for the little kids who are growing up and some day
11 will be able to eat organic food as we know it.

12 MR. DELGATO: Very good. Hello. My name is
13 Rigoberto Delgado. My user friendly name is Rigo. I'm the
14 producer of West Texas. I can blame probably Jim Hightower
15 and my dad for becoming involved in organics. And the reason
16 I wanted to be involved in this process as an immigrant to
17 this beautiful country was to provide a payback way, and
18 contribute to the whole democratic process. So here I am.

19 I also want to make sure my children inherit the
20 same things and the same spirit that my dad was, still
21 willing to talk about. So here I am. I'm participating in
22 the PDC. I'm the chair of the Policy Development Committee.
23 I'm a member of the Crops Committee and the Livestock
24 Committee. Thanks.

25 MS. HEINEZ: Hello. I'm Katrina Heinez. I am from

1 Minneapolis, Minnesota, where I work for General Mills Small
2 Planet Foods. I work in the regulatory affairs department.
3 I am the scientist representative on the Board, bringing my
4 chemistry background to that. I serve on the Handling
5 Committee and the Materials Committee.

6 The reason I wanted to be on the NOSB is that I
7 grew up in a natural foods home eating organic as it was
8 developing. And I think I have skills to offer to help make
9 sure that we have strong, credible, organic regulations that
10 both serve our consumers and help make sure that all
11 consumers have access to food they can trust.

12 MS. HALL: Hello. I am Jennifer Hall. I am the
13 consumer representative. I serve on both the Livestock
14 Committee and the Certification Accreditation and Compliance
15 Committee. I live in Spokane, Washington. I currently work
16 for a residential developer who is quite active in getting
17 farmers markets started and building in agriculture as a
18 component of our developments. I have a long history in the
19 restaurant industry with those restaurants who try to source
20 as sustainably as possible, and also with helping smaller
21 producers with marketing efforts.

22 The reason that I am here is, I've always been a
23 purchaser of organics myself. I have definitely invested on
24 an individual basis in more education and training about what
25 it means, and what organic stands for, and as a consumer, I

1 am extremely proud and honored to be able to, I think, remind
2 us all of the great trust that's placed in us. I was
3 reminded a couple of days ago myself, a very intelligent
4 friend of mine knew there were rules out there, buys organic,
5 but really did not fundamentally in her head know that there
6 was already a national organic rule.

7 So I was reminding, kind of bracing, just that
8 there are so many people out there who really want that
9 quality, but really don't understand the machine behind it.
10 So it's important to keep that in mind.

11 MR. DEMURE: Good afternoon. My name is Steve
12 Demure. I'm with Campbell Soup Company. I live out in
13 Sacramento, California, and I'm on the Handling Committee and
14 the Materials Committee. And even though Campbells is
15 relatively new into the organic business, I have been
16 involved since the late eighties, early nineties. I was on
17 the startup team for Muir Glen, and very much like the
18 organic industry.

19 I fully, personally, am very proactive as far as
20 the philosophies and values of the organic industry, and I
21 want to be able to give something back to that. It's given a
22 lot of me and my family, and I want to do that back in
23 return. So thank you. And I am the newbie, one of the
24 newbies here.

25 MS. CAROE: We do have two members, besides our new

1 member, Tina, that are not here yet. Hugh Karreman will be
2 here Thursday. He was unable to make it earlier. Hugh is
3 the chair of our Livestock Committee, so his vice-chair,
4 Kevin Engelbert, will be pinch hitting for him. Thank you,
5 Kevin.

6 Also, Gerald Davis had some unfortunately airlines
7 difficulties, as we all can appreciate. So we expect Gerald
8 to be here sometime tonight, God willing.

9 Also, I'd like to take just a moment before we get
10 to the NOP staff, to recognize the row of chairs back there,
11 the three past chairs are all standing -- you're pasturing.
12 So Kevin Orell, Jim Riddle, and Dave are here to show me
13 where my seat is when I leave.

14 At this time, we'd like the staff to be able to
15 give a little bit of introduction?

16 MR. BRADLEY: I'm Mark Bradley, I'm the associate
17 deputy administrator of the National Organic Program.

18 MS. BENAN: Katherine Benan, Advisory Board
19 Specialist.

20 MR. COOLER: Bob Cooler, nationalist coordinator
21 for Kashi and Company.

22 MS. CAROE: Okay. Well, that's it for
23 introductions. Oh, and Valerie Francis, I'm sorry. Valerie.

24 MS. FRANCES: Valerie Frances, executive secretary
25 to the Board and just loving being here.

1 MS. CAROE: We find ourselves a little ahead of
2 schedule. Don't get used to it. But at this point, I'd like
3 to turn it over to Bea for secretary's report.

4 MS. JAMES: Since we have all that time, we can
5 read the transcripts from the last -- okay. Well, I would
6 like to move to accept the meeting transcripts as official
7 record for the October 2006 NOSB meeting.

8 MS. CAROE: Is there a second?

9 MS. HEINEZ: Second.

10 MS. CAROE: Any discussion? Hearing none, all
11 those in favor of the transcripts from the October 2006
12 meeting say aye?

13 (A chorus of ayes was heard.)

14 MS. CAROE: All those opposed, same sign? The
15 motion passes.

16 MS. JAMES: Okay. I would also like to move to
17 accept the meeting summaries as shown and posted on the NOSB
18 website for the NOSB fall 2007 meeting, I'm sorry, 2006, and
19 that was for October 17th, October 18th, and October 19th,
20 three different meeting summary minutes.

21 MS. CAROE: Is there a second?

22 MR. SMILLIE: I'll second.

23 MS. CAROE: Who seconded? Joe. Okay. Is there
24 any discussion on those summary transcripts or summary
25 minutes? Hearing none, all those in favor of accepting the

1 summary minutes from the October 17th, 18th, and 19th
2 meetings say aye?

3 (A chorus of ayes was heard.)

4 MS. CAROE: All those opposed, same sign? Motion
5 passes.

6 MS. JAMES: Okay. Last, I would like to -- the
7 summarized votes for the October 2006 meeting have been
8 updated as of yesterday. We did receive some public comment
9 regarding the votes, and that comment was very good at
10 pointing out that there could have been more clarification in
11 how the votes were summarized. So that has been updated.
12 And everybody received a copy of that.

13 So the voting cast has remained the same. The
14 updates on the voting summary include addition of
15 clarification of the motion, and the addition of results from
16 the motion after the voting results. So I'd like to move
17 that we accept the updated voting results from the October
18 2006 NOSB meeting.

19 MS. CAROE: Is there a second?

20 MS. KEINEZ: I second.

21 MS. CAROE: Katrina seconds. Is there any
22 discussion?

23 MS. FRANCES: Just one comment. I haven't had a
24 chance to post a revised version of this on the website. So
25 just for the public's interest.

1 MS. JAMES: Right. And I just want to restate that
2 the voting results haven't changed, it's just there's more
3 clarification as to exactly what the motion was and what the
4 final outcome was after the votes.

5 MS. CAROE: Any other discussion? Okay. All those
6 in favor of accepting the vote summary from the October 2006
7 meeting say aye?

8 (A chorus of ayes was heard.)

9 MS. CAROE: All those opposed, same sign? Motion
10 passes.

11 MS. JAMES: And that would conclude the secretary's
12 report.

13 MS. CAROE: Thank you, Bea. We're moving very
14 quickly. Next on the agenda is the NOP report. Mark
15 Bradley, are you available? Are you ready?

16 MR. BRADLEY: I am available. Want me to do it up
17 here?

18 MS. CAROE: I think they need you on microphone for
19 the transcripts.

20 MR. BRADLEY: I've got a microphone over here. I
21 can come up there.

22 MS. CAROE: Thank you.

23 MR. BRADLEY: I don't want to be rude and turn my
24 back to everyone. Thank you, Madam Chairman. It's wonderful
25 for the program to be able to have the Board here in

1 Washington. We were originally planning to go up to the
2 pacific northwest, but budgetary constraints kept us here in
3 D.C., which is not always a bad thing. It's nice to be able
4 to play at your home town and to bring people in.

5 It's always a good excuse for folks to come into
6 Washington, set up other meetings, and of course the people
7 that are able to attend the meeting, from a gross headcount,
8 I think there's just about 100 attendees, which is a very
9 good attendance. It indicates a good interest in the
10 programs, activities and the work that you are doing.

11 I'm just going to give a very brief, brief update
12 on what's happening with the NOP. We have so much time to
13 visit with the Board these days, at times it has been that we
14 needed to carve out some special time during the meetings to
15 bring the Board up to date on what's happening with the
16 program. It's not so much the case anymore. There's a lot
17 of communications, I think. I don't expect that there's
18 going to be any surprises at this update, but perhaps most of
19 this is for the folks that have come so far to attend the
20 meetings, and for the new folks as well.

21 The program, of course, has eight full-time staff
22 employees that work to accomplish the mission of the NOP.
23 We've had some changes recently, rather remarkable changes,
24 in fact. Keith Jones, who was formerly the National Organic
25 Program manager was in charge of the program when the final

1 rule became effective, has -- he went on a detail to Capitol
2 Hill and found a home up there permanently. And now he is
3 the new staff director for the House Agriculture Committee,
4 subcommittee on horticulture and organics. It's good to have
5 a friend up at that level, and we wish Keith the best.

6 It would be nice if he could have been here, but
7 I'm sure that he's so overly gainfully occupied, he's just
8 like everyone else. He's very busy.

9 We also have a visiting member on staff,
10 Ms. Valerie Schmale, who is on detail from the process
11 products branch from the Fruit and Vegetable Program.
12 Valerie is doing a very important function for us. She is
13 conducting an internal quality system audit. This involves a
14 complete analysis of the program's activities based on ISO
15 17,011, the guidelines for accrediting, certification bodies
16 -- or guidelines for accreditation activities of accrediting
17 bodies.

18 It's a really wordy title, but it basically is our
19 guidelines for being an accrediting body and for developing
20 standards. And her review will take approximately four
21 months, and is how long she's been detailed for us. If we
22 can get the work accomplished in less time than that, we will
23 keep her around to help us develop some of the, any kind of
24 remedial actions that would need to be developed based on her
25 findings.

1 But we're truly fortunate to have someone of her
2 caliber available to the program. She's a quality system
3 lead auditor, trained under ISO 9,000 standards, and
4 routinely conducts evaluations of certifiers and certified
5 operations under the process fruits and vegetable programs.
6 So that's a very fortunate situation for us.

7 We've conducted two major training events this
8 year. For the certifiers, we conducted a training in
9 conjunction with the Ecological Farming Conference in Pacific
10 Grove, California in January. We try to do our training in
11 January and February, during the slower months for the
12 certifiers that are operating in the northern hemisphere.

13 That was a very successful event with approximately
14 60-65 certifiers attending that. And also we try to hold an
15 annual certifier training event in conjunction with the BFO
16 Trade Fair in Nuremberg, Germany. That was conducted in
17 February of 2007 of this year.

18 The total attendees was over 100 accredited
19 certifying agents represented, which is as many as we've had
20 in total since we've been conducting the training. It
21 indicates an interest in the international community. The
22 training has been expanded from a half day to a full day of
23 training. And this year we issued written minutes of the
24 meeting so that they had something to take home. And that
25 was an interesting phenomenon. So many times we would say

1 something in the context of a training event. It would go in
2 one ear and out the other. And now they have something that
3 they can take home, and it's caused a little bit of a stir,
4 but it's a good thing.

5 We think that the controversies or the
6 clarifications that are indicated by the training will
7 provide some fodder for the Board to consider, and to make
8 clarifications in the policies or your recommendations as
9 they become relevant.

10 As far as training as well, we conducted a two-day
11 training event for the audit review and compliance staff, the
12 auditors that are responsible for accrediting certifying
13 agents. There were seven full-time employees that were
14 primarily tasked with the organic certification, accredited
15 certifiers, and conducting those reviews. They act as lead
16 auditors, and then they take less experienced auditors along
17 with them to gain experience.

18 We trained seven of those auditors in
19 Fredericksburg, Virginia, in November in anticipation of the
20 renewal audits of 40, well, now 39 accredited certifiers that
21 come new for renewal on April 29th of this year.

22 In the international arena we have eight recognized
23 governments that are authorized under the National Organic
24 Program to accredit certifying bodies to operate in their
25 country on behalf of the National Organic Program.

1 This is provided for in the regulations, and it's
2 something that, it's a bit of a phenomenon with the organic
3 community in that they are able to accredit certifiers only
4 to operate within their country for products that are going
5 to be exported to the United States.

6 There is some interest in having these, or by these
7 recognized bodies to accredit their certifiers to conduct
8 audits or to conduct certification activities outside of
9 their country. We have determined from the NOP that unless
10 they have regulatory authority outside their country, which,
11 of course, they don't, they would not be able to conduct
12 those certifications on our behalf. Anyone that's operating
13 internationally would have to be directly accredited by the
14 program.

15 We consider this to be a higher level of assurance
16 which is necessary to make sure we have the authority to
17 review products that come into the country. And if we need
18 to do that under other agreements with countries, we can
19 pursue that.

20 We have two new agreements which have been recently
21 put in place. In Israel, the Ministry of Agricultural and
22 Rural Development Planned Protection and Inspection Services,
23 PPIS, has been accredited to certify operations or accredit
24 certifiers in Israel. And also, recently, the Agriculture
25 and Processed Food Products Export Development Authority,

1 commonly know as APEDA, has been recognized by the USDA to
2 certify agents in that, or accredit agents in that country.
3 They already have, I believe, 10 certifiers that operate
4 under their authority in that country, in India, and we have
5 already gone on site and conducted an assessment of their
6 activities. That was conducted in December.

7 And the report has been issued to India that we've
8 received comments back from it, and we're in the process of
9 issuing the final report. There were no substantive
10 comments. So those reports will be available to the public
11 when they become final. Again, we have a total of eight
12 agreements.

13 We have two new accredited certifiers. One was
14 Ecocert Belgium, and the other is Nature's International
15 Certification Services, NICS. And Dave Engle, I believe, is
16 in the audience. And congratulations, Dave.

17 That brings to our total 96 certifiers that are
18 accredited to the National Organic Program. We haven't got
19 over the 100 mark yet, and I don't know what our problem is.
20 We've evaluated over 120, but they either don't pass, for
21 some reason, or they decide that they go out of the NOP
22 business. So we're looking to pass that 100 mark.

23 But it's, I don't know if we're just aching for
24 punishment or whatever, but it's an incredible work load for
25 the staff of eight on the NOP in Washington. But it's good

1 to see that this level of service is available to the
2 international community.

3 Our current work priorities for standardization, we
4 covered with the Board the myriad of things that we do this
5 morning, during the new members training. But just for a
6 summary, we have national list sunset, which is going to be
7 due at the end of this year towards October. That work is in
8 a proposed final rule process.

9 The national list for materials for 205-606 which
10 has to be in place for June 9th deadline for, under the
11 Harvey lawsuit. Pasture requirements for ruminants is still
12 currently in internal, in departmental clearance, but we're
13 expecting some activity on that.

14 Dairy herd replacement requirements, as soon as we
15 get done with the pasture requirements, we'll immediately
16 move into rule making on that. And there is already a work
17 plan in place for that. And, of course, the aquaculture
18 standards development -- that part of the, once we get the
19 Board's recommendation on that and receive more public
20 comments, we will begin the regulatory process for that.

21 Just for the brief comments I have, are there any
22 questions from the Board members on NOP activities or what we
23 are up to?

24 MS. CAROE: Dan.

25 MR. GIACOMINI: Mark, can you give us an update on

1 the livestock materials docket that was, proposed rule was
2 what, last summer sometime, and final rule has not been out
3 yet?

4 MR. BRADLEY: We are currently incorporating the
5 comments into that document so that we can go ahead and
6 publish it as final. And I don't have a time frame on that,
7 but it is being worked on right now. We only have half of
8 the NOP staff here, and you can see we're a little bit thin
9 over there because we kept the other half of the staff at
10 home so they can get some work done. Most of the email
11 traffic and calls are from people that are in this room right
12 now, so it's kind of a good chance to sequester them so they
13 can get some stuff done.

14 MS. CAROE: Joe.

15 MR. SMILLIE: Mark, could you just let us know
16 where our discussions with Canada are on their regulation,
17 since they now have a regulation, and how that will mesh with
18 the U.S. regulation?

19 MR. BRADLEY: The Canadians have published a
20 regulation that's going to be, I'm not sure whether the
21 effective date is in 2008, I believe. It's some time off,
22 but we're already talking about, we're going to have a
23 meeting to talk about a meeting about talking about
24 equivalents. We are there far away from getting anything
25 substantive done on it. But we are actually planning a

1 meeting to talk about how we're going to approach this.

2 We have decided, or I don't know if we've decided
3 or determined, I don't know if there is a decision that goes
4 with that, but it would be most appropriate for Canada to ask
5 us for equivalents, since we have a procedure for doing that.

6 Canada doesn't have an equivalents procedure. So since we
7 do, they thought they would ask us.

8 I don't know how this dance is going to take place,
9 and we talked a little bit this morning about what the
10 Board's involvement might be appropriate on that. We're
11 concerned that we engage the Board in any kind of concessions
12 that would be made to our regulations in the context of an
13 equivalence agreement. We don't have any of those yet.

14 We have lots of people asking for equivalents,
15 Switzerland, Japan. Israel has approached us, India. Most
16 of the recognition agreements that we have were in lieu of an
17 equivalents agreement. What we are, our equivalence
18 procedures essentially say, when your procedures or your
19 technical standards meet our standards, then we can discuss
20 equivalents. Beyond that, exactly how that's going to play
21 out, we don't know.

22 But Canada, there is a lot of activity between the
23 Foreign Act Service and the Canadian officials, getting this
24 process rolling. We're not close on it.

25 MS. CAROE: Kevin.

1 MR. ENGELBERT: Mark, for the benefit of the
2 public, could you expound a little bit more on the pastural
3 and where we are at, because it's not on our agenda at all?
4 You know, when do you think now it is going to be out, and
5 you know, the process it still had to go through?

6 MR. BRADLEY: The pastural, we said that we would
7 have, try to have something out by August of last year, and
8 then we said, by the end of the year, and now we are saying
9 by the end of this year. It is a work load based issue.

10 There is, it's been in clearance with, for internal
11 clearance for a matter of months now. The Office of General
12 Counsel and the Office of Management and Budget will be
13 involved in that clearance process. Exactly how long that
14 takes, and even once we get a proposed rule out, there may be
15 some -- there'll be substantive comment involved with that.

16 That process will involve at least, I would say, 90
17 days of public comment to make sure that everything is well
18 vetted. And then they would have to go back into considering
19 those comments, putting that out as a proposed rule; and then
20 go ahead and publish that. But it's work load, Kevin. It is
21 exactly work load.

22 We have a lot of things going on. The priorities
23 that the program has to address first, has to be the sunset
24 of things that are going to come off the national list, if we
25 don't have that regulation finalized and through the process.

1 606, of course, you are much more in tune with the
2 requirements or the work load that's associated with that,
3 because I know you've all been working nights and weekends
4 trying to get those comments incorporated so that you can get
5 your recommendations for this meeting. Those will have to be
6 a priority as well.

7 Beyond that, I would say the pasture, anytime that
8 we have, I know that there is, the comments that we have
9 already received on that are being incorporated in the
10 pasture docket. I can't give you a time frame on it, though,
11 as much as I would like to.

12 MS. CAROE: Any other questions? I actually have
13 one.

14 MR. BRADLEY: Ma'am.

15 MS. CAROE: You had mentioned that any day now, or
16 very soon, we'll see the reports on those recognized
17 accreditation firms that we sent folks over to review. The
18 two --

19 MR. BRADLEY: In India?

20 MS. CAROE: India and was it Israel was the other
21 one?

22 MR. BRADLEY: India is the only one that we've
23 evaluated so far.

24 MS. CAROE: Okay.

25 MR. BRADLEY: And we have received comments back

1 from the government of India on the draft report that we
2 have. There is a process that that goes through. And again,
3 that's just a matter of going final with the report.

4 MS. CAROE: When that report becomes final, you
5 said it would be made available. Is that going to be through
6 the website, or is that going to be something made available
7 upon request, or how is that available?

8 MR. BRADLEY: The government of India has indicated
9 that they would like for us to publish it for the whole world
10 to see. And we don't disagree with that. So this is new to
11 us. It's the first monitoring of those recognition
12 agreements that we've been able to do. So it's a new
13 process.

14 But I would expect that it would be best to just go
15 ahead and public it. I don't have a problem with that at
16 all. And I think it would support transparency in the
17 process.

18 MS. CAROE: Okay. And my next question, since I
19 don't have any others, you had, you said there was eight
20 recognized accreditation firms?

21 MR. BRADLEY: Yes.

22 MS. CAROE: Where are those listed and where can we
23 see who those are?

24 MR. BRADLEY: We have not done on site reviews of
25 those. And that will be, you know, funding available. The

1 Indian recognition agreement was granted pending an on site
2 review. It was, that was built into that agreement. The
3 other agreements were done based on document reviews and
4 existing knowledge, so were available to the program. There
5 were relationships already established for those reviews.

6 So there was a decision made, I guess, based on
7 resource availability to not do on site at that time. But
8 there is, it is in the intent or the intention of the program
9 to go ahead and conduct complete reviews of those and make
10 sure that they are as functional as we hope they are.

11 MS. CAROE: But at this time, those agencies are
12 allowed to accredit certifiers to certify to the NOP
13 standard, correct?

14 MR. BRADLEY: Yes, ma'am.

15 MS. CAROE: All right.

16 MR. BRADLEY: The recognition agreements are
17 effective the day that the administrator issues them, and
18 then the on site, the on site validation will be an ongoing
19 process.

20 MS. CAROE: Are there any other questions for the
21 program? Okay. We are half an hour ahead of schedule.

22 MR. BRADLEY: We have, Mr. Bruce Knight is
23 scheduled to come make an appearance here and offer some
24 comments to the program, or to the Board. I think that we're
25 looking at him being here at 2:15. So --

1 MS. CAROE: Well then my suggestion is that we take
2 our comfort break now and be back at 2:00. Is anybody
3 opposed to that idea, a 15 minute break now?

4 MR. BRADLEY: Thank you.

5 MS. CAROE: Thank you.

6 (Break.)

7 MS. CAROE: If I could have everybody's attention,
8 we're going to call back to order. Board members, please
9 take your seats. Okay. Thank you for shortening the break
10 just a hair bit. Can I ask that conversations please be
11 taken in the hallway? Thank you.

12 We are privileged today to have some distinguished
13 guests that I would like to introduce at this point. We have
14 Lloyd Day, our administrator here. And I would invite
15 Mr. Day to the mike.

16 MR. DAY: Thank you, Madam Chair. Good afternoon
17 everyone. I have the honor this afternoon of introducing the
18 undersecretary for marketing and regulatory programs at USDA.

19 Mr. Bruce Knight is a native of South Dakota, where he has a
20 cow calf operation.

21 He has been sidetracked from South Dakota for the
22 past couple decades, I'll say, where he's been here in
23 Washington working for both houses of Congress, and also as
24 the president of the Corn Refiners, I'm sorry, the Corn
25 Growers, you can never do that.

1 Bruce is now, after leaving the Corn Growers, he
2 came to work for USDA as the chief of the Natural Resources
3 Conservation Service, and he is a true conservationist. And
4 I think that's something that goes over usually very well
5 with the Organics Board.

6 He is now the undersecretary of the marketing and
7 regulatory programs. And I have to say, he's brought a great
8 deal of vision, and a great deal of energy, and a great deal
9 of leadership to MRP of which AMS is one of three agencies.
10 And so with that, I'd like to introduce undersecretary Bruce
11 Knight.

12 MR. KNIGHT: Thank you much, Lloyd and Andrea.
13 Thank you for allowing me to address the Board. You know,
14 Lloyd mentioned that I'm a farmer by trade from South Dakota,
15 and for those of you who were fellow farmers, I think you
16 will appreciate how I dub my current status.

17 I have been in this position for the last seven
18 months, and I call it my walking the fields tour. You know
19 when you add another tract of land to the operation, you
20 spend that first year figuring out the bugs, figuring out
21 where the weedy spots are, figuring out where the fences need
22 to be mended.

23 And that's what a lot of the work that I've been
24 doing the last seven months for the three agencies that we
25 have within our purview. And that, of course, is the Ag

1 Marketing Service that many of you have interaction with from
2 the organics. But it goes much beyond that, the marketing
3 efforts that go with a host of crops, as well as the export
4 verification programs that provide opportunities for farmers
5 and ranchers both conventional and organic around the
6 country.

7 APHIS is the Animal Plant Health Inspection
8 Service, where we are doing everything from animal ID to work
9 on avian influenza to BSC to protecting our borders. And of
10 course, GIPSA, the Grain Inspector Packers and Stockyards.
11 And for those of you in the livestock sector, you know one of
12 the most important services are provided there, we're simply
13 making sure that the scales are accurate at the local barn.

14 And of course, any of the grains that go into the
15 marketplace ultimately use the standards that are established
16 by GIPSA, primarily for international markets, but they are
17 the defacto standards that are out there. And in many ways,
18 that standardization function is very much like what you are
19 accustomed to from the organics side of things.

20 Lloyd mentioned, I am a conservationist by trade.
21 I spent the last five years as chief of the Natural Resources
22 Conservation Service, and was very proud of the work that we
23 did to really bring the conservation platform forward in a
24 very holistic manner, making sure that the Equip Program, the
25 other programs all fit well and had equal opportunity for

1 everyone, whether that is a conventional producer, a
2 livestock producer, an organic producer, could have an
3 opportunity that lies out of that.

4 Well, there are things that I wanted to mention to
5 the folks here is that we have a tremendous opportunity in
6 2007 with the upcoming farm bill.

7 Secretary Johanns has taken a very proactive step
8 in putting together what is quite soundly the most innovative
9 administration proposal that I've seen out in the last five
10 farm bills. It's very export-oriented. It is very business-
11 oriented. It is very conservation-oriented, \$7.5 billion
12 dollar increase for Equip alone, just in that one particular
13 aspect.

14 But the other thing that's very much a hallmark of
15 what Secretary Johanns has put out in the farm bill and is a
16 hallmark of what he expects folks like Lloyd Day and myself
17 and everybody to administer are aspects of USDA in, is a
18 passion towards equity and fairness in our farm policy.

19 As we did the listening sessions around the country
20 on the preparation for the farm bill, remember we visited 48
21 states. We would have covered all 50 states, had it not been
22 for Katrina, 53 listening sessions, 48 states. And we heard
23 a lot of folks approach us with very common sense ways to
24 improve the programs, common sense ways to make them managed
25 better, make them better serve the farmers and ranchers that

1 they are intended to serve, but also better ways to serve the
2 consumers who benefit from our bounty, as well as improving
3 management on it.

4 The recurring theme is that we have to have a farm
5 policy that is fair for everybody in agriculture. We cannot
6 have a farm policy that in fact benefits one segment of
7 agriculture to the detriment of another set of agriculture.
8 And so we are really trying to do some of that rebalancing,
9 that fairness and that equity. And in that context, I think
10 you are going to see many opportunities out there for the
11 organic community as well.

12 We've heard you talk about a desire to allow more
13 people in with assistance on the certification and the
14 transition. You see that opportunity out there. Many of the
15 folks in the organic community are making incredible
16 advancements as well in a desire for new market expansion.
17 And you see opportunities for market development, market
18 expansion, and perhaps as importantly, in market research and
19 research in how to bring those specialty crops forward as
20 well.

21 This is an incredibly advantageous time for
22 American agriculture, and for farmers and ranchers as a
23 whole. As I look forward to this next farm bill, I see a
24 great deal of opportunities for us. Opportunities for
25 farmers that are making that choice to go organic;

1 opportunities for farmers who are staying with that choice of
2 going with conventional methodologies; opportunities for
3 folks up and down the value chain of prosperity that is
4 offered by those things. And much of that keys off of being
5 able to lean forward and think about where we are going to
6 go, and how to have the right farm policies for where we want
7 to be in the future.

8 You know, I often tell folks the current farm
9 policies are about 70 years old. When you think about it,
10 those farms policies were developed at the time that my
11 father was making the transition from horse drawn agriculture
12 to the first tractors and mechanized agriculture. You think
13 about how any of us who are farming, how much we've seen
14 agriculture change in the last five years, the last 10 years,
15 the last 20 years.

16 We need a farm policy that reflects those changes.
17 We need a farm policy that reflects the fact that we have a
18 market segment, differing market segments with differing
19 needs. And we need to be able to be responsive for that.
20 That means that we need to be encouraging Congress to move
21 forth boldly with the next generation of farm policy that's
22 before us. That means we need to encourage Congress to seize
23 the day with this next farm bill opportunity.

24 With that, I appreciate very much the chance to
25 talk to you a little bit, and I encourage this Board to go

1 forth boldly, as well, not just on the farm policy, but also
2 in providing USDA good sound advice on where we should go on
3 the organic side of things as well.

4 I've had the pleasure over the years of being in
5 the audience monitoring committees like this. I've been in
6 the chairman's role. I've been in the staffing role. And
7 these forums are incredibly vital for all of USDA. And
8 they're very important for me as a venue of hearing from the
9 public their concerns, their interests, of having that
10 sounding board on how best to develop policies for the
11 future. Thank you very much.

12 MS. CAROE: So moving onto our next agenda item, we
13 have Dan Giacomini from the Materials Committee going to do a
14 presentation on our process for materials. Dan.

15 MR. GIACOMINI: Thank you. Valerie, if you can get
16 that up. As chairman of the Materials Committee I was asked
17 to offer a review and update of the materials process and
18 where we stand on some things, and also to make that a fairly
19 complete review, since it's been a number of meetings since
20 this review has been provided. Next slide.

21 As an outline, I'll try to go through these things
22 fairly quickly. We'll look at the national list of allowed
23 and prohibited substances, the category of the sections
24 involved in that. I will talk about the Handling Committee
25 subcommittee meeting of February 2007, the petitioned items

1 and sunset review discussion items that we will be looking at
2 at this meeting; the material review process, the national
3 list criterial, and final notes.

4 I just would like to say either to Valerie or Mark,
5 however, I would really appreciate the ability to get that
6 organic logo bullet, that was really cool on your
7 presentation. Next please.

8 National list of allowed and prohibited substances.
9 Next, crops. 205.601, synthetic substances allowed for use
10 in organic crop production. 602 is nonsynthetic substances
11 prohibited for use in organic crop production. Next.

12 For under livestock, 603 synthetic substances
13 allowed for use in organic livestock production. 604, again,
14 nonsynthetic substances prohibited or use. Next.

15 Handling. First 605, nonagricultural, nonorganic
16 substances allowed as ingredients in or on process products
17 labeled as organic or made with organic, and then specific
18 ingredients or fruit groups. There's two sections within
19 605. A is nonsynthetics allowed, and B is synthetics
20 allowed.

21 So this is a difference between the crops and the
22 livestock scenario where we had nonsynthetics allowed, not
23 allowed, and synthetics allowed. This is a listing of
24 everything involved that's not organic that goes into the
25 handling processing parts, it needs to be on the list as

1 allowed.

2 Also handling 606 is nonorganically produced
3 agricultural products allowed as ingredients in or on process
4 products labeled as organic. Again, that's labeled as
5 organic. That's a specific category of organic. Food
6 labeling and any of these items would need to fall within
7 that five percent allowance. Next.

8 The Handling Committee subcommittee meeting in
9 February 2007, which was held in Washington, D.C. Next.

10 The meeting was a Handling Committee meeting to
11 process an extensive number of materials petitioned for
12 inclusion on the national list, specifically through 606.
13 Other Board members were utilized in a subcommittee format to
14 facilitate this process, and but all recommendations do come
15 through the appropriate subcommittee with 605.606 materials
16 coming through the handling committee. Next.

17 The Handling Committee subcommittees were set up to
18 aid the Handling Committee in preparation by preparing the
19 criterial evaluation form for each petitioned item, and
20 inputs regarding the -- and inputs regarding recommendations
21 were made. Each subcommittee was chaired by a Handling
22 Committee member to maintain the continuity of the handling
23 committee. There were three subcommittees involved
24 designated as A, B and C. And the actual recommendations to
25 the NOSB Board is again a function of the Handling Committee.

1 Next.

2 Petitioned items and sunset review. I won't name
3 these specifically, but here is a list of the recommendation
4 items that we were looking at to deal with at this meeting,
5 which we have met with. The reasoning for the February
6 meeting was to process this list of petitions, and this is
7 only part of them. You will see another slide. As I
8 understand, one of these has been withdrawn, but all the rest
9 of them will be action items. Next list.

10 This is just the list of colors that we processed
11 as recommendations, that we will be processing as
12 recommendations. Next.

13 We will also be beginning the discussion process on
14 sunset items at this meeting. These will be ones that need
15 to be dealt with before 2008. 605 A, five ingredient
16 substances listed there at 605 B, three substances. Next.

17 At this meeting we will be doing, we have two
18 recommendations for petitioned items on the Crops Committee.
19 And next, we will be getting discussions on five items, two
20 of which have two uses for crops that are sunset items that
21 will be done by 2008. Next.

22 Livestock has no petition or sunset items on the
23 docket for the spring meeting; however, I do want to make
24 note regarding the finding. The nature of the annotation is
25 that it carries an end date. That makes this item not

1 eligible for sunset, since we are not able to change an
2 annotation during the sunsetting process, and the annotation
3 says, you can use this, I don't remember the exact date, but
4 let's say it says, you can use this through December 31st,
5 2007. If we, by not able to change that annotation, kept the
6 annotation on the national list in 2008 and 2009, it would
7 still say that you couldn't use it after 2007. So it's not a
8 sunset item and it will need to be repetitioned for
9 consideration.

10 Material review process, next. Minimum time frame
11 for the national list for material review is 145 days. Next.
12 Day one through 14, at a minimum, petitioners are received by
13 the NOP and reviewed for completeness. Communication is done
14 back and forth between the NOP and the petitioner to complete
15 those petitions. And upon determination of the completeness,
16 by the NOP, the petitions are forwarded to the NOSB materials
17 chairman. Next.

18 Material chairman forwards those petitions to the
19 chairman of the -- chair person of the designated NOSB
20 committee being crops, livestock or handling, whichever is
21 appropriate. And petitions are re-evaluated for
22 completeness, and to determine if they will be forwarded for
23 a tap review with no tap review being required for 606 items.

24 Jump in time to 30 days prior to the NOSB meeting,
25 any tap reviews that have been completed are sent to the

1 NOSB. The tap reviews are posted on the NOP website for
2 review and public comment, and in consideration of those tap
3 reviews, the committee recommendations are posted for public
4 comment.

5 Within 30 days, within 30 days prior to the
6 meeting, public comment is accepted by the NOP and posted on
7 the website. At the NOSB meeting, committee recommendations
8 are submitted. Further comments are accepted from the public
9 and all public comments are taken into consideration, and
10 action is taken by the full NOSB Board regarding committee
11 recommendations. Next, please.

12 And national list criteria. Next. In general,
13 national list criteria includes, number one, the potential of
14 such substance for detrimental chemical interactions with
15 other materials used in organic farming systems. Two, the
16 toxicity and mode of action of the substance and of its
17 breakdown products of any contaminants and their persistence
18 and areas of concentration in the environment.

19 The probability of environmental contamination
20 during manufacture, use, misuse or disposal of such
21 substances. The effect of the substances on human health.
22 And the effect of the substance on biological and chemical
23 interactions in the agro-eco system, including the
24 physiological effects of the substance on soil organisms,
25 crops and livestock.

1 The alternatives to using the substance in terms of
2 practices or other available materials, and the compatibility
3 with the system of sustainable agriculture. And that was
4 from the recent commercial availability docket published in
5 the Federal Register was where I got that specific list.
6 It's also been published in other locations.

7 Processing aids and adjuvants have a slightly
8 different list of consideration criteria. The substance
9 cannot be produced from a natural source, and there is no
10 organic substitute. Two, the substance, manufacture use and
11 disposal do not have adverse effects on the environment, and
12 are done in a manner compatible with organic handling.

13 Three, the nutritional quality of the food is
14 maintained when the substance is used. And the substance
15 itself or its breakdown products do not have an adverse
16 effect on human health as defined by applicable federal
17 regulation.

18 Four, the substance primary use is not as a
19 preservative or to recreate or improve flavors, colors,
20 textures or nutritive value lost during processing, except
21 where the replacement of nutrients is required by law.

22 The substance is listed as generally recognized as
23 safe grass by the FDA when used in accordance with FDA's good
24 manufacturing practices, and contains no residues of heavy
25 metals or other contaminants in excess of tolerances set by

1 FDA. And the substance is essential for the handling of
2 organically produced agricultural products. And that is from
3 section 600 B in the rule.

4 National list criteria for 606, agricultural and
5 potentially unavailable. The NOSB will consider why the
6 substance should be permitted in the production or handling
7 of an organic product. The current industry information
8 regarding availability of and history of unavailability of an
9 organic form in the appropriate form, quality, and quantity
10 of the substance.

11 Industry information should include but is not
12 limited to the following; regions of production including
13 factors such as climate and number of regions; number of
14 suppliers and amount produced; current and historical
15 supplies related to weather events such as hurricanes, floods
16 and droughts that may temporarily halt production or destroy
17 crops or supplies; trade related issues such as evidence of
18 hoarding, war, trade barriers, civil unrest that may
19 temporarily restrict supplies, and other issues which may
20 present a challenge to consistent supply. That is from the
21 Federal Register document regarding 606 and commercial
22 availability, unavailability.

23 As a final note, there is a new process for public
24 comment. All public comments are handled via
25 www.regulations.gov according to the appropriate Federal

1 Register docket and government agency.

2 The effort to bring processing of public comments
3 to an equal level of efficiency for all the departments and
4 agencies is the reason for this change. It's not just a
5 change within the NOP itself. It's much broader than that.

6 The new process sets deadlines for having public
7 comment posted, and all public comment received by the NOP
8 even after these deadlines will be made available to the NOSB
9 members for review in advance of the respective vote whenever
10 possible.

11 And finally, website listings of interest NOP is
12 AMS.USDA.gov/nop. NOSB is the same, /NOSB. And the public
13 comment is www.regulations.gov. Thank you.

14 MS. CAROE: Thank you, Dan. Is there any questions
15 for Dan? I just wanted to point out to everybody, this is
16 the first meeting where we've accepted public comment through
17 the regulations.gov or regulations.gov?

18 MS. FRANCES: Regulatory.gov.

19 MS. CAROE: Regulatory.gov.

20 MR. GIACOMINI: Regulations.gov.

21 MS. CAROE: Regulations.gov. It is a new procedure
22 for us, and there are reasons for the procedure. It does add
23 a little bit, extra layer of procedure, and in doing so,
24 we're learning as we go. And Valerie has been working on
25 that to make sure that we receive all those comments. And

1 hopefully you've been able to negotiate and get your comments
2 in through that site. Plenty of people have. We've gotten
3 quite a few.

4 MS. FRANCES: Could I make a comment, Andrea?

5 MS. CAROE: Absolutely.

6 MS. FRANCES: I'm going to be working on a better
7 set of instructions, now that we all got to experience the
8 regulations.gov. I know some people had trouble getting
9 their attachments in there, and I will make sure everything
10 gets posted, and things that are received at this meeting
11 will be scanned in and posted on our website. And I just
12 want everyone to be assured that we are going to do
13 everything we can to make it work as effectively as we can.
14 We have to work with the system.

15 And I'll be going through and modifying the titles.

16 I do have some control where I can go in and modify the
17 titles of the comments that are on there, so that we can
18 better go back and look at comments, if you want to find a
19 specific comment. So I'm going to be putting people's names
20 in, so you can find a comment by someone in particular.
21 Because they are just in first come, first serve order. And
22 so it's a little bit random experience. But we'll get there.
23 We'll try to make it work.

24 MS. CAROE: Thank you. Any other questions? Bea.

25 MS. JAMES: Dan or anybody that's actually on the

1 Materials or Handling Committee. I'm wondering what the
2 thoughts are around. Let's say that there are processors out
3 there who maybe fell off of the radar of submitting a
4 petition, and the certifier goes in and sees that they are in
5 noncompliance and packaging needs to be changed, or whatever
6 scenario is there. Do we have any kind of an idea of grace
7 period or how that is going to be handled?

8 MS. CAROE: Mark, do you want to answer that
9 question? Your mike is not on.

10 MR. BRADLEY: We really don't have any latitude
11 based on the Court Order to do anything other than fully
12 implement the regulation at that point.

13 MS. CAROE: On that topic, I will say that this
14 Board recognized every complete petition that we received as
15 of February 23rd, I believe. February 23rd. Every single
16 petition was considered, well beyond the deadline that we had
17 set. But we understand the repercussions of not reviewing
18 those materials. So you have the handling committee chair to
19 thank for that mad dash last minute effort to get those last
20 minute petitions looked at. Any other comments, questions,
21 on the material process? Julie.

22 MS. WEISMAN: Yes, I mean, on that last item, I
23 just wanted to add that, of course, anyone who finds that
24 they need access to a material, I expect them to be
25 petitioning for the fall meeting.

1 So it's not that this, I mean, it will certainly be
2 a dislocation. This was the deadline to have uninterrupted
3 access to materials before the Court deadline, but it does
4 not mean -- there will, just like anyone can petition things
5 onto any other part of the national list at any time, it will
6 -- I encourage everybody, even if you have missed this
7 deadline, get it on the list for the fall meeting.

8 MS. CAROE: Thank you. Any other comments? Thank
9 you very much, Dan. I appreciate your work. Moving onto the
10 next agenda item, we have a report from the joint
11 Handling/Materials Committee. And I turn it over to Julie on
12 that.

13 MS. WEISMAN: Okay. Somehow, somehow this term,
14 clarification of definition of materials, is sticking with
15 us. I don't know why. But basically, this is the broad term
16 used for the two, two big recommendations that are still
17 pending from this joint Materials and Handling Committee,
18 which is a recommendation on the definition of agricultural
19 versus nonagricultural. And also a recommendation for the
20 definitions of synthetic and nonsynthetic.

21 These have been kicking around for a long time, and
22 the resolution to them is sorely needed. I'm not pleased to
23 report what I'm about to report, but I liked the phrase that
24 Mark used earlier. I think he said, work load based issue.
25 Was that it?

1 MR. BRADLEY: Yes.

2 MS. WEISMAN: Okay. I believe that prior to this
3 year, sunset review was creating the need for a sunset review
4 of a large number of materials. And in this past year,
5 because of the Court ordered deadline for materials to be
6 listed on 606 created another looming train wreck that we had
7 to work very hard and make a priority.

8 So we do not have any new documents at this meeting
9 on either of those topics, but I will address each of them
10 also separately for a moment.

11 On the issue of the ag/nonag, we actually, fellow
12 Board members, you will find, I believe, in your meeting
13 books a copy of the same recommendation that was in our fall
14 meeting book, from the October meeting.

15 At that meeting, we were very close to having a
16 good document, with the exception of one piece of the
17 recommendation and that had, that we decided to defer, and
18 that was because of the issue of how we were going to deal
19 with, and what the implications would be of considering
20 micro-organisms to be nonplant life and therefore
21 agricultural products.

22 And I think at that meeting we realized that we
23 didn't have enough understanding of what the impact on, for
24 instance, livestock would be, and that we needed to get more
25 information from the livestock industry about what the

1 ramifications would be, for instance, having yeast be
2 agricultural, learning -- what I personally did not know is
3 that yeast is a very, very frequent ingredient in livestock
4 feed. Yes, Dan? Right. Okay.

5 And the issue was particularly critical against the
6 background of again this Court order deadline and things
7 needing to be listed on 606 if they are agricultural
8 ingredients.

9 We have not, because of other 606 issues have not
10 really gotten any more significant information. We have not
11 really been able to focus on getting that information to be
12 able to clarify that. And that's the main reason why there
13 is no new document at this meeting.

14 However, it will -- my proposal to the Board,
15 actually, well, it certainly, it is now a priority. It is
16 now a priority for the fall meeting that we have a
17 recommendation to vote on.

18 And it's my proposal to the Board that if, for
19 whatever reason, we do not feel at the fall meeting that we
20 can move forward with all the pieces of that recommendation,
21 because it had more than one piece to it, that we go for what
22 I have learned so far on the Board, is go for the low hanging
23 fruit.

24 That if there are pieces of it that remain
25 noncontroversial, that we move those forward at the fall

1 meeting, even if there are other pieces that we still don't
2 feel like we are ready or that we have a good enough document
3 for. So that's going to be my proposal for ag versus nonag.

4 And maybe if, I'd like to say a couple of things
5 about the status of the synthetic/nonsynthetic document and
6 where I see that going, and then maybe we can have time,
7 perhaps, for a little discussion on the Board.

8 This synthetic/nonsynthetic definition,
9 clarification is also long overdue and sorely, sorely needed.
10 And we certainly could have used it. It was definitely a
11 factor that affected us not being able to move forward on
12 some of the petitioned items for this meeting, not having
13 that clarification, but you know, we are stuck in this
14 chicken and egg situation. So that is where it's at.

15 And the lack of this document as well has been
16 very, very much impacted by the Court ordered deadline for
17 materials for 606.

18 Now, we have had, certainly during the time that
19 I've been on the Board, at least three drafts of this
20 document. In addition, we've had excellent input from the
21 industry on those documents, and excellent input from the
22 program, from the USDA's scientific committee.

23 So this also is at the top of the Handling
24 Committee work plan for the fall meeting is to go back with
25 all those documents, and start, and make a new document, not

1 a revision of the, you know, five draft, revised drafts that
2 I've seen in the last five years. We were talking about
3 track changes earlier today, and you know, what happens when
4 you've had too many of them, and then you can't make sense of
5 the document anymore.

6 So we're going to start from scratch, but not
7 really. Don't get scared. We're not really starting from
8 scratch. But we have a wealth of input since we did those
9 first, since those first recommendations were done. And
10 we're going to use that. So that's my update on the status
11 of ag/nonag and synthetic/nonsynthetic.

12 Would it be appropriate, Madam Chair, to open this
13 up to the rest of the Board for some discussion?

14 MS. CAROE: Any discussion, comments, questions
15 from the Board? Everybody is sleeping. We need coffee or
16 something.

17 I will make a comment. These two documents that
18 are sitting on the table, the ag versus nonag, the synthetic
19 versus nonsynthetic, we did, as Julie mentioned, wanted to
20 get these completed before we looked at the materials.
21 However, the amount of time that it would have taken to do
22 that would have prevented us from looking at all the
23 materials that we did look at. And we definitely prioritized
24 those to keep commerce, to keep business running after June
25 9th.

1 As a kind of side note on that, going through the
2 process with all of these materials actually, I believe,
3 helped us formulate some definition on these two. So these
4 documents, I believe, when we come out with the redrafts,
5 will be stronger because of this very, very time intensive
6 exercise that we just went through.

7 And I thank you for doing that. It sounds like
8 Handling Committee work plan it will be top heavy with a lot
9 of high priority items. That said, I do want to make one
10 more comment, and then I'm going to turn it over to Joe, and
11 then you, Julie.

12 It is very important that we collaborate on this
13 with the program. And so I am making this plea at this
14 point, that the program be open to a dialogue on these so
15 that we can put together documents that work for you as well
16 as for us before we present them in the fall meeting. Okay,
17 Joe.

18 MR. SMILLIE: Well, you captured what I was going
19 to say, and that is, there's a lot of ways to go about it,
20 and one is the top down where you work from the definition to
21 create the criteria and then run the materials through. And
22 the way, we started that way. We didn't finish. But then
23 when we were running all these materials through on 606, it
24 clearly called out for an ag/nonag definition to really work.
25

1 And also, by going through the materials, as you
2 mentioned, we got a much better understanding of the
3 ramifications of decisions that we might make in ag/nonag
4 synthetic/nonsynthetic.

5 So I think that even though it's a laborious and
6 painful process, I think it will end up with a better
7 document. Because we can already see sometimes when you
8 create a definition how it can be misused or it can create
9 ramifications that you didn't intend.

10 And I know the previous Board chair was very, very
11 useful in that exercise about what, when you are creating
12 something, you have to watch out how, what can happen down
13 the road. And I think previous NOSB Board's also experienced
14 that, of what they felt was a good definition, and then later
15 on it turned out to do things.

16 So I think as painful as it has been to still not
17 have those operating definitions, I think we will be the
18 wiser and have better work when we finally finish.

19 MS. CAROE: Julie.

20 MS. WEISMAN: I just wanted to clarify that I
21 referred to these two things as being at the top of the
22 Handling Committee work plan, but I also wanted to
23 acknowledge that all this work will be joint work between the
24 Handling and Materials Committee.

25 MS. CAROE: Thank you very much. Okay. We are

1 still a little bit ahead of schedule. I do have one reminder
2 for you folks, actually, two reminders. One, the
3 registration is -- Bob, do you have that in front of you, the
4 registration book? It's in the corner. If you have not
5 signed the registration, if you would please do so, we would
6 appreciate that.

7 Also, there is the sign up for the public comment
8 tomorrow afternoon, and Thursday is also available there, so
9 please if you want to make comments, there are slots open.
10 Go ahead and go there to do that.

11 I do want to remind people that we would appreciate
12 you turning your cell phones off, or at least putting them on
13 silent mode during the meeting. They can be a bit
14 disruptive, so do so. We won't hold you to the Board
15 standard that if a Board phone goes off, they buy a round of
16 drinks. But it can be very expensive.

17 (Discussion off the record.)

18 MS. CAROE: Okay. We are getting ready to go into
19 the public comment period, and I will read the seven
20 provisions of public comment that's in our Board policy
21 manual. But I actually want to talk a little bit more about
22 that.

23 We expected a lot of public comment at this
24 meeting. There's a lot of issues on the table. And we want
25 to hear all the public comment that we can. The Board may

1 hear your comments. If they are related to something we are
2 voting on, and they have questions, they definitely are going
3 to ask you questions and get clarifications.

4 If it is something that we are not going to take up
5 at this meeting necessarily, they may make note and call you
6 at a later date or talk to you off line, or get information
7 for a further meeting, just so that we can keep the public
8 comment going. We don't want to shorten the public comment
9 period. We want everybody that's here that wants to be heard
10 to be heard. But we're going to try to stay on point with
11 that.

12 So I'm asking that you don't get insulted if we
13 don't ask you questions about some issue that you bring up
14 that you want the Board to take up. We're hearing you.
15 We'll make note. But we may not engage you at this meeting,
16 because it's very important that we hear information the
17 issues we're dealing with.

18 As Joe pointed out, and Julie pointed out, the ag
19 versus nonag document we had on the table, the reason that we
20 took that off the table is because of good public comment.
21 It's important. We want to hear that. We want it before
22 that, these recommendations get voted on, to make sure that
23 we understand those ramifications as Joe discussed.

24 So with that, I'll read the seven provisions that
25 are in our Board manual. And this is NOSB policy for public

1 comment at NOSB meetings.

2 All persons wishing to comment at NOSB meetings
3 during public comment period must sign up in advance. To
4 that, we have filled the slots for today and for tomorrow
5 morning, but we do have slots available tomorrow afternoon
6 and Thursday.

7 Persons will be called upon to speak in order that
8 they signed up. I will be calling you up in order. We'll
9 call an on deck person, and we ask that you check in with
10 Valerie, if you are on deck, so that she knows you are here,
11 and then also if you have any written public comment or
12 Powerpoint or anything like that, she can accommodate that.

13 Unless otherwise indicated by the chair, each
14 person will be given five minutes to speak. The only reason
15 that we would shorten this, is if we have too many people
16 signed up that need to speak. Again, we don't want to do
17 that so we are going to try to stay on point. We ask you to
18 stay on point as much as possible.

19 Persons must give their name and affiliation for
20 the record. A person may submit a written proxy to the NOP
21 or NOSB requesting that another person speak on his or her
22 behalf. And we've received those by email.

23 No person will be allowed to speak during the
24 public comment period for more than 10 minutes. Individuals
25 providing public comment will refrain from personal attacks

1 and from remarks otherwise impugning the character of any
2 individual. You can criticize our recommendations. You can
3 tell us that we are way off, but we will not accept criticism
4 of personal -- personal criticism of members of this Board
5 that are volunteering their time.

6 With that, we are prepared to go into public
7 comment early.

8 MR. GIACOMINI: Madam Chairman, Madam Chairman?

9 MS. CAROE: Yes.

10 MR. GIACOMINI: In light of the new, this new
11 process we have for public comments that were posted on the
12 internet, on the website by a number, but not all of them had
13 a name. If anybody knows the number of their public comment,
14 it would be really helpful if they could include that in
15 their discussion.

16 MS. CAROE: Some of those people may not be here.

17 MR. GIACOMINI: Well, but anybody who is coming up,
18 if they submitted a written public comment, and they are
19 going to ask us to refer to it or something, because it's
20 very difficult just to sort through by number.

21 MS. CAROE: Okay. Julie.

22 MS. WEISMAN: Valerie, would commentators know what
23 the number of their comment was? Is that information that
24 they would necessarily have?

25 MS. FRANCES: It was on the website. It's

1 basically in the order that it was received.

2 MS. WEISMAN: So if they happen to check and see
3 and wrote the number down --

4 MS. FRANCES: If they happened to have noticed it,
5 yes.

6 MS. WEISMAN: It's a big if, but if you happened to
7 have done it, it would be nice.

8 MS. JAMES: Valerie, we can do a search on those
9 comments and put the person's name in there, and the comment
10 will come up, correct? There is a search feature on the --

11 MS. FRANCES: I haven't tried that.

12 MS. JAMES: I have.

13 MS. FRANCES: I was too busy to do so, but go
14 ahead.

15 MS. JAMES: Yes, I have.

16 MS. FRANCES: Okay.

17 MS. JAMES: And I think that that works most of the
18 time. So that's another way.

19 MS. CAROE: Dan.

20 MR. GIACOMINI: Some of the comments that were only
21 submitted as an email, if they did not put their name at the
22 bottom, don't have a name identified with them.

23 MS. CAROE: Any other comments?

24 MS. FRANCES: That's something I'll include in the
25 instructions in the future. If you are going to use the

1 general comments window of the regulations.gov, yes, there is
2 the submitter info field, but it doesn't get incorporated
3 into your comment when you print it off. It's just not
4 there. The only thing that is there is your statement.

5 So I'm going to add, some people did sign their
6 names and city/state kind of thing. That's helpful, or
7 association. I think I will encourage people, if they are
8 going to use that feature to put your name and your
9 city/state/association or whatever it is to identify
10 yourself, that would help.

11 MS. CAROE: Any other comments? Okay. Our first
12 public commentor, Will Fantle. On deck is Andrea Kavanaugh,
13 and Andrea, if you can check in with Valerie. Andrea, are
14 you here? Next on deck is Dr. Barbara Blakistone. If you
15 could check in with Valerie.

16 Before you get started, you have five minutes, and
17 Bea will give you a one minute warning. At the time that
18 your time -- as your time expires, we will allow you to
19 finish your thought, but not go on much further. Thank you.

20 MR. FANTLE: Hopefully, I can talk faster than five
21 minutes. My name is Will Fantle. I'm the research director
22 for the Cornucopia Institute.

23 And I am here today to talk about the Livestock
24 Committee's recommendation on cloning, which I understand may
25 have shifted over the weekend, but that's the difficulty of

1 preparing our remarks in advance. So I'm going to address
2 what has been publically released thus far.

3 Members of the National Organics Standards Board,
4 thank you for allowing me to make this presentation.
5 Cornucopia Institute, on behalf of our members, which include
6 many certified organic livestock producers and processor,
7 retailers of organic meat and milk, we respectfully submit
8 that the Board table at this time the Livestock Committee's
9 recommendation that the National Organic Program regulation
10 be amended to exclude cloning.

11 We strongly encourage the Board to request a formal
12 request public comment period so that stakeholders in the
13 organic community and industry and interested members of the
14 public can be heard and fully participate in this important
15 decision making process.

16 To be clear, we fully support the committee's
17 recommended prohibition of cloning technology, but in
18 addition to the definitions for excluded methods, in terms of
19 organic livestock production, we feel an important element of
20 widespread societal interest has not been addressed, and
21 that's whether or not progeny or the offspring of cloned
22 livestock should be allowed in the organic production system.

23 Good arguments can be made for excluding the
24 progeny of cloned animals from organic certification. Many
25 consumers of organic meat and dairy products have legitimate

1 concerns about a technology that is still in its infancy.
2 Furthermore, there are many consumers who would not purchase
3 livestock products if they did not feel that the organic
4 certification embodies a higher humane standard for animal
5 husbandry.

6 The well documented reproductive problems,
7 including a high rate of congenital abnormalities requiring
8 disposing of much of the offspring produced through cloning,
9 makes the support of this technology repugnant to many of our
10 industry's local consumers.

11 Also, because this technology is unproven, and many
12 of our customers embrace the precautionary principals, it
13 would be prudent for us to respect their philosophical
14 beliefs by delaying the introduction of cloned progeny in the
15 organic products stream.

16 Even with recombinant DNA engineering of crops,
17 with which society has comparatively more experience, and I
18 say the word here is comparatively, since in terms of
19 evolutionary plant genetics or experimentation of gene
20 manipulation is not even a speck of sand in the hour glass,
21 troubling and unforeseen impacts continue to be observed.

22 As examples, recent new reports in India describe
23 fatal toxicity top cattle grazed on residual BT cotton crops.

24 Toxicity and developmental abnormalities have been
25 experienced in mice fed transgenic corn based on testing in

1 France. And that comes on the heels of other well documented
2 related problems to organ growth.

3 There are other problems unanticipated just a few
4 years ago with some of these modified seeds and varieties
5 when they were introduced. Besides the possible health
6 impacts to livestock or humans, the NOSB should consider the
7 marketing implications of any premature decision on this
8 issue. FDA has not even concluded their public comments
9 period yet. You are proposing to move in advance of that on
10 this important issue.

11 The organic marketplace is a growing and lucrative,
12 because it offers consumers a bonafide alternative to the
13 industrial food production system. Regardless of the
14 decisions at the FDA or through rule making at the USDA's
15 Organic Program, a percentage of our society will continue to
16 have reservations about cloning. We contend that that's a
17 rather large percentage of our society. As astute marketers,
18 which I think we believe we are, we should reserve this
19 market for organics.

20 Cloned livestock and their progeny are excluded
21 from organic production. This decision can always be
22 reconsidered after adequate real world data is accumulated
23 and the acceptability in the marketplace is gauged.

24 Now, I also want to bring before you a sign on
25 letter that we began circulating last Friday, signed by 75

1 different organizations and individuals consisting primarily
2 of retailers across the country, farm organizations, and
3 other nonprofit groups. I'm going to leave that with the
4 Chair, Ms. Caroe, for her to share with the rest of this
5 committee. It's vitally important that we respect the views
6 of the public on this issue, and I hope that you will. Thank
7 you.

8 MS. CAROE: Thank you. Is there any questions for
9 Will? Thank you for your comment. We have Dr. Barbara
10 Blakistone. Thank you. And on deck, do we have Andrea
11 Kavanaugh in the room yet? Okay. How about Nancy
12 Hirschberg, are you here? Nancy? Nancy, could you check in
13 with Valerie, please. At your leisure.

14 MS. BLAKISTONE: Okay. Good afternoon. I'm
15 Dr. Barbara Blakistone, director of technical and regulatory
16 affairs for the National Fisheries Institute, the nation's
17 leading advocacy organization for the seafood industry.

18 NFI's member companies represent every element of
19 the industry, from fishing vessels at sea, to fish farmers,
20 to national seafood restaurant chains. NFI members commend
21 the work of the NOSB on organic standards for aquaculture
22 fish, and urge them to move expeditiously to begin rulemaking
23 on the comprehensive recommendations made by the aquaculture
24 working group, including AWG's recommendations and provisions
25 for limited feed supplements with prescribed allowances for

1 wild fish meal and oil, and conditioned use of net pen
2 culture systems.

3 The NOSB should not defer the inclusion of certain
4 limited amounts of wild fish meal and oil in the feed for
5 carnivorous fish. As noted by the AWG recommendation, this
6 allowance is consistent with sustainability goals because the
7 sources would be limited to those species not exceeding fish
8 capacity, as determined by fisheries authorities.

9 AWG has recommended a limit of 12 percent, and a
10 sunset clause to drive research on alternatives to wild fish
11 meal and oil.

12 Given that salmon, a carnivorous fish is the number
13 three most consumed fish and consumer focus group researched
14 by the New Jersey Department of Agriculture concluded that 72
15 percent would buy organic seafood if available, we urge
16 immediate inclusion of limited amounts of fish meal and oil
17 in the diets of carnivorous fish like salmon, so that these
18 fish may be included under the USDA organic banner.

19 It seems paradoxical that the organic poultry
20 standards allow for the use of fish meal from wild fish as a
21 supplement to the diet of poultry, but the NOSB is
22 recommending against organic poultry in fish destined for the
23 organic market, especially when use of animal byproducts is
24 eco-efficient and hence a practice in sustainability.

25 AWG has already adequately responded to all

1 objections net pens through the public comment process. AWG
2 recommendations ensure adequate addressing of concerns such
3 as disease and parasite transfer, release of chemicals and
4 drugs, and impacts from pesticides and microbials and
5 antifallants, and predator controls.

6 NOSB chose to defer further work on an organic
7 standard for aquaculture shellfish due to significant
8 differences with fin fish culture. The shellfish industry
9 and its stakeholders have made significant progress in
10 crafting standards that separate organic shellfish culture
11 from traditional shellfish farming.

12 Thus, we urge expeditious initiation of work on our
13 organic shellfish standard, as soon as the fin fish standard
14 is completed. As NOSB completes its work on aquaculture fish
15 standard, NOP established by USDA to develop national organic
16 standards should also establish a wild capture fish working
17 group to thoroughly examine the parameters associated with
18 various fisheries, and determine if sufficient criteria
19 exists to detail an organic standard for certain wild fish.

20 Finally, if the NOSB chooses to accept the
21 livestock recommendation to delay the approval of net pen
22 culture, and use of wild sources of fish meal and oil to
23 accommodate additional dialogue, then this issue should be
24 brought to a conclusion at the next NOSB meeting. Thank you
25 for allowing me to provide these comments.

1 MS. CAROE: Thank you. Hold for questions. We
2 have questions. Joe.

3 MR. SMILLIE: I appreciate your comments, and I am
4 also a big fan of the aquacultural working group's
5 recommendations. For a number of reasons, we have decided to
6 delete those and want to have further discussion on those.
7 And I don't think this particular meeting is going to be the
8 forum for that.

9 We look forward to those comments, and active
10 participation from everyone in those comments on the fish
11 meal issue and on the net pen issue. And also look forward
12 to aquaculture working groups recommendations on the
13 shellfish. And we will deal with those as quickly as we
14 possibly can.

15 We think that by putting forward our current
16 recommendation to move it forward to the NOP, that that's,
17 we're taking a step-by-step approach. And the issue of net
18 pens and fish meal is controversial and contentious, and we
19 want to have a full hearing on it, and then move forward with
20 recommendations at that point in time. So probably there
21 will be a lot of comments at this meeting on those two
22 issues.

23 And what I think that we have decided as a Board is
24 that we really want to engage in comments on our current
25 recommendation, which you know, temporarily, let's say,

1 deletes those two issues, and then take up those two issues
2 along with the shellfish issue at a further meeting. But I
3 do appreciate your comments, and I can assure you that the
4 NOSB is taking the aquaculture, you know, issue very
5 seriously, and we're hoping to have a larger and more
6 complete public meeting which focuses on those issues in the
7 future.

8 MS. BLAKISTONE: Thank you.

9 MS. CAROE: Any other questions? Thank you for
10 your comments. Next up is Nancy Hirschberg, and on deck have
11 we gotten Andrea Kavanaugh yet? Okay. On deck, Jim Riddle.
12 Check in with Valerie, please.

13 MS. HIRSCHBERG: Hi. Nancy Hirschberg from
14 Stoneyfield Farm. On behalf of Stoneyfield Farm, I'd like to
15 thank the Board for your extreme dedication and willingness
16 to volunteer a huge amount of time to this issue. You have
17 been subjected to a massive volume of work in response to
18 urgent needs as a result of the Harvey lawsuit, and we do
19 greatly appreciate your commitment and devotion to this issue
20 and to organic.

21 We'd like to offer specific comments today,
22 specifically on inulin enriched with oligofructose. It's
23 very, very technical, and I will say I am not a technical
24 expert, but we do have two experts here today, so if you have
25 further questions, even after this, for the next two days, I

1 refer you to Rich Thur, right there, who many of you know,
2 and Vin Carrs, right there in the white shirt. I really
3 encourage you to talk to them. They can take this very
4 complex information and make it really understandable.

5 Stoneyfield Farm has petitioned that the substance
6 inulin enriched with oligofructose for placement on 606. We
7 support the comments of the Irafty Group, which I have just
8 handed to Valerie, which you will be getting shortly, if you
9 didn't already get them, for more technical background.

10 This is, the oligofructose enriched inulin is
11 essential to our products. It is in all of Stoneyfield Farm,
12 I repeat all of Stoneyfield Farm yogurts and smoothies, and
13 is integral to the function of our products. It has a
14 superior effect to other types of inulin for avoiding fluid
15 separation and improving texture and viscosity.

16 You've all opened yogurts and see the whey on top.
17 Most of you don't like that. Inulin is a long chain
18 polysaccharide compound extracted from plants, especially
19 chicory, blue agave, and Jerusalem artichoke. While there is
20 some organic inulin available in the world market, the
21 subject of our petition is a slightly modified inulin product
22 that consists of a combination of water-extracted inulin
23 derived from chicory, and inulin that has been partially
24 hydrolized by a mild enzymatic reaction to form the shorter
25 chain oligofructose.

1 All of these steps are permitted under organic
2 processing standards, so it's ultimately quite likely that we
3 will eventually be able to source this as an organic
4 oligofructose enriched inulin product. That's why
5 oligofructose enriched inulin belongs on 205.606 because it's
6 derived from plants, it will be available organically at some
7 point, and development of the supply should be encouraged.
8 If it's considered nonag and considered for 605, there will
9 be no requirement and no incentive to develop organic
10 sources.

11 This product provide numerous health benefits
12 related to improved calcium uptake, and is very important to
13 our customers; provides important functional properties in
14 our yogurt, so we do consider it essential for our products.

15 We understand that there is currently direct
16 inconsistency between the existing definition, as Julie was
17 explaining earlier, address the nonag/ag issue. We also
18 realize that the Board has been working to clarify the
19 distinction between ag and nonag substances for some time, in
20 order to facilitate proper review and placement on the
21 national list.

22 We suggest that you follow the prior
23 recommendations of the Handling Committee when asking, when
24 making a determination regarding an agricultural substance;
25 specifically, the decision to the question that asks, is the

1 change in chemical structure a result of a naturally
2 occurring biological process such as fermentation or
3 enzymatic hydrolysis, or the result of a mechanical, physical
4 process described under 205.270 A. If the answer is yes,
5 then it's an agricultural product.

6 Under this criterion, oligofructose enriched inulin
7 is an agricultural product. Please consider it for inclusion
8 on 606. Thank you.

9 MS. CAROE: Thank you, Nancy. Hold on. Questions.

10 MS. HIRSCHBERG: Yes.

11 MS. CAROE: Kevin.

12 MR. ENGELBERT: How many years have you been using
13 this in your product?

14 MS. HIRSCHBERG: I'm guessing five years, four
15 years. Do you know, how many years have we been using this
16 product?

17 AUDIENCE MEMBER: I think these products have been
18 all over the U.S. market for a good 10 years now.

19 MS. HIRSCHBERG: But we've been using it for --

20 AUDIENCE MEMBER: I would have to guess, five or
21 six years.

22 MR. ENGELBERT: And could you explain a little more
23 why you now consider it essential, if you've only used it for
24 the last five or six years?

25 MS. HIRSCHBERG: Because it improves the product,

1 as far as now we are shipping more product further. And when
2 it gets handled, you have more whey separation, and so forth.
3 And because of the added benefit of the calcium absorption.
4 With so much competition on the shelves right now, in natural
5 and in mass market, we are much deeper into mass market now,
6 that having, if you have choice between two markets and one
7 says on it, increases calcium absorption by 30 percent,
8 that's a very important claim for our, you know, it's an
9 important attribute for our consumers.

10 MS. CAROE: Other questions? Bea.

11 MS. JAMES: When you looked at using this
12 ingredient in your product, was it for the function, or was
13 it for the added value?

14 MS. HIRSCHBERG: And I might have to get that
15 answer to you tomorrow, because I will call R&D to be
16 absolutely sure. But my guess is that it was for both, but I
17 don't know. I'll have to get back to you on that.

18 MS. JAMES: Is it marketed on your package as
19 being --

20 MS. HIRSCHBERG: Yes. The claim that we can make,
21 based on California allowing us to make this claim with this
22 product, with no other inulin, is that it increases calcium
23 absorption by 30 percent. And the reason we are able to make
24 that claim is because this product is, has unique studies
25 that have been completed which -- and because of the

1 attributes of the product which allow us to do that.

2 MS. CAROE: Any other questions? I just want to
3 make a comment and address it to you, Nancy, but to the other
4 petitioners as well. With 606 materials, we were faced with
5 a unique situation.

6 MS. HIRSCHBERG: Oh, I know.

7 MS. CAROE: We didn't have a tap. We had the
8 information from the petition only. If that petition left
9 questions for us, we had two options. One is to send it
10 back --

11 MS. HIRSCHBERG: Yes.

12 MS. CAROE: -- which we can talk about the
13 repercussions of that; or two was to give it a no vote and
14 elicit a comment that filled in those gaps. So your petition
15 and others as well, we actually did this in order to give you
16 an opportunity to give us that compelling argument and that
17 data. I'm not going to say that we're going to vote one way
18 or another, but I just wanted to explain to folks that the
19 public comment is ultimately important to us on these
20 petitions because we only have so many sources of information
21 coming in to make our decision.

22 So thank you for responding to the vote and giving
23 us more information.

24 MS. HIRSCHBERG: Sure. And as I said, we will be
25 here, I will be here to the end.

1 MS. CAROE: Thank you. And Rich and Mr. Carr, you
2 will be here for discussion tomorrow?

3 MS. HIRSCHBERG: Yes, he's giving public comment
4 tomorrow.

5 AUDIENCE MEMBER: And I will also try to give you
6 some more information through a presentation on the reasons
7 why --

8 MS. CAROE: Okay.

9 AUDIENCE MEMBER: -- when I comment tomorrow.

10 MS. CAROE: Thank you so much, Nancy.

11 MS. HIRSCHBERG: Thank you.

12 MS. CAROE: Okay. Next up is Jim Riddle. Do we
13 have Andrea Kavanaugh in the room yet? Okay. Oh, we do.
14 Excellent. Thank you. So you are on deck. Jim, at your
15 leisure.

16 MR. RIDDLE: At my leisure. Thank you. My name is
17 Jim Riddle from Wynona, Minnesota. And I have a proxy from
18 Steve Gilman from Nova, New York. So I have 10 minutes. And
19 I currently work as the organic outreach coordinator of the
20 University of Minnesota.

21 And I'm sending around some materials right now
22 that talk about our program. We have a new publication out
23 that I've co-authored, a Minnesota Guide to Organic
24 Certification, and there is a sample copy making its way, and
25 there are little postcards of how you can get a free copy.

1 And I have left a copy for the NOP, but I didn't bring enough
2 for everyone.

3 But I'm not, I just wanted to mention that. I am
4 speaking on my own behalf, however, and I would like to
5 welcome the new members, Tracy, Katrina, Steve, and I'm
6 really sorry that Tina couldn't be here at this meeting.

7 I'd like to direct my comments, first, to the
8 Livestock Committee's recommendation on cloned animals, and I
9 would just like to point out, this is still truly an
10 experimental technology. From the FDA's own report, states
11 that only 4 to 7 percent of cloning attempts are successful.

12 That means that approximately 95 percent of
13 attempted clones result in gross abnormalities and death of
14 the animals or the surrogate mother. This is still very much
15 an experimental stage. And I have to agree with the
16 statements, the Q and A's from USDA, National Organic
17 Program, that cloning is not possible under natural
18 conditions, and is not compatible with organic production.

19 I would like to support changes that the Livestock
20 Committee has made over the weekend to your draft
21 recommendation to include the progeny of cloned animals as
22 prohibited. However, I would like to propose two small
23 changes to that draft, and I'll give you a copy, a marked up
24 version with these changes when I finish.

25 On your proposed definition of excluded methods, in

1 parenthesis you currently have a statement, or other methods
2 of animal cloning. And I encourage you to change that to, or
3 other methods of asexual reproduction of animals. Cloning is
4 a colloquial term. It's being misunderstood. And what the
5 FDA is talking about is a specific type of cloning, somatic
6 cell, nuclear transfer where DNA is removed and transferred
7 into an immature egg.

8 They're not talking about embryo splitting.
9 They're not talking about induced twinning or other
10 technologies. It's asexual and it's where the DNA from one
11 male or a female is inserted. It's not where sperm and egg
12 or DNA of a male and female are mixed. And so I think it's
13 really important that you are precise in the language you use
14 in your recommendation.

15 And along that same line, I encourage you to change
16 the proposed new section 205.236 B(3), also in parentheses
17 where it says, it ends in the phrase, or other cloning
18 methods. I encourage you to change that to, or other asexual
19 methods, just to avoid that colloquial term, cloning, because
20 it can be misunderstood.

21 Otherwise, I really thank you for taking the
22 comments you receive very seriously and making the changes
23 that you have.

24 On the aquatic animal recommendation, I ask you to
25 table the section referring to aquatic plant production. I

1 believe that is outside of the scope of the task force. When
2 the call went out for nominees for the task force, it called
3 for an aquatic animals task force. And this is under the
4 Livestock Committee.

5 I think that, you know, there may be some valuable
6 work there, but at this time it hasn't been given sufficient
7 consideration, and I just urge you to set that subsection
8 aside when you vote.

9 I also strongly encourage you to move forward with
10 aquatic animal recommendations that are fully consistent with
11 the rest of the organic livestock section. And in advance, I
12 will take a chance and endorse the comments that will be
13 offered by the Center for Food Safety and Pennsylvania
14 Certified Organic later here.

15 Okay. Some comments on the Board policy manual
16 changes that you are considering during this meeting. I do
17 suggest that you vote separately on those changes, not as a
18 package, and in particular ask that you set aside the one
19 change that's being proposed to the sunset review policy,
20 which says that there would be no changes to annotations
21 during sunset.

22 I really think that that is contrary to language in
23 OFA, under the section, on the national list, 6517 B, content
24 of list, says that the list shall contain an itemization by
25 specific use or application of each synthetic substance

1 permitted, or each natural substance prohibited. So it's not
2 just the substance, but it's, also it's use or itemization.
3 That's its annotation. They both are open for review during
4 sunset, and they need to be reviewed. It's not that you
5 cannot act on one or the other, and I just urge you to, at
6 the very least, table that, and seek some legal advice before
7 you incorporate that in your policy manual.

8 On grower group certification, I know you don't
9 have a recommendation in front of you, and there's a good
10 reason, because in 2002 the Board unanimously adopted a very
11 comprehensive recommendation on grower group certification
12 that contained a framework for internal control systems. And
13 that was five years ago. It may need to be revisited.

14 It may need to be strengthened in how the conflict
15 of interest sections for the control officer of an internal
16 control system is handled. But it does provide a solid basis
17 for moving forward. We're looking at an impending crisis if
18 the entire grower group certification system is thrown out
19 the window.

20 If there are some either operations or certifying
21 agents that are operating out of compliance, let's deal with
22 them, case by case basis, but don't throw out the entire
23 system, because many lives and many businesses are dependent
24 on that system.

25 On the 606 materials, I'd love to give comments on

1 every one. Ha, ha. No, I've always hated that stuff. But I
2 do have one general comment, and that is, as just was pointed
3 out by Nancy, that you know, in order for something to be on
4 606, it must be possible to produce it organically.

5 And so any substance that's being considered, I
6 don't know if you have, I admit I haven't looked at every one
7 of the recommendations, you know, like you have, but if any
8 of those substances are produced using synthetic solvents,
9 they would not -- that's prohibited. That would disqualify
10 them ever from being available organically. And so I hope
11 you have looked at that, but at any rate, it must be possible
12 to make the product organically to even qualify for
13 consideration for the list.

14 I'd like to close just by saying, you have a
15 tremendous opportunity ahead of you. As someone who put in
16 my time, I extend my best to you. You have the opportunity
17 to provide leadership, and we are counting on you to be the
18 voice to protect organic integrity, and to help expand
19 organic agriculture.

20 And I know there is this new comment process, and I
21 struggled like five times to get mine posted, but I just urge
22 you as you work through it to make sure there's always 30
23 full days for the comments, for the public to be able to
24 submit comments. That March 16th deadline was really short.

25 And you've been in a pressure cooker yourselves.

1 But I do thank you for your time, and it sure feels good to
2 be on this side of the mike. I have a minute and 10, that's
3 fine. I'll cede it to someone at my pleasure. Marty will
4 take it.

5 MS. CAROE: Thank you. Hold on for comments.

6 MR. RIDDLE: Okay.

7 MS. CAROE: Joe.

8 MR. SMILLIE: Jim, I just want to deal with one of
9 your comments on the group certification. That's been a
10 fairly recent thing. It's not on our agenda. It would
11 really, the Board really can't deal with it today.

12 MR. RIDDLE: Right.

13 MR. SMILLIE: However, I appreciate you bringing it
14 up and giving me a chance to comment on it. And I also share
15 with you the concern for this industry, that this new, I
16 won't say new, but this current guideline and interpretation
17 that certifiers have to follow. And I think that it's a
18 major industry issue, and my committee, I'm the chair of the
19 Certification and Accreditation Compliance Committee, is
20 going to put it on our work plan. And we hope to come back
21 to the next meeting with a recommendation.

22 And needless to say, we will also, in our close
23 collaboration with the NOP, work to ameliorate this
24 situation, to preserve organic integrity, but also to support
25 all of the -- a number of the grower groups that are

1 following, you know, and demonstrating organic integrity, and
2 not have the damage to the industry that this could possibly
3 cause result.

4 So, but unfortunately, you know, this meeting is
5 booked to the, right to the end with current 606 and other
6 issues, so we really can't take it up and make it a forum.
7 But we are all aware of the issue, and we're going to deal
8 with it as expeditiously as possible.

9 MR. RIDDLE: Yes, and I'd just encourage you to go
10 back to that existing recommendation and --

11 MR. SMILLIE: Yes. It's --

12 MR. RIDDLE: -- the one that's posted on the
13 website was the draft. It's not the final. So at least when
14 Dave and I just looked. But if you need the final, I've got
15 it, put it on the stack or whatever.

16 MR. SMILLIE: No, it's a good document. It
17 obviously can be polished up. There's been five years of
18 experience with that system since, and we need to polish it
19 up. But again, it's on the record as an NOSB recommendation,
20 so that's what we will lead with.

21 MS. CAROE: Rigo, Bea and then Dan.

22 MR. DELGATO: Jim, hello. Can you just clarify
23 your comments and annotations. You mentioned 6517 B. Is
24 that, I want to make sure I got it correct.

25 MR. RIDDLE: Right. Off 6517 B.

1 MR. DELGATO: Right.

2 MR. RIDDLE: Content of list, under national list
3 section of the law and not the rule.

4 MS. CAROE: Bea.

5 MS. JAMES: First of all, thank you for continuing
6 to come to these meetings after the grueling five years that
7 you paid into these meetings. I appreciate all of your
8 expertise.

9 I wanted to ask, you didn't mention anything about
10 in OFA, 605, 6509 B, breeder stock. And I just was wondering
11 if you had any views on that, that you would like to comment
12 on regarding the fact that in OFA it clearly states, breeder
13 stock may not be purchased from any source if such stock is
14 not in the last third of gestation, in regards to cloning.
15 And I'm just looking for your views on that, Jim?

16 MR. RIDDLE: Huh, yeah, it's breeder stock may be
17 purchased from any source if such stock is not in the last
18 third. Well, yeah, I don't think a prohibition on cloned
19 animals or their progeny is inconsistent. There are many
20 parts of livestock regulation, in particular, where the rule
21 has gone into greater detail than the law.

22 I mean, the law is the skeleton, the rule puts the
23 flesh on the bones, and the section, just a little further
24 down, even acknowledges that the livestock section of the law
25 was incomplete because it clearly gives the NOSB, shall

1 recommend to the secretary standards in addition to those in
2 that section.

3 So what the Board says and has said that have been
4 additional to these, I think, are certainly relevant. And
5 given the importance of this issue, the cloning issue in
6 particular, I think it's critical that this Board go on
7 record with a very strong recommendation, you know, not just
8 the cloned animals, but also their progeny and products. I
9 mean, that's one of the reasons I see the Board's existence,
10 you know, to offer good solid advice. And this is an issue
11 of the day.

12 MS. CAROE: Dan.

13 MR. GIACOMINI: Two things on that. Do you think,
14 do you feel that moving ahead of USDA or other government
15 agencies is premature on cloning?

16 MR. RIDDLE: Yeah, I have to disagree with the
17 earlier commentor on that. I don't think it's premature.
18 The NOP and their Q and A specifically, you know, already
19 took a stand on the cloned animals and the products, and
20 asked for your advice on the progeny. So it's perfectly
21 appropriate in that regard.

22 The larger issue of cloned animals and the FDA's
23 proposal and, you know, they are proposing that they be
24 deregulated and allowed with no tracking labeling and
25 specifically meat and milk from cattle, goats and hogs, is

1 all it's limited to, not sheep and not other species, not
2 fish.

3 But, you know, you're not commenting to FDA.
4 You're commenting on the status of those animals and their
5 products in organic, and that's perfectly appropriate.

6 MR. GIACOMINI: Okay. Finally, if you took five
7 tries to get your public comment submitted, in reviewing all
8 this, I think you were successful three times. You did real
9 good.

10 MR. RIDDLE: Great.

11 MR. GIACOMINI: Vote early and vote often.

12 MR. RIDDLE: I guess. Maybe there should be some
13 checker in the system there.

14 MS. CAROE: Any other questions of Jim from the
15 Board?

16 MR. RIDDLE: I do have copies of those comments in
17 paper that I will put on the back table. You already have
18 them.

19 MS. CAROE: Thank you, Jim.

20 MR. RIDDLE: But if other people wanted them --

21 MS. CAROE: Thank you, Jim. Next up is Andrea
22 Kavanaugh on deck. Jim Pierce, can you check in with
23 Valerie, please?

24 MS. KAVANAUGH: Hi, good afternoon. Thank you so
25 much. My name is Andrea Kavanaugh, and I'm the director of

1 the Pure Salmon Campaign, which is a global project of the
2 National Environmental Trust. We have partners in, over 30
3 partners in different countries around the world, and we all
4 have a common goal of trying to improve the standards for
5 farm raised fish.

6 The comments that I submit today are, in writing
7 and both orally, are pertaining to the aquaculture section
8 from the Livestock Committee's report. And they are on
9 behalf of the 38 different organizations in nine countries
10 including Trout Unlimited in the United States, Friend of the
11 Earth, Norway, as well as other local groups in the U.S.,
12 Norway, Chile, Scotland, Ireland, Belgium, Canada, and the
13 U.K.

14 On behalf of those 38 groups, I would like to first
15 comment the Livestock Committee for it's recommendation to
16 exclude open net pens aquaculture, and the use of wild fish
17 for organic feed for standards. And we would like to urge
18 the Board to recommend that, to make that recommendation
19 permanent.

20 I have four main areas that I'm going to comment
21 on. Number one, is the support for the exclusion of open net
22 cages, and using wild fish for feed. And the second thing is
23 to request that that be made permanent.

24 The third is asking the Board to look at
25 prohibiting organic claims on imported seafood in the absence

1 of U.S. standards; and fourth, to request substitution for
2 the term minimize with stronger, more precise language, in
3 the six places it appears in the text.

4 In addition, I have with me today a sign on letter
5 from 30, over 340 different individuals who are also
6 concerned about open net cages and wild fish for feed. And
7 as well, more than 600 individual comments from individuals
8 who all think that open net cages and wild fish for feed
9 could never be considered organic.

10 Okay. First of all, again, thank you very much to
11 the Livestock Committee. We think that they made the right
12 decision in excluding open net pens, and we think it's a
13 small victory for U.S. consumers who depend on a strong U.S.
14 organic standard.

15 We encourage the NOSB to adopt the committee's
16 recommendation to exclude them, open net cages, and to
17 exclude the use of wild fish for feed. We think, we also
18 would, again, urge you to make it permanent. And we think
19 that that would be the best thing to do for aquaculture and
20 organic centers in the United States.

21 And the reason why is that we don't consider open
22 net pens could ever meet the definition for organic, and
23 neither can using wild fish for feed. For one, the first
24 reason we don't think open net pens can be considered is that
25 it lacks a physical barrier between the fish and the wild

1 fish. And so the producer lacks control over the inputs and
2 outputs of the aquaculture system.

3 It also uses nonorganic wild fish for feed, which
4 is by definition, not organic. It cannot improve and in many
5 cases can degrade the genetic and biological diversity of the
6 surrounding environment, the outbreaks of diseases like sea
7 lice and escapes.

8 And farming of migratory species like salmon
9 ignores that species specific certain behavioral needs, and
10 so we think that that also would never, should be considered
11 as organic.

12 Right now what's happening in the U.S. is that
13 there are imported salmon being sold as organic. And that's
14 what happened, because there have not been, obviously, U.S.
15 standards in place. We would urge you to, in the absence of
16 standards, to make that impossible for those fish to be sold
17 in the U.S. as organic. It helps to maintain the integrity
18 of the organic label, and it would help lead to consumer --
19 it makes, gives consumers greater confidence.

20 We think that, you know, these are European things,
21 European -- sorry. The European important salmon, they use
22 toxic chemicals to kill parasites and sea lice. They use
23 antibiotics in certain circumstances to treat disease. They
24 use wild nonorganic feed. The feed is not cleaned of PCV's,
25 dioxin or other contaminates. They do not disallow the

1 killing and harassment of marine males, and they don't
2 present escapes.

3 We have submitted written testimony that details
4 all of those issues in Norway, Scotland, Chile, Canada, of
5 all the places where salmon has been farmed organically, but
6 it is actually exactly the same as conventional net pens.

7 Just to give an example, we got data from the
8 Scottish Environmental Protection Agency via a Freedom of
9 Information request, and they, one of the things that they,
10 the data that's available is that there were over 80,000
11 escapees of organic salmon since 2002, and zero of them were
12 recovered. Sorry.

13 MS. CAROE: You can finish your thought.

14 MS. KAVANAUGH: Okay. Thanks. And then just on
15 that also, according to the Scottish Environmental Protection
16 Agency, there was a use, lots of use of a chemical called
17 emamectin benzoate, commonly called slice. It's used to
18 combat sea lice infestations. And the problem with using
19 slice is that it's a chemical, but if you don't use slice,
20 then you get these massive sea lice outbreaks, and so then it
21 becomes a fish welfare problem.

22 MS. CAROE: All right.

23 MS. KAVANAUGH: So we would encourage you to look
24 at that.

25 MS. CAROE: Thank you for your comments. And

1 again, those issues will be taken up at a later date in a
2 different forum.

3 MS. KAVANAUGH: Okay.

4 MS. CAROE: Are there any questions for Andrea?
5 Hearing none, thank you for your presentation.

6 MS. KAVANAUGH: Thank you.

7 MS. CAROE: Next up is Jim Pierce. On deck is Rick
8 Moonen. Rick, are you in the room? If you could check in
9 with Valerie, we'd appreciate it. Valerie, put your hand up.
10 Put your hand up, Valerie.

11 MR. PIERCE: Do you have me on as both Organic
12 Valley and then as the Wisconsin Aquaculture Association?
13 Okay, I'll address those separate, because they are different
14 topics and you might have questions in between them. All
15 right. Are your ready?

16 For the record, I'm Jim Pierce, self-appointed
17 certifications at CROPP Cooperative, a now over 1000-member
18 farmer-owner cooperative, marketing under the Organic Valley
19 and Organic Prairie brands. It's my pleasure to offer verbal
20 reinforcement to our comments posted on the regulations.gov
21 website. In fact, I feel sort of obligated to do so, since I
22 am not confident anyone can find our needle in that haystack.

23 Call me an old dog, but I'm not completely
24 comfortable with this new trick. It is heartening to hear
25 that this website is going to improve.

1 General 606 comments. My colleague, Kelly Shea,
2 aptly refers to the 205.606 list as the entrepreneur's list
3 of business opportunities. And I agree. Remember, these are
4 not synthetics. These are the same commercially unavailable
5 agriculture products that our certifiers have been diligently
6 reviewing and ruthlessly forcing us to use since the Carter
7 Administer, that Carter Administration.

8 The crux of the 606 biscuit is compatibility with
9 the system of organic, not manufacture method or
10 essentialness or current availability. If a material is
11 available, we as organic processors have to use it. It's
12 okay if nonfat dry milk -- it's okay to list nonfat dry milk.
13 Nobody will be using it, though, as long as Organic Valley
14 is cranking it out.

15 There are two kinds of 606 people. You've got your
16 lumpers and you've got your splitters. Me, I'm a lumper from
17 way back. In the recommendations before us, peppers are
18 split, and hops are lumped. The hops decision is perfect,
19 kind of common sense, but I suspect divine intervention
20 considering the magnitude of the issue.

21 Even though the pepper petitions came in from
22 multiple sources, the same lumping allowances approach could
23 be used. Now, onto more specific 606 comments. One of the
24 dogs in this hunt for organic priority is celery powder.
25 That minor ingredient not currently available as organic in

1 sufficient quality, form and function, has transformed
2 organic hams, bacons and hotdogs into rising star products.
3 Organic celery powder is becoming available, and Organic
4 Prairie is among the first in line to test and use it.

5 If, however, organic meat sales explode the way we
6 predict, and there is a very real possibility of organic
7 shortages. We are disappointed to see this material
8 recommended for addition to the list for only three years,
9 and so we repeat our request. If celery powder is compatible
10 with a system of organic production, then list it for the
11 full five-year term.

12 I know you mean well by attempting to stimulate the
13 market, but you cannot control farm practices and market
14 forces from Washington. Annatto, I like to say that,
15 annatto. It sounds very Italian.

16 We agree with the three dissenters that the
17 suggested annotation that conventional oil extracted annatto
18 be extracted with organic oil is over prescriptive and should
19 never have stuck to the wall. The real problem with annatto
20 suspended in oil, however, is that it's suspended in oil, and
21 I don't see oil proposed to the addition to the national
22 list. Therefore, by my read, even if oil-based annatto is
23 added to 606, it won't be allowed.

24 The same situation is true for vinegar brined
25 peppers for organic pepper cheese, and every other multi-

1 ingredient minor ingredient.

2 Now, as much as I love saying annatto, I struggle
3 with fructo-olego saccharide and oligofructose. So we'll
4 refer to them as FOS and OFS. As the public comment period
5 progresses in the next few days, you will hear repeated
6 objections to the committee's conclusion that these materials
7 be considered as synthetic. You will also hear carefully
8 constructed solutions in order to list all inulin including
9 FOS and OFS on 606.

10 Although fructo-olego saccharides and oligofructose
11 sound pretty darn synthetic, they are not. Both can be
12 produced from raw inulin which can and is certified organic
13 by enzyme hydrolysis, an established biological process.
14 Both are clearly compatible with organic practices and need
15 to be added to 606.

16 Enzymes are allowed in organic productions and are
17 on 605 A. There are plenty of examples of enzyme hydrolysis
18 in organic food, including maltedextrine from cornstarch.

19 Perhaps more importantly here is the spirit of accepting
20 petitions for 606 consideration. These two materials were
21 petitioned in good faith as agricultural materials
22 representing a significant number of producers whose products
23 are currently certified by organic, by accredited certifiers.
24 To abruptly change classification is to pull the rug out and
25 cause significant economic disruption.

1 There is an irony here similar to the oil and
2 annatto problem described earlier. There could very well be
3 a 606 problem unless good old just plain inulin gets listed
4 on 606. If for any number of reasons, including market
5 expansion, the prohibition of SOS and OFS as synthetic, or
6 any other various and sundries, organic inulin becomes
7 commercially unavailable.

8 We're from the private sector and we are here to
9 help. Please give serious consideration to the fructose
10 solution that is being proposed. Think lumper.

11 Lastly, thank you for recommending natural casings
12 for the addition to 606. It was a perfect decision. On
13 behalf of Organic Valley and Organic Prairie, keep up the
14 good work.

15 MS. FRANCES: That's the first five minutes.

16 MR. PIERCE: Yes.

17 MS. CAROE: Is there any questions?

18 MS. WEISMAN: Where's the proxy?

19 MS. CAROE: Well, it's separate. It's a separate
20 agency that signed Jim up. So questions on Jim wearing his
21 CROPP hat? Any.

22 MR. ENGELBERT: One, Andrea.

23 MS. CAROE: Kevin.

24 MR. ENGELBERT: Do you have any concerns at Organic
25 Prairie with natural casings if they are approved with this

1 cloning issue that's popped up, and cloning animals being
2 used for livestock?

3 MR. PIERCE: I hadn't really considered it. We
4 will certainly have to work through our certifiers to verify
5 that any casings are not coming from cloned animals, because
6 that would be products of cloned animals. Yes. I think it
7 could be done, though. I think it could be handled. We just
8 have to work out an agreement with the casing supplier.

9 MS. CAROE: Any other questions for Jim on these
10 comments? Okay, Jim, do a quick turn around and then come
11 back at us.

12 MR. PIERCE: Yes. Actually, you are playing right
13 into this. Hello. For the record, I am Jim Pierce. The
14 following comments are on behalf of the Wisconsin Aquaculture
15 Association, not Organic Valley. I will not literally but
16 figuratively switch hats now to that of the Wisconsin
17 Aquaculture Association. I was going to bring the old WAA
18 hat, but being a true fish farm working hat, the one in fact
19 that keeps the precursors of fish meal out of my hair, let us
20 say that it is olfactorily challenging.

21 In another life, a simpler, quieter, dreamier
22 Jeffersonian life, I raise rainbow trout in God's country. I
23 have the privilege, as well, of being a director on the
24 Wisconsin Aquaculture Association, and 80-odd member
25 organization of cool and cold water fish producers.

1 Wisconsin aquaculturists are the model of sustainable
2 fish producers. The Wisconsin Department of Natural
3 Resources is among the strictest in the nation regarding
4 prudent water use. Since our niche has always been high
5 quality fish produced locally and sustainably, we are
6 anxiously watching the progress of this project.

7 While our members would benefit significantly from
8 organic standards, there is nothing in this recommendation
9 for us beyond a glimmer of long-term hope, since the fish we
10 grow rely on fish meal in their diet. By postponing
11 standards for fish meal and pen culture, you have, in our
12 view, effectively killed our opportunity for organic
13 aquaculture, exactly what many people want, judging from the
14 comments.

15 I'm here on behalf of our association to urge you
16 not to leave the standards on fish meal and pen culture in
17 the wake. Delaying the development of fish meal and pen
18 culture could be the kiss of death. We have all gazed into
19 the abyss that is the Federal Register process, that Doug
20 placed in previous NOSB recommendations, critical livestock
21 materials and a pasture law language.

22 There are a veritable boatload of comments posted
23 regarding aquaculture. Most are steadfast in their demand
24 that pen raised aquaculture be banned let along certified
25 organic. It's unfortunate but undeniable that certain

1 aquaculture practices have received the harsh criticism they
2 deserve. Like confinement poultry and pork production, those
3 factory style fish farms represent the majority of
4 production, but only a minority of producers.

5 The same paradigm that has devastated the family
6 farm affects fish farmers. Corporate producers with lopsided
7 influence and little regard for long term sustainability are
8 spoiling the environment and reputation in the name of
9 quarterly profit.

10 At the same time, most aquaculturists, just like
11 most terrestrial farmers are dedicated stewards to the
12 environment, and husbands to their livestock, and stand to
13 benefit from the organic label.

14 There is a good deal of consumer confusion
15 regarding aquaculture that is dragging these good farmers
16 down with the sinking reputation. The good news here is that
17 it's not your job to educate consumers. It is your job to
18 write goal-based standards for aquaculture. Indeed it's your
19 OFA anointed duty.

20 If a dairy farmer can figure out how to manage 5000
21 cows in compliance with the new pasture regulation, they
22 should and they will. Likewise, if a fish farmer can raise
23 fish sustainably in net pens, like say Kona Blue, without
24 jeopardizing the resource, set the stage and let them do it.

25 And the stage is set. Pen culture remains in the

1 definitions. The aquaculture task force and IFO have
2 proposed a solid foundation of goal-based standards for pen
3 culture. Either accept them, expand on them, but please
4 don't abandon them.

5 The solution for fish meal is more difficult, but
6 just as critical. The good news here is that the IFO
7 community has wrested with this problem, has shared their
8 results. The WAA encourages you to continue to work with the
9 stakeholders to find compromise. Our plea today is to please
10 don't let this boat pull out without us, and the thousands of
11 small aquaculture producers that are already doing it right
12 and who would benefit from the organic standards for cold
13 water pacifiers species.

14 Yes, there are unsavory species -- yes, there are
15 unsavory practices in conventional aquaculture. Yes, the
16 issue of fish meal and pen culture are difficult. And yes,
17 there are righteous fish farmers, like many in the Wisconsin
18 Aquaculture Association who want to cater to the very
19 commentators who abhor these practices by providing them with
20 farm seafood raised sustainably and proudly displaying the
21 most powerful eco-label on the market, the USDA seal.

22 It merits repeating that organic standards are
23 goal-based. Build the goal and farmers will come. Thank
24 you.

25 MS. CAROE: Any questions for Jim? Thank you, Jim.

1 MR. PIERCE: Thank you.

2 MS. CAROE: Next up is Rick Moonen. On deck is Sue
3 Ann McAvoy.

4 MR. MOONEN: Good afternoon. My name is Rick
5 Moonen. I'm executive chef and owner of a seafood restaurant
6 in Las Vegas. I've flown out here today to speak to you for
7 five minutes.

8 I've been in the food industry for 30 years as a
9 chef, 18 of them as focused primarily on seafood. I'm here
10 to represent the viewpoints of many of my peers on the issue
11 of the so-called organic seafood.

12 I understand that the Livestock Committee has
13 suggested more dialogue is needed on the issue of whether
14 fish farmed in open net cages and those requiring wild fish
15 for feed should be considered for organic certification. And
16 until now, I don't think you've heard from chefs or
17 restaurants who are the gatekeepers, restaurant owners who
18 are the gatekeepers of the food world on our feelings towards
19 organic seafood.

20 Today I want to present to you a letter that is
21 signed by 20-plus well-respected chefs from across the
22 country regarding our concerns over the organic certification
23 of seafood like farmed salmon, farmed cod, et cetera.

24 In my conversation with many of my peers, it's my
25 sense that many of us are worried about the watering down or

1 the confusion of the term organic. When I think of the word
2 organic, and I think most people, they think of this healthy,
3 good for you, good for your family, safe, environmentally-
4 friendly product. Most of the time it's farmed.

5 And we see organic farmed salmon offered by our
6 seafood suppliers, for instance, and we're confused on how
7 anything like farmed salmon can be called organic. And it's
8 not something we're comfortable with at all.

9 I'm here to offer my support, along with a large
10 group of the other chefs for the Livestock Committee's
11 recommendation that fish farmed in open net cages and those
12 requiring wild fish for feed be left out of the USDA organic
13 standard. I'm also here to ask that the NOSB never consider
14 these types of seafood for the organic standard. To me,
15 based on my knowledge of organic food systems, it simply
16 makes no sense that we're even considering labeling open net
17 caged fish and carnivorous fish as organic.

18 In 1998 I took a trip to Norway. I used to be, I
19 used to be a huge proponent of farmed salmon. I thought it
20 was the greatest thing since sliced bread. I took a trip up
21 to the Bay of Fundi, and I visited some salmon farms, and I
22 thought it was the most fantastic thing in the world. Within
23 hours, I was in New York City for 28 years, we'd get the fish
24 gently taken out of water, you know, correctly handled, sent
25 to us. It was inexpensive. It was an easy fish to sell.

1 Everybody understood salmon. They loved salmon. It was so
2 many preparations. There's nothing about it that I didn't,
3 that I couldn't embrace.

4 And then in 2004, I was attending in Vancouver the
5 third world fisheries conference, and I took a trip into the
6 Britain Archipelagos and met this lady called Alexandra
7 Morton. And she was a researcher up there in Eco Bay. And
8 there are, she was researching a lot of the salmon farms in
9 the nearby area. And in particular, the effect of sea lice
10 at these salmon farms. These open nets were producing large
11 amounts of sea lice.

12 Now, sea lice go through a natural cycle where, you
13 know, the population will be down at a certain time. There's
14 five wild species of salmon in the Pacific Northwest. And
15 when they are immature, they don't have a scale coating, so
16 they are very vulnerable for sea lice. Sea lice will kill
17 them.

18 What we did is we took a vote. We went nearby one
19 of these salmon farms, we took a net and we pulled up a bunch
20 of wild pink salmon, put them in a little aquarium and every
21 single one of these salmon were dead or dying from sea lice.

22 From my own personal research on the impacts of
23 fish farming, basically what we are doing is, we're wiping
24 out wild species of salmon. And I can tell you that from
25 first hand experience.

1 I've also met the natives from up there. They are
2 called First Nations, and they sat down and told stories
3 about how these salmon farms affected their land, their water
4 there, the systems that surrounded their families for
5 hundreds and hundreds of years.

6 As the letter that I present to you now states, my
7 peers and I simply, (a) cannot support an organic system that
8 takes more resources, fish, from the natural environment, and
9 that it provides in return, as in the case with farming, all
10 carnivorous fin fish, such as salmon. Kona Blue, for
11 instance, 50 to 1 ratio. It takes 50 pounds of feed to
12 produce one pound of Kona Blue.

13 (b) It cannot support caging a highly migratory
14 species like salmon and labeling it as organic. It's not
15 exactly free range.

16 It cannot support organic certification for any
17 food system that allows untreated waste from the farm to be
18 discharged directly into the ocean, as in the case of an open
19 net cage fish farming system. The effluent that comes from
20 these fish farms creates this blanket suffocating everything
21 around it, all clams, oysters, anything that's on the bottom
22 dies.

23 I cannot, we cannot support organic certification
24 for any system that does not eliminate the spread of harmful
25 and sometimes lethal parasites to wildlife, as in the case

1 with open net cage salmon farms, as I had spoken.

2 Cannot support an organic system that does not
3 prevent escapees of farmed fish into the wild, as in the case
4 of an open net cage fish farming system. And cannot support
5 an organic label for a product where the feed, and therefore,
6 the product itself may very well contain unhealthy levels of
7 contaminants such as PCB's and dioxines in sometimes higher
8 quantities than conventionally farmed product.

9 Basically, just to boil it all down, we're just
10 asking that we don't confuse an already confused organic
11 name. Thank you very much.

12 MS. CAROE: Any comments from the Board? Bea.
13 Hold on. Bea. I'll get you next.

14 MS. JAMES: I want to make sure that I understand
15 what you do support. So what I hear you saying is that
16 you're okay with limited varieties of fish that would be
17 raised organically, but not just a blanket on everything
18 potentially being raised right now?

19 MR. MOONEN: Correct. Basically, what our major
20 concerns are, twofold. In aquaculture, if it's, if they are
21 pulling feed from -- if it's a carnivorous fish, the feed
22 must come from the environment. And basically, we're
23 punching holes into the environment by removing -- let's say
24 it's sardines. We're taking sardines to produce pellets to
25 feed carnivorous salmon or cod.

1 There is an imbalance in that, and then that
2 creates a big problem. There is contaminates in the feed,
3 and it's not an organic source, therefore, it can't be
4 labeled as organic.

5 In the world of vegetarian fish, such as catfish
6 and Tilapia, there I would support the word organic being
7 used, because it's much more controlled and the source of
8 their feed it not from, if it's noncarnivorous. Does that
9 answer your question?

10 MS. CAROE: Kevin and then Dan.

11 MR. ENGELBERT: That was basically what I was going
12 for, too. I wondered what you did support. But I'm also
13 concerned about when you say never, and I heard, you know,
14 you are not the first person to say never. That's a long
15 time.

16 MR. MOONEN: Okay. When it comes to farming, what
17 I would like to see happen, I think that aquaculture is very
18 important, because there is a need for fish protein for
19 consumption. But there's a permanent barrier between these
20 farms and the natural environment. And it can be done, and
21 it's shown to be done. It's more expensive, but it's the
22 only solution I see as a viable answer to the word organic or
23 anything in the future.

24 MR. ENGELBERT: Right. And as Joe and Andrea have
25 said, this is the topic for our next meeting. But while I

1 have your ear, have you studied the proposed rules that the
2 aquaculture working group came up with that we have set
3 aside? I mean, as a novice, they seem very thorough, and a
4 lot of the issues that you have just talked about seem to be
5 addressed. But you, apparently, think there is no way that
6 they can be. And I'm --

7 MR. MOONEN: I know that I maybe used a lot of
8 extreme words as far as never. But what we want to do is we
9 want to take steps in the right direction. I mean, I'm a
10 seafood chef. I sell fish for a living. I don't want to
11 remove fish from my menu, because then I would be serving
12 tofu, you know. I would have to change my entire concept.

13 So I'd like to see it done in a responsible manner.
14 And I did not read the entire standards. I gathered a lot
15 of information from trusted sources, environmental groups
16 that I'm affiliated with for many, many years. And I'm
17 constantly on line. I have like a stack of things that I
18 read on a daily basis involving sustainability of the ocean.

19 My menu in Las Vegas, the land of who gives a darn,
20 you know, is -- I research everything that I put on there,
21 and I try to make it as sustainable as I possibly can.

22 MR. ENGELBERT: Thank you for coming out.

23 MR. MOONEN: You're welcome.

24 MS. CAROE: Dan. Hold on.

25 MR. GIACOMINI: Essentially, you know, without

1 wanting to take longer than need on this, but it was the same
2 as Kevin was saying. I mean, the issues of efficiency of
3 food harvest versus food output of inflow and outflow of
4 waste and those things, a lot of those are dealt with or our
5 bars are set in these guidelines.

6 And I guess one of the things I'm asking is, is it
7 worth trying to set a high enough bar to fix the problems
8 that you're seeing I conventional farming, or is it just not
9 worth trying at all?

10 MR. MOONEN: It's absolutely worth trying, because
11 I think it's a viable solution.

12 MR. GIACOMINI: So if we set a high bar and it can
13 very few or never be done, then there is no organic salmon
14 available, I guess the question I don't have is what would be
15 wrong, what's wrong with setting the bar high and trying to
16 improve the problems that you are seeing with conventional.

17 MR. MOONEN: I just think the word organic
18 shouldn't be applied at this time to farmed carnivorous fish.

19 Until, until we find a way of producing some sort of feed
20 that doesn't have that large imbalance ratio -- Kona
21 Kampachi, I just found out a few minutes ago, that the ratio
22 is 50 to one. And that blew me away. Salmon isn't that bad,
23 I mean, comparatively, but still isn't great. You know, so
24 it's taxing our natural ecosystem.

25 And I'm not here to save the world. I'm here to

1 try to educate myself, my staff, my customers on making
2 healthful choices for the environment for the future.

3 MS. CAROE: Thank you for your comments.

4 MR. MOONEN: You're welcome.

5 MS. CAROE: Next up is Sue Ann McAvoy. Did she
6 check in with you, Valerie?

7 MS. FRANCES: Yes.

8 MS. CAROE: Okay. On deck is Mara Cool. I'm
9 sorry, Marc Cool. Marc, are you hear?

10 MR. COOL: Yes.

11 MS. CAROE: Could you check in with Valerie,
12 please? Thank you.

13 MS. McAVOY: Good afternoon. My name is Sue Ann
14 McAvoy, and I'm with Sensient Colors in St. Louis. And I
15 want to thank the Handling Committee for reading and
16 commenting on all the color petitions that they received, 51
17 out of -- excuse me, 21 out of the 51. That was a lot of
18 work.

19 And I want to thank the Board as a total for their
20 consideration, and full consideration of all these items that
21 are before you for comment to addition to 606 at this time.
22 I will also thank you for the opportunity to submit public
23 comment responding to the recommendations of the NOSB that
24 will be finalized at this meeting.

25 And I want to thank you for accepting, please

1 accept our comment for specific, specific to the NOSB
2 Handling Committee recommendations for the petitions received
3 for color, annatto.

4 We understand that the NOSB received three
5 petitioners for annatto extracts to be placed on the national
6 list 205.606 nonorganic agricultural substances. Two were
7 submitted by Sensient Colors, Incorporated, of which I'm the
8 manager of regulatory compliance, and one was from another
9 company.

10 We support the decision of the NOSB to review and
11 make recommendations of petitions of similar substances by
12 substance rather than individually by petitioner. In this
13 case, however, the petitions for annatto extract are, in
14 fact, for two different substances, annatto extract water
15 soluble and annatto extra oil soluble.

16 Sensient submitted one petition for each and our
17 other company, another company, submitted one petition for
18 many colors that included the oil soluble annatto seed
19 extract.

20 The current handling subcommittee recommendation to
21 the Handling Committee is to approve both forms of annatto
22 extract with the annotation that organic oil must be used for
23 the oil extraction. The Handling Committee voted to reject
24 the recommendation on the grounds that the annotation was
25 overly prescriptive.

1 We agree with the Handling Committee regarding the
2 annotation and respectfully offer the following suggestions.
3 We propose that annatto extra water soluble and annatto extra
4 oil soluble be considered as two separate substances, as they
5 are manufactured differently and are distinctly different
6 when used in formulations of organically handled products.

7 We propose that the Board consider a friendly
8 amendment that would remove the annotation from the use of
9 organic oil from the recommendation for annatto extract oil
10 soluble, as it is determined to be outside the scope of
11 205.606. And we urge the NOSB to approve the two separate
12 recommendations for the two forms of annatto extract that
13 would allow for the use and offer the use as nonorganic
14 agricultural substances on 205.606.

15 We'd like to emphasize that the most important
16 points made in the Sensient petitions for annatto extract,
17 while there are some supplies of annatto seed being produced
18 in countries outside the United States, in our search for
19 organic annatto seeds, we discovered limited supply, crop
20 irregularities, certification and accreditation difficulties,
21 improper form, or NOP prohibited manufacturing processes of
22 raw materials and inferior quality.

23 Our determination was made after consulting with
24 over six producers and processors of annatto seed and
25 extracts. Annatto seed must be handled and the color

1 extracted immediately after harvest with controls
2 consistently in place at all points during shipping,
3 packaging, drying and storage.

4 When this process is not managed properly, the
5 result is diminished seed quality, which means inconsistent
6 unacceptable levels of bixin, which is the substance in the
7 extract that contains the coloring component.

8 We are actively engaged in working with producers
9 to successfully cultivate and develop an organic annatto seed
10 that will yield annatto extracts with consistent qualities,
11 appropriate form, and brilliant color to meet the production
12 standards in expectation of organic handlers and consumers.
13 Until that time, we urge the NOSB to separately approve
14 annatto extract water soluble, annatto extract oil soluble,
15 without annotation, for inclusion on the national list,
16 205.606.

17 Thank you very much for your consideration. We
18 look forward to production, a productive and successful
19 meeting.

20 MS. CAROE: For questions? Joe.

21 MR. SMILLIE: Thanks for the annatto information.
22 I appreciate it. Did you have, did Sensient or yourself make
23 any other comments on any of the other rejected colors?

24 MS. McAVOY: We chose at this time not to make
25 comment on those, not because we wouldn't be in support one

1 way or the other, but because we didn't petition for them.

2 MR. SMILLIE: Okay. Thanks.

3 MS. CAROE: Rigo.

4 MR. DELGATO: You mentioned you are working with
5 producers to secure production, organic production of this
6 product.

7 MS. McAVOY: That's correct.

8 MR. DELGATO: What are the challenges that you are
9 facing with those producers, and when do you think you'll,
10 you anticipate having a constant supply of annatto?

11 MS. McAVOY: The biggest challenge is where annatto
12 seeds grow. It grows, they grow in equatorial climates at
13 high elevations in similar places to where coffee grows.
14 Many of the sources are Equador, and in Peru. And for
15 example in Peru, the United States encourages, under the
16 Andes Agreement, encourages cooperation with Peru.

17 And the Andes Agreement is to help keep down the
18 amount of drug trafficking. So instead of coca being grown,
19 annatto or cochineal or another substance that will be an
20 agricultural or product for use in foods, coffee, for
21 example, will be grown instead. So to make it sustainable
22 for those people.

23 The biggest problem we are facing in Central and
24 mostly in South America is that the organic, lack of organic
25 certifiers that are accepted by the NOP. We have yet to

1 really secure a very good source. And we've been in the
2 annatto seed trading business for 25 years, at least as far
3 as I go back with the company. So that's one of the issues,
4 is trying to find a certifier of those products in those
5 countries.

6 MS. CAROE: Any other questions. Julie.

7 MS. WEISMAN: Just in anticipation, possibly, this
8 is not for sure, but in anticipation possibly of making two
9 separate recommendations, I was hoping for your professional
10 technical opinion. Would it be more accurate to call these
11 things, for instance, annatto in water, or annatto water
12 soluble, or are they interchangeable? And the same for oil.
13 Would it be annatto in oil, or annatto oil soluble, because
14 we've been using them interchangeably on the Board.

15 MS. McAVOY: Right. It's water soluble annatto.
16 The water soluble product has potassium hydroxide with it.
17 The seed, the color -- I don't know how technical you want me
18 to get. The color is contained on the outside of the seed.
19 It's about 2.5 percent of the weight of the seed itself. And
20 it's in a resinous coating on the outside.

21 In order to get the color off you have to wash it,
22 for lack of a better term, in some manner. There are two
23 physical washing means. One is with oil, and that's the
24 traditional means that has been used to get the coating, the
25 resinous oil soluble coating off.

1 And the other one is water with potassium
2 hydroxide, which is another traditional means that has been
3 used. With the potassium, that product that makes it water
4 soluble, there actually is a slightly different structure to
5 the color. It's called noabixin. And the color that is oil
6 soluble, that color component is called bixin. So we are
7 looking at two different color components. Both are
8 carcinoid in nature, but there are still two different
9 structures.

10 MS. CAROE: Any further questions? Go ahead,
11 Steve.

12 MR. DEMURE: I'm not sure I understand why you
13 wouldn't be able to use, or want to use organic oil in the
14 extraction process. Could you explain that?

15 MS. McAVOY: We felt, well, the annotation was
16 added, and because of the annotation the Handling Committee
17 recommended, even though they recommended it, it was voted
18 down. We felt that when we had originally petitioned, we
19 felt that oil, organic oil would be the more appropriate way
20 to go, because that's more within the feel of the standard
21 itself.

22 However, it was then felt that perhaps it should be
23 up to the specific certifiers to decide whether or not
24 organic oil has to be used in this nonsynthetic, excuse me,
25 nonsynthetic, nonagricultural product at this time. Does

1 that make sense? Yes. Okay.

2 MS. CAROE: Just in response to that, Steve, we'll
3 have further discussion when we talk about this material. I
4 have a definite opinion on why that should or should not be
5 unrelated to the product itself, but more about the process
6 and about the appropriateness of these annotations. So thank
7 you, Sue Ann. Do we have any other comments? None. Hearing
8 none, thank you so much.

9 Next up is Marc Cool. On deck is Joe Mendelson.
10 Joe, are you here? Joe? He's here? Can somebody make sure
11 he checks in with Valerie? Go ahead.

12 MR. COOL: Thank you, Madam Chairman. My name is
13 Marc Cool. I work with Seeds of Change. We are a certified
14 organic food and seed company based in Santa Fe, New Mexico.
15 We are very committed to the organic industry, both from the
16 food and the seed side. We're also very supportive and
17 appreciative of your efforts here as volunteers on this
18 Board.

19 I'd like to speak to you today on a couple of
20 points regarding organic seed. The first is the Omri
21 Database. We're all aware of the Omri Database which lists
22 allowed substances to use in organic agriculture, also has a
23 seeds database. And this was placed a number of months ago
24 by a consortium of seed companies. And this lists currently
25 about 650 varieties of organic seed available to commercial

1 farmers.

2 About 250 of those are ours. There's about six or
3 seven companies listed on this database, which is far too
4 little. We really need to, as an industry, take a couple of
5 next steps in making sure there are more and more varieties
6 listed on this database. We do appreciate Mark Bradley's
7 help to push and steer certifiers towards this database.

8 The second point is, what Seeds of Change is doing,
9 and what the industry is doing to make organic seed
10 available. As we all know, conventional seed companies
11 really do not see the demand out there to provide them
12 impetus to actually develop organic seed varieties.

13 What we are doing is, we have taken the step of
14 actually -- you know, the question, the old question, the
15 chicken or the egg. The answer to the chicken or the egg
16 question is, the first thing that comes is commitment and
17 resources. It takes a lot of time and energy to actually
18 develop the supply side of the business, if there is no
19 demand side of the business.

20 What we have done is develop a catalog. I've put a
21 couple on the back table for you if you are interested to
22 look at, which shows a little bit of something that some
23 companies are doing to provide supply side on the organic
24 seed industry.

25 The next thing is the farm bill. We're all aware

1 that there is mention of the organic research in the farm
2 bill, and we would like to, obviously we are all here in
3 favor of support of that. It like to ask you to please
4 continue to push for support the inclusion of relevant
5 organic research in the '07 farm bill.

6 The last thing, which is the most important thing I
7 would like to touch on, is the transparency in granting the
8 allowance to use nonorganic seed. We all know under NOP rule
9 205-204, the definition of how, when someone has to use
10 organic seed is pretty much all the time unless organic seed
11 is not commercially available in equivalent form which is
12 relevant for the farmer in his or her operation. That's a
13 fair exception, and we support that exception.

14 However, reality is that less than 1 percent of the
15 organic fresh market and processed food grown in America is
16 using organic seed. This as opposed to conventional
17 untreated or nonchemically treated seed. There is very, very
18 little organic seed used in this organic chain. And that's
19 kind of a shame, because our seed is the start of the chain,
20 and that start doesn't exist.

21 So what we would like to do in some kind of way as
22 an industry, as a seed industry, to know what organic
23 varieties are in demand out there? What do farmers want to
24 plant in an organic form.

25 The easiest way, it would seem, would be to get

1 access to lists from the certifiers on what exceptions or
2 exemptions they have given farmers to use nonorganic seed.
3 Evidently, we've had a number of talks with several
4 certifiers, evidently this information is not available. The
5 certifiers themselves don't track or don't file these kinds
6 of records. But the farmers, it's the farmer's job to file
7 this.

8 So we thought about maybe doing a survey amongst
9 farmers to see what varieties, you know, are in need out
10 that. But that becomes very difficult. Surveys, of course,
11 generally have a very low response rate, and the people that
12 do respond can skew the results quite dramatically.

13 So what we actually would like to propose is the
14 following. We would like to recommend to NOP, and this is
15 consistent with some thoughts that have been voice before,
16 that NOP request certifiers to make the possible
17 consideration of exemptions to the use of nonorganic seed for
18 an organic crop system, to make this information public on a
19 website, for instance on the NOP website, make this available
20 in advance of granting this exemption.

21 What then can happen is the industry will be able
22 to look at this know what demand is out there and be able to,
23 if necessary, fill that. If a variety is not available, then
24 at least that list gives an overview of what exemptions have
25 been requested.

1 If we do the above, what we are going to do is
2 provide impetus for the organic plant breeding companies to
3 actually develop better varieties for the future that were
4 developed specifically to do well under organic or low input
5 agricultural systems. Also, we therefore, allow organic
6 farmers access to the best possible varieties for them which
7 is to their long term interest.

8 And finally, what we will then do is allow the
9 consuming public to be satisfied with the authenticity and
10 comfort that the organic seed chain, or the organic food
11 chain is complete, starting all the way from the seed. Right
12 now, that is not the case, and we think that should be the
13 case.

14 We need to defend the brand organic. So with that,
15 thank you very much. I'd like to, if there are any
16 questions, answer those now, or anytime in the future. Thank
17 you.

18 MS. CAROE: Are there any questions from the Board?
19 Tracy?

20 MS. MIEDEMA: This sounds so sensible. Is there
21 any opposing viewpoint to having this database?

22 MR. COOL: I think the -- thank you for mentioning
23 this would be sensible. Joe might have some comments. I
24 think the general comment, of course, is one of limited
25 resources. Both the certifiers and NOP have very limited

1 resources. In my view, in the whole accreditation process,
2 there is a whole number of steps and a lot of paperwork to
3 be done, and I don't understand quite why it would not be
4 possible to have one step, namely, a very simple website
5 where people could very easily simply type in the information
6 and make this available to the public. But there will be
7 some comments regarding, of course, simply resources.

8 MS. CAROE: Joe.

9 MR. SMILLIE: You've taken the words right out of
10 my mouth. It's back to the old USDA website issue, which
11 we've batted around a few times. It would be really great to
12 have a lot of this on the website, but there's a number of
13 reasons why that hasn't occurred yet, resources being on of
14 them.

15 Second one is, it's another burden that would be on
16 the certifiers to put up there. And the reason why it's a
17 burden on them, not so much the bureaucratic load, but also,
18 farmers do not like to let people, other people know what
19 varieties they are planting. It's, for a market gardener,
20 it's a life and death issue, and for crop and field guys it's
21 not so big. But there is a certain resistance in the farming
22 community to really let, you know, to say that I'm using this
23 particular type of seed for whatever market advantages,
24 either perceived or real.

25 So there's a couple of things that prevent us, I

1 think, at this time from moving forward. But I agree with
2 you. I think it's important. I think it's a shame that
3 we're not using more organic seed. And again, if it was
4 available and people could get it, then I'm sure they would,
5 but again, we've got to get them to say what they need, and
6 then certifiers have to also be able to have a good database
7 to rely on to say, no, that's available. Excuse me.

8 Right now, we're still working with a system that
9 we've had for many years, which is show me your due diligence
10 efforts to procure the organic seed. And of course, that is
11 enforced among different certifier groups at different
12 levels, and you know, how much effort did they really make,
13 and how much is just show. And they just specked you to
14 death. Oh, I couldn't get this, and I've got to have this
15 variety or, you know, my market expects it, or the wholesaler
16 expects it.

17 So I agree with you in principal, and hopefully
18 between -- hopefully we'll be continually tightening the
19 screws, and hopefully we will have some sort of system that
20 works for everyone to increase the amount of organic seed
21 used.

22 MR. COOL: Well, thank you. Yes, where the
23 exception is relevant, obviously, everyone agrees to it. We
24 don't want to force growers to use a product they don't want
25 to use, and which they are not going to be successful with.

1 The database does exist that actually lists all the varieties
2 available organically. It's the Omri Database.

3 Again, as an industry person, my goal is to
4 actually increase the presence and listing of varieties and
5 companies on that database. Your comment about farmers not
6 wanting people to know what varieties they are using, an easy
7 way around that would be to not link the name of the farmer
8 or the operation and the variety that is being requested for
9 exemption.

10 The goal of this is very clear, all of us want to
11 make this chain true. The public will increasingly want to
12 see this chain as being true. We have to defend the organic
13 brands. And some of the concerns that are raised are things
14 in my mind that we can actually sit down, discuss and
15 overcome and not say up front, we can't do it because of our
16 resource issues.

17 MS. CAROE: Any further questions? You have a
18 question for Joe? Okay, Bea.

19 MS. JAMES: So, Joe, in your comment that we will
20 get to this, are you saying that this is something that the
21 CAC Committee would put on their work plan?

22 MR. SMILLIE: Yes. Yes, I think it could be.
23 Again, I'd like to confer with the program and see where
24 they're at with it right now, see what they are doing as far
25 as their accreditation of certification agencies, and how

1 this is being enforced. Because technically, I mean, the
2 regulations are clear. You have to use organic seed unless
3 it's an exception.

4 And the fact that Marc brought up is like 1
5 percent, and there's like a lot of exceptions. In fact, it
6 wouldn't be an exception at that kind of level. So we've
7 obviously got a problem that we need to deal with. And yeah,
8 I can see putting it on our work plan. Absolutely.

9 MS. CAROE: Any further -- Kevin, quickly.

10 MR. ENGELBERT: One quick question, Marc. Do you
11 -- what types of seed do you sell? I mean, are we talking
12 vegetables, field crops?

13 MR. COOL: Our company sells vegetable seeds, but
14 also input crops along with that, so say insects, flowers,
15 cover crops, et cetera, all 100 percent certified organic.

16 MR. ENGELBERT: Okay.

17 MR. COOL: Well, thank you, and we're very happy to
18 help you as we pursue this issue, and I'm open to questions
19 any time and at any time in the future. Thank you.

20 MS. CAROE: Any further questions? Okay. Thank
21 you so much. Next up, Joe Mendelson, and on deck is Brian
22 Baker. Is Brian in the room? Okay. Brian, you're going to
23 be on deck, but we're going to take a little break after this
24 speaker for comfort.

25 MR. MENDELSON: Good afternoon. My name is Joe

1 Mendelson. I'm with the Center for Food Safety. We're a
2 consumer and environmental organization located in
3 Washington, D.C. with offices also in San Francisco and
4 members across the country. I want to thank the Board again
5 for all it's hard work, and welcome the new members. Thank
6 you for dedicating the better part of your lives over the
7 next five years, to many tasks.

8 In the interest of your break, and others, I'll try
9 to be quick. I want to give Jim the chance to opt out on my
10 comments. No? Okay.

11 Just I'd like to comment quickly on two topics.
12 The first is cloning and the second is the aquaculture
13 recommendations. First on the cloning issue, I have to say I
14 haven't had the chance to read the revised draft that has
15 been mentioned, but we want to, I would like to say we
16 appreciate all the hard work of the Livestock Committee on
17 the recommendation that had occurred before, taking up a very
18 timely issue, certainly one that our organization is very
19 interested in.

20 I'd just like to add that we, like other
21 commentators, think that the prohibition has to extent to
22 progeny. We think there are scientific reasons that validate
23 that, in particular, and this is in our written comments,
24 that there are studies out there showing that some of the
25 genetic aberrations that occur in clones are passed down to

1 their progeny. And that suggests that these animals are
2 fundamentally different than what would be a conventional
3 animal. That is that they do not get reprogrammed into
4 normalcy necessarily after a cloning occurs. And I would ask
5 you to look at our comments that were submitted through the
6 egovernment, eregulation website that cite to that.

7 That means, just like you would have if you took
8 say a genetically engineered alfalfa, bred it with a
9 conventional alfalfa, created next generation alfalfa that
10 has the genetic trait, genetically engineered trait, and that
11 would be prohibited under the excluded methods. So should
12 the progeny in organic.

13 I would like to also support Jim's recommendation
14 about using the term asexual and not cloning. I use that as
15 a common, term of common art. But asexual reproduction is
16 really what we are talking about.

17 A couple of other quick comments on the progeny
18 issue. I was just in attendance at a meeting of the
19 Transatlantic Consumer Dialogue. That is a meeting that is
20 sponsored by the European union and the U.S. governments of
21 consumer organizations from both the United States and the
22 European union.

23 And we come together to develop consensus consumer
24 positions. And we developed a consensus recommendation on
25 cloning. It was attached to our comments. Within that

1 recommendation is a recommendation that clones and their
2 progeny be prohibited from any type of organic production
3 system. This is supported by groups in the United States
4 such as, certainly, ours, the Center for Science in the
5 Public Interest, Consumer Federation of America, Consumers
6 International, and a host of very large and well-represented
7 consumer groups in the EU.

8 Lastly, I dumped on Valerie a CD that had over 2600
9 comments from CSF members that were sent in based on the
10 recommendation that you put forward to suggest and say that
11 as consumers and environmentalists, we do not want progeny of
12 clones to be allowed in organic.

13 So with that, I, again, would support Jim's
14 recommendations for amending both 205.2 and 205.23 B(3). I
15 have not seen that specific new provision, but we do think
16 that you do need to create a part of the origin of livestock
17 regulation to specifically prohibit livestock from cloning
18 progeny, livestock asexual reproduction, excuse me, progeny
19 of livestock and any reproductive materials derived from
20 them.

21 One minute. Onto aquaculture. Again, we submitted
22 comments in the past, twice. We strongly support the
23 prohibitions on both net pens and fish meal. We have
24 submitted to the Board previously a letter in support of that
25 position from 25 organization, 24 organizations that are both

1 consumer, environment and organic organizations. And our
2 comments speak to why we support that.

3 A couple quick points on 205.252 E which deals with
4 the allowance of feed additives. We think that that needs to
5 be specifically clarified, so that wild caught fish are not
6 allowed to be used as a feed additive. It's my understanding
7 that at a certifier training recently, that NOP said that all
8 agricultural -- I'll finish up. All agricultural feed
9 materials have to be from organic sources. That's certainly
10 consistent with not allowing that feed additive and feed
11 supplement provision. It would be a loophole to allow fish
12 meal and fish oil from wild caught fish.

13 MS. CAROE: Thank you. Any questions? I'm hearing
14 none.

15 MR. MENDELSON: Thank you.

16 MS. CAROE: We're going to take a 10 minute break.
17 It is now 10 after, so if the Board can reconvene by 20
18 after, no later, please, so that we can stay on track.

19 (Break.)

20 MS. CAROE: Okay, Brian Baker, you're up. And on
21 deck is Lisa Engelbert.

22 MR. BAKER: All right. Thank you. Good afternoon,
23 members of the NOSB, Madam Chair. I appreciate the
24 opportunity at the break to accommodate your comfort. I hope
25 everybody is all relaxed and rested after that.

1 I'm Brian Baker. I'm the research director for the
2 Organic Materials Review Institute. I'd like to especially
3 congratulate the incoming members of the NOSB and welcome
4 you. For those of you who are new and just to remind those
5 who -- our movement started 10 years ago to provide the
6 transparent independent and professional review of materials
7 and methods used in organic production and handling. And we
8 appreciate this opportunity to comment.

9 The petition substance's database is a definite
10 improvement, and thanks to the NOP for revising and updating
11 it. However, that coincided with a change in the regulatory
12 process for which we were unprepared, and the last posting of
13 petitions and agenda items made it very difficult to review
14 all the great volume of material on materials. And we had a
15 difficult time preparing comments for this meeting.

16 Before getting to those petitions, though, there
17 are fundamental questions that are faced every day in the
18 field and the factor, and that is, what's synthetic? What's
19 not synthetic? What's agricultural? What's not
20 agricultural? And that's very much relevant to the decisions
21 that are going to be made in the next few days.

22 We'd like to know what the next step is with those
23 documents, with those decisions, and how to go ahead with it.

24 We'd like to caution, we've participated in the drafting of
25 those and if further work is needed, we're more than happy to

1 work in any way that we can. However, any significant
2 changes would be disruptive.

3 Those documents drafted as they are being applied
4 by certifiers, by Omri, are being made, are being used to
5 make decisions by producers and handlers. And so, please, if
6 you are going to make significant changes, that really needs
7 to be weighed heavily, and opportunity for public comment is
8 needed, especially with agricultural/nonagricultural, a solid
9 foundation is needed to review the 606 petitions.

10 And I understand the obstacles that you face in
11 going ahead with that, especially with something like
12 aquaculture, fish oil and fish gelatin, where that fits in,
13 is definitely a gray area. And we're asking that you defer
14 when you are faced with a lack of clarity.

15 Solving one problem might create a whole lot of
16 other problems. And getting to the agricultural ingredient
17 petitions, we're not going to, Omri is not going to take a
18 petition on any individual petition. There are obviously
19 people who have opinions on all sorts of them. Things like
20 beets or carrots, cabbage, there are producers out there, and
21 the availability to some people seems somewhat, the lack of
22 organic availability seems questionable to a number of
23 people, but we're not going to, we're not going to
24 specifically address any one of those.

25 The whole process is flawed in rush. We've been

1 informed and we accept that it's not a perfect world, but the
2 NOSB should take its time and deliberate on these decisions.
3 Don't panic. When in doubt, go with organic. Don't put
4 things on the list if there is the possibility of an organic
5 source. So that's my advice. Just go through the criteria
6 very deliberately. The criteria for all materials applies to
7 606. Consider the human health and environmental impacts of
8 growing these things conventionally.

9 It's easier to put things on the national list than
10 it is to take them off. Our experience with the sunset shows
11 that once something is on, it's really hard to take it off.

12 I'd like to also address the issue of
13 confidentiality and transparency. That is something that is
14 going to be an obstacle to determining commercial
15 availability. Certifiers need to work together, communicate
16 with one another, make this information available and share
17 it.

18 I'd also like to comment that nonorganic
19 ingredients processed with volatile solvents should be made,
20 limited to a made with organic claim, and it's very important
21 that such products be -- that colors in particular be treated
22 consistently with flavors, and that volatile solvents not be
23 allowed. Thank you.

24 MS. CAROE: Any questions for Brian? Comments?
25 Kevin.

1 MR. ENGELBERT: On the back of your comments,
2 Brian, you state that five years is too long a period --

3 MR. BAKER: Right.

4 MR. ENGELBERT: -- for sunset agricultural
5 readings. Would you elaborate quickly on that, and what --

6 MR. BAKER: Well, I would say that things should be
7 evaluated on a year to year basis, and the commercial
8 availability and market conditions are very dynamic, and they
9 change; that with the emergency provision, particularly in
10 light of the rush to get things on, it's important that the
11 materials that come out not be put on in a permanent basis if
12 there is any doubt that -- if there is a true emergency out
13 there that is causing disruption, then that should be
14 accommodated, but for a one-year basis, consistent with the
15 provision change in the organic foods production act by
16 Congress in fall of '05.

17 MS. CAROE: Joe and then, you pass. Okay.

18 MR. MOYER: I was wondering if you could expand a
19 little bit on your comment here that you say putting too many
20 items on the national list will prevent the development of
21 organic sources, when we just heard some of the other
22 speakers say that it's a business opportunity list. How do
23 you reconcile that difference?

24 MR. BAKER: Well, I think the list of petitioned
25 substances is a business opportunity list. That doesn't

1 necessarily mean that once they go on the national list, that
2 that will create an opportunity. Quite the contrary. It
3 will recognize and institutionalize the use of nonorganic
4 sources in a product that's labeled as organic. And that
5 will inhibit the development of those specific ingredients
6 for, in their organic form.

7 MR. MOYER: Thank you.

8 MS. CAROE: Just one comment. We need to remember
9 that listing on 606 does not mean you can use it. It means
10 you have the opportunity to show nonavailability of an
11 organic.

12 MR. BAKER: And if I may respond, Madam Chair, that
13 is true. However, in practice, the certifiers find
14 themselves faced with processors who are making assertions of
15 commercial unavailability that are at times difficult to
16 dispute. And they find themselves in a situation where they
17 don't have, where they are unable to refute those claims, and
18 don't have complete market information. And they are finding
19 themselves in situations where there are, it turns out that
20 those ingredients are available, and there's a breakdown in
21 communication.

22 You also heard from the, an organic seed supplier
23 who, and the situation with organic seed is much the same.
24 There is organic seed commercially available. It's not being
25 planted. Derogations are, if you will, exceptions are being

1 made, and that is a situation that needs to be addressed.

1 MS. CAROE: Well, I think, just from my
2 perspective, that's a separate issue, and listing is one
3 issue. How the list is used is another issue. And perhaps
4 that's another action item for this Board to consider is how
5 to provide guidance to how that list is used, how the
6 certifiers verify or provide appropriate oversight of that
7 due diligence search for these organic materials. But we'll
8 have further discussion on that. I hope you will be around
9 and we can discuss it further with these materials.

10 MR. BAKER: I'll be around.

11 MS. CAROE: Thank you. Oh, I'm sorry. Katrina.

12 MS. HEINEZ: You make the recommendation that for
13 items added to 606 that we put them on for a shorter period
14 than five years. Now, we've heard a lot already today about
15 the work load of both the Board and the NOP in dealing with
16 this. And that both the sunset items from last year, and
17 then the 606 items from this year have prevented work on
18 equally important topics. Can you speak to your
19 recommendation on how it would balance against other items?
20 I just see this perpetual not getting to pasture, not getting
21 to other topics because we're back loaded with materials.
22 I'm interested in your thoughts.

23 MR. BAKER: Right, my thoughts, my personal thought
24 is that the 606 list shouldn't exist and that the market
25 should sort out what's commercially available and what is

1 not. That's not the consensus of the Organic Materials
2 Review Institute, and our experts have all sorts of opinions
3 about what's available, what's not available, what should be
4 on 606, what should not be on 606. Most disagree with me
5 about what -- about 606 not existing.

6 However, I will say that every one of them, every
7 expert I've talked to said that the NOSB should not put
8 things on 606 that will jeopardize the availability of those
9 organic ingredients. And that by shortening the time frame,
10 that puts more pressure to make it available. And having it,
11 having it re-examined annually on an emergency basis is one
12 way to do that.

13 The other thing is that you've got this huge work
14 load in front of you, this meeting, and by putting it on for
15 a year, then you can sort out what really is needed and
16 what's not. And if something down the road needs to be put
17 on for five years, then you can make that decision at a
18 future date.

19 What this does, what putting it on for one year
20 does is buys you time to look at what's truly needed on 606,
21 and what can be made available, quite readily in the organic
22 marketplace.

23 MS. CAROE: Any further questions for Brian? Thank
24 you, Brian.

25 MR. BAKER: Thank you.

1 MS. CAROE: Next up is Lisa Engelbert. On deck is,
2 I've got three names listed, so I need a representative from
3 Regal Springs Tilapia Company. Do I have somebody from that
4 company here? Nobody from Regal Springs Tilapia Company?
5 Okay, then going to the next is Carol King. Are you hear?

6 MS. ENGELBERT: I have her proxy.

7 MS. CAROE: You have Carol's proxy?

8 MS. ENGELBERT: I don't know that I'm going to need
9 it, but I do have it.

10 MS. CAROE: Okay. Just before you get started,
11 Lisa, I do have a note. There is a reception tonight for our
12 new members that's being held at the Cosmo Club at 2121 Mass
13 Avenue. It is open to everybody. It is not just for Board
14 members, but all interested parties. It's tonight from 6:30
15 to 8:30, and it's sponsored by Covengton, Burling, Whole
16 Foods, Organic Valley, and CMT. And the dress is business
17 casual. I was asked to announce that. So the Cosmo Club at
18 2121 Mass Avenue, for anybody that's interested in welcoming
19 our new members. I'm sorry, Lisa.

20 MS. ENGELBERT: That's okay. Thank you, Andrea.
21 My name is Lisa Engelbert. I am coadministrator with NOFA
22 New York, Certified Organic, in Binghamton, New York. That's
23 Northeast Organic Farming Association of New York, for the
24 record.

25 I'd like to welcome the new members to the Board.

1 We look forward to working with you and watching you over the
2 next few years. I'd like to thank everyone for their
3 continued hard work, not only the NOSB but the NOP as well.

4 I'm not known for being brief. If you ask most
5 people that know me, they seem to think I'm a little long
6 winded. But I'm not going to be today. I'm going to try to
7 be as brief as I can.

8 On the cloning issue, this is a huge issue, and
9 it's so important for those of you that are going to be
10 voting on it to get it right the first time. If that means
11 deferring it, defer it. Don't make it -- don't come out with
12 a recommendation that down the road is going to be challenged
13 and you're going to have to go back and fix. If you need to
14 defer it to get it right the first time, I really encourage
15 you to do that.

16 I'm going to touch just briefly, even though it's
17 not on your agenda on the pasture issue. Thanks, Marc, for
18 the clarification on that. I noted at the last meeting that
19 there weren't a lot of dairy producers there, and that was
20 partially because of the time of year, as it is now; but also
21 because they have faith in the program that this is going to
22 get done. They still have faith that it's going to get done,
23 but they're starting to lose that faith.

24 We understand you guys are so under staffed, you're
25 so under funded. We understand that. But it's hard to keep

1 going back to our producers. They don't understand that
2 quite as much as we do, because they are under funded, and
3 they are under staffed as well. So thank you in advance for
4 anything you can do to move that along.

5 Another issue that I think is, that bears
6 mentioning, brokers currently are not required to be
7 certified. I think that's weak link in the audit trail.
8 What we're starting to see with organic grain and organic hay
9 is people acting as brokers, and they are using a producer
10 certificate as validation that it's actually certified, but
11 there's no, there's no audit trail there. That's a concern.

12 We have a really reputable feed mill that we
13 certify in New York State. They've been receiving phone
14 calls from a broker of organic grains. And this guy is
15 telling them that he has a great supply of organic corn,
16 organic soybeans. It's not there. You know, it's like magic
17 grain that is appearing. And he's using just the producer's
18 certificate.

19 So our producer said to him, what is going to
20 prevent you from, okay, selling maybe one load of organic
21 grain using this producer certificate, and selling eight or
22 nine loads of conventional grain as organic, using the same
23 producer certificate? There is no verification for that. So
24 it's just something that I think we all need to be aware of.

25 It's happening with hay as well. It just happened

1 with one of our producers with hay about a week ago. That
2 one turned out just fine. But the potential for abuse is
3 huge. I'd really, really like to see brokers and
4 distributors need to be certified. It would close that gap.

5 I guess that's all I have for you today. Anybody
6 have any questions?

7 MS. CAROE: Are there any questions for Lisa?

8 MS. ENGELBERT: Thank you.

9 MS. CAROE: Thank you. All right. So, and so you
10 didn't have any proxy for Carol? You didn't have any
11 information from her to pass along?

12 MS. ENGELBERT: No, no. That was in case I got
13 long winded.

14 MS. CAROE: I see. Okay. Well, without notice,
15 then, Leslie Zuck, are you in the room? She just left.
16 Okay. Leslie is on and then do we have the representative
17 from Regal Springs Tilapia Company? I have three names and
18 I'm not going to do well with any of them, but I'll go with
19 first names. Rudy, Israel or Michael from Regal Springs
20 Tilapia Company? Second call. Okay. Leslie is next and
21 then followed by Melanie Saffer. Emily is going to give her
22 comment in your place. Okay. Okay. Is Melanie available?
23 She won't be here. Well, this is going well. Okay. How
24 about Caralea Arnold?

25 MS. ARNOLD: Yes.

1 MS. CAROE: Caralea, do you want to go ahead and
2 come up and we'll leave Emily on deck.

3 MS. ARNOLD: All right. Moving right along. A
4 side note, this is on the cloning issue, and it was written
5 before some of the changes that happened this weekend.

6 So, hi. I'm Caralea Arnold, and although I may
7 look like my mother, Cathy Arnold, I am not her clone and I
8 am 100 percent organic and reared under organic practices
9 from conception. So in reality, I'm the daughter of organic
10 dairy producers Rick and Cathy Arnold from Truckson, New
11 York. And although I am currently working and living here in
12 D.C., I still own a few of the dairy animals up there, and
13 although not as many as my younger brother who just seems to
14 get all the lucky breaks.

15 So I am here today to give comment on behalf of
16 NODPA and Food Farmers. The Northeast Organic Dairy
17 Producers Alliance, NODPA, represents over 450 organic
18 producers here in the northeastern U.S., and the Federation
19 of Organic Dairy Farmers, Food Farmers, is a national
20 umbrella organization formed by the Northeast Organic Dairy
21 Producers Alliance, the Midwestern Organic Dairy Producers
22 Alliance, and the Western Organic Dairy Producers Alliance,
23 who represent over 850 organic dairies across the U.S.

24 Food Farmer and NODPA support the Livestock
25 Committee's recommendation as written, to revise the

1 definition of excluded methods to more specifically prohibit
2 cloning. However, in addition to expanding this definition,
3 it is imperative that progeny of clones be unequivocally
4 disallowed by adding a new entry to the origin of livestock
5 section of the regulation to specifically prohibit livestock,
6 progeny of livestock, or reproductive materials from cloned
7 animals.

8 Food Farmers and NODPA believe this is not an issue
9 to take up later, but one that needs to be addressed now, to
10 be prepared and ready should the FDA approve cloned animals
11 and their products for use in the food system.

12 It does not matter that there is no test to
13 determine whether an animal is derived from cloning or not.
14 The National Organic Program is a process-based program, not
15 a test-based program. As with field histories, purchased
16 feed, et cetera, producers have to verify through record
17 keeping, affidavits, and paper trail, that the organic
18 standards process has been followed.

19 So too it should be necessary to document that no
20 cloned livestock or progeny are brought into a heard of
21 organic livestock, or transitioned to organic production. If
22 the necessary documentation is not available on animals, then
23 they cannot be considered for organic production.

24 On the pasture front, food farmers support adding
25 regulatory language to clarify that production of organic

1 milk requires that organic dairy animals must consume at
2 least 30 percent of their dry matter intake from pasture for
3 the entire growing season, but for no less that 120 days.

4 Food Farmers and NODPA urge the NOP to issue an
5 exemplary proposed pasture regulation as soon as possible.
6 The longer pasture remains in question, the more damage is
7 done to our industry. So too with the replacement issue.
8 The groups urge all due hast in getting out and PR on dairy
9 replacements. And in closing, thank you NOSB for attending
10 to this issue.

11 Please completely address the full range of
12 concerns by explicitly prohibiting the progeny of clones as
13 well as clones and their products, through revision of both
14 the origin of livestock section and revision of terms
15 defined. Your time and efforts are duly noted and very
16 appreciated. Thanks.

17 MS. CAROE: Thank you very much. Is there any
18 questions for Caralea?

19 MS. ARNOLD: Thank you.

20 MS. CAROE: Hearing none, Emily, you're up. On
21 deck we have one more call for anybody from Regal Springs
22 Tilapia Company? Okay, next up then after Emily is Tom
23 Ferguson. Is Tom here?

24 MR. FERGUSON: Yes.

25 MS. CAROE: Okay, Tom. You're on deck.

1 MS. ROSEN: I'm speaking for Leslie and for Melanie
2 Saffer. We had two slots.

3 MS. CAROE: Okay. Thank you.

4 MS. ROSEN: Hopefully, I won't need them both. Hi,
5 my name is Emily Brown Rosen, and I work for Pennsylvania
6 Certified Organic, an accredited certification agency in
7 Pennsylvania. And I'm glad to be here and welcome all the
8 new Board members. And thank you for your patience and
9 endurance and all this hard work.

10 Briefly, I want to talk about a few things, and
11 then mostly focus on aquaculture. I really finally got a
12 chance to sit down and read the whole thing, so I have a lot
13 of specific points, and I've drafted them up here for your
14 later reference. I don't think I'll get to go through all
15 this, but I do have some specific points.

16 But generally, before that, I'd also like to
17 mention I had a comment filed on the Board policy on sunset
18 review. I believe it's comment number -- no it's not. I
19 think it's like 101, but it should be in your books.

20 And basically, I just don't -- I think you should
21 really reconsider that and not necessarily rule out all
22 possible future changes to annotations during the sunset
23 process. You may need that time to do some reorganizing of
24 the list, to consider new information, and particularly, I
25 would say, a huge problem with -- if that's the policy, you

1 can never take a prohibited natural and remove it from use,
2 that is currently allowed, for instance, potassium chloride
3 or calcium chloride that are listed as prohibited natural,
4 but annotation makes it allowed. So if you can't work on the
5 annotation, then that means effectively during sunset you
6 can't take it off the list.

7 And clearly the intention for sunset review was to
8 be able to take some things off the list if they are no
9 longer needed or if there is new information. And that, I
10 don't think you should rule that out. I mean, that's kind of
11 a -- I could talk to you more later if that's not clear. But
12 we do have that odd section of prohibited naturals that are
13 actually allowed.

14 And the annotation controls how they use an
15 application of something. So it's something that should be
16 considered altogether, I think, when you are doing sunset
17 review. But you can, we can talk about that more later.

18 Going on to aquaculture. I'm really glad that the
19 task force came up with this big analysis of the comments,
20 because they did get a lot of comments last time, and it was
21 helpful to look through why they did or didn't consider some
22 things.

23 And we support their ban on net pens and or organic
24 fish meal. I think it is not clear from the way you have
25 presented it, and you've clarified a little bit about whether

1 or not there is a new comment period, or whether you are
2 going -- if these regulations are going forward as is and
3 then you are expecting NOP to work on it, and then you are
4 going to add to it. I think it's kind of dangerous to do
5 things in piecemeal fashion.

6 I would suggest if this is when you get your
7 recommendation done, send it off, and get them working on it,
8 and then perhaps we can phase in later these other changes do
9 it, so that we get something out of it, and then we can move
10 forward. But make it real clear with the time lines and the
11 deadlines for comment and such, you know, what you expect to
12 accomplish when because, like in my comments I found a number
13 of things that given the fact that you are taking out net
14 pens and wild fish meal, there are other inconsistencies left
15 in that rule. So you need to make it one way or the other.
16 You can't sort of mix and match, or else it will be
17 conflicted when you send on the new part.

18 So I think you should dedicate to getting part of
19 it done. We can have pond production. We can have some
20 supply of organic fish meal, and maybe, you know, that will
21 change the equation for people who are going forward with
22 organic fish.

23 So first, my first problem was in the feed section.
24 And it's this point about, it's actually a parallel of
25 what's in 603 for livestock feed. It says that aquaculture

1 feeds may be composed of feed ingredients, except that
2 nonsynthetic substances and synthetic substances around on
3 603 may be used as additives and supplements.

4 We've had arguments for the last five years about
5 this, and livestock feed, I mean, does everything, if you
6 could call it a supplement or an additive, maybe it doesn't
7 have to be organic. And the NOP did finally clarify this,
8 very emphatically to the certifiers in January at our meat
9 training. If there is an agricultural substance in a feed,
10 like molasses, if there is wheat membranes, if there is soy
11 oil, no matter what you call it, supplement additive,
12 carrier, if it's agricultural it has to be organic.

13 So that's fine. That's really helpful to us to
14 clarify and move forward so that we can all be on the same
15 page. But the same reasoning should apply to feed fed to
16 aquatic fish. If it's agricultural, it must be organic. So
17 I suggest you fix this in the regulation there, giving a
18 little technical fix, so that you don't have the same
19 arguments going down the line about is it a supplement for a
20 fish, you know, and what does the rule really mean. So let's
21 start out with having it clear there. Only nonagricultural,
22 nonsynthetic substances could be used as supplements and
23 additives because the naturals are allowed in livestock feed.

24 And I made a similar correction on the next section
25 about, because it implies that you can make fat silage and

1 lipids produced from organic fish that's enzyme processed is
2 okay, as long as it's organically produced. Well, if we're
3 talking about organic feed, the that's pretty much, you know,
4 not necessary, because they will have organic sources of
5 these things that will have to be processed organically. So
6 there is some redundancy there.

7 The same thing about pigments. It's very confusing
8 the way the language is there about pigments. It says now,
9 nutritional pigments that have been produced and handled in
10 accordance with organic requirements are okay, and/or, yes,
11 or appear on the national list or are organically produced.
12 It's not clear if you are saying that you only want organic
13 pigments, or if you think pigments that are on 603 are okay
14 that are nonagricultural or, you know, it needs to be cleared
15 up.

16 So I've offered some language here to say that they
17 should appear in 603 or else they're organic, and then
18 they'll go through the normal national list process. It
19 should refer to the existing national list process if you are
20 going to redo pigments.

21 Then moving on, there's a section about manure from
22 organic, using manure or compost to fertilize fish ponds.
23 And I didn't really find a lot of references to why they
24 think you can put compost in a fish pond, with only 30 days
25 to harvest, when we have had just years of debate about

1 compost and manure being applied on crops with a minimum of
2 90 to 120 days. So I would, you know, I'd just like to see
3 more research about, you know, here we're putting it right in
4 the water, and water can leach nutrients. And also if you
5 have pathogens in your compost, then they can bloom in warm
6 fish ponds. So I'd like to see a little more science about
7 what the rationale was for that.

8 MR. SMILLIE: That was 258?

9 MS. ROSEN: It is number J under the feed section.
10 For some reason it was in the feed section. 252. It's on
11 page two of my comments here. Then in the facilities, I
12 agree with what's there on food safety, why one year of
13 conversion on when you have direct soil/water contact? What
14 is it less of a standard for fish than it is for, you know,
15 dairy cows, which have to have the three years, poultry, you
16 know. The fields have to be certified for that long. So
17 maybe it's an arbitrary rule, but why shouldn't it be fair
18 for all the different types of livestock.

19 And then again, getting to the 258 section on
20 aquatic plants, you know, I commented before, and they
21 rejected my comment that, you know, I didn't think the
22 aquatic animal test really should be the one primarily in
23 charge with crop standards for algae, which I know big ponds
24 of algae for fish feed, maybe it's related and maybe you can
25 use that further, but I think it needs to be looked at

1 further. It's really clear. They didn't know what the rules
2 are for fertilizers and crops, because they put this huge
3 loophole in here to say that you could put in dissolved macro
4 and micro nutrients, including transminerals, and compost,
5 and vitamins listed in 601 and 603.

6 Now, 603 is not a crop section. It's a livestock
7 section. And where minerals and vitamins are listed, you're
8 talking about FDA approved minerals for feeding to cows. If
9 you look at that list it's really long. It includes almost
10 every synthetic fertilizer there is.

11 So if you are saying all those are allowed for fish
12 ponds, but, you know, they are certainly not allowed in any
13 other form of organic agriculture, it really has to get
14 crossed out. So I think that who section should be removed
15 and revisited.

16 I don't know enough about algae growing myself,
17 personally, but I think we should look at it a little more
18 closely. And then again, it allows manure in those ponds,
19 too.

20 So, and then the section on contaminates, there is
21 really not a section anymore, but that was part of the
22 aquatic working group's recommendation to have some very
23 general standards about background levels and other similar
24 species, which, a certifier would have a very hard time
25 knowing how to do that. I mean, I think this is taken care

1 of right now if we are not talking about wild fish meal and
2 fish oil in the feed. That's where your problem of
3 concentrating the PCV's and the mercury, et cetera, come
4 from. So as long as that's out, it's okay for the time
5 being.

6 But if that is considered, we have to look really
7 hard at real strict thresholds, so that the consumers who are
8 expecting that they're not getting contaminated fish if they
9 are buying organic, as 73 percent of the people they surveyed
10 said, or whoever they took that from. They expect the
11 organic label to mean contaminate free.

12 So I think if we go forward with fish meal in the
13 future, that should be very seriously considered, and a
14 really strict standard would have to be set. Okay. I think
15 that's all I have to say. Any questions?

16 MS. CAROE: Any questions?

17 MS. HEINEZ: I think that on the one year
18 transition, that pretty standard in aquaculture is a shorter
19 time frame that a generation takes to produce to be ready to
20 market. Would there be some room for putting in --

21 MS. ROSEN: Well, chickens can be produced in seven
22 weeks.

23 MS. HEINEZ: I'm just saying, would there be any
24 room in your mind for putting in a minimum number of
25 generations, but nothing -- or a year, whichever meets the

1 goal?

2 MS. ROSEN: Well, I mean, if we go back to why do
3 we have the three-year transition, it was sort of selected
4 somewhat arbitrarily as the idea of the, what the type of
5 chemicals or use history of the land was, and what the
6 potential was for previous contaminates to be, have a chance
7 to be ameliorated and improved. And we could go look and see
8 what commercial fish ponds are like and see.

9 But there should be some reason to base it on, or a
10 good argument. And I don't see a good reason to make it
11 shorter at this point. You know, we have very short, quick
12 growing livestock facilities currently. So I don't see why.
13 I just see like this sector should not have preferential
14 treatment, one or the other.

15 MS. HEINEZ: I think another reason, and I'm not
16 opposed or for in any reason, but another is just the
17 flushing capacity of that system being greater than land-
18 based materials.

19 MS. ROSEN: Could be.

20 MS. CAROE: Bea.

21 MS. JAMES: Emily, I just wanted to thank you for
22 your comments on the voting results, and how to make that
23 more clear.

24 MS. ROSEN: Oh good. I'm glad you got that. Good.

25 Thanks.

1 MS. CAROE: Any others? Emily, I have one, since
2 the Board doesn't have anything else. You asked about time
3 line for further development of these standards. I would
4 love to put a time line down, but I think it's largely going
5 to be based on budget constraints in order for us to be able
6 to have some type of vehicle to get more information,
7 especially on those two controversial issues.

8 So as we move forward, I believe that's the
9 constraint that we're looking at in trying to figure out how
10 we are going to be able to accommodate the robust public
11 comment and discussion that we need in order to work out
12 those issues. So I would have loved to have done that very
13 soon, but it's not a possibility.

14 MS. ROSEN: That's understandable. It's
15 complicated.

16 MS. CAROE: It is on a high priority for us.

17 MS. ROSEN: Are you just intending to send whatever
18 comes out of this on, or are you going to -- you haven't
19 decided that yet, I mean, the current version?

20 MS. CAROE: What we had planned on doing is
21 establishing, establishing aquaculture standards to send a
22 recommendation that would establish a place in the regulation
23 for aquaculture, and then further develop that and add the
24 other pieces as we are able to work them out with industry.

25 MS. ROSEN: Okay.

1 MS. CAROE: Obviously, we haven't even gotten the
2 recommendation from the aquaculture working group on
3 shellfish. We want to look at that and see if that's a
4 possibility and put that in as well after we've gone through
5 the process. However, to wait for all of it, you know, we
6 just felt that establishing a place first --

7 MS. ROSEN: That's fine. That's fine. So a sort
8 of phased rule making, in other words.

9 MS. CAROE: That's correct.

10 MS. ROSEN: That would be, that's great. Just so
11 we have an idea where we are headed, but good. Thank you.

12 MS. CAROE: All right. Thank you, Emily. So now
13 up we have Tom Ferguson, and one more call for anybody from
14 Regal Springs Tilapia Company. Are you in the room? Okay.
15 Tom, you're the last.

16 MR. FERGUSON: Thank you. I'm Tom Ferguson with
17 Perdue Agrirecycle. And being in the manure business, I'm
18 just to being last, so this is appropriate for me here today.

19 Anyway, I would like to, after being in the
20 business for 25 years, this is where I always am. But I
21 thank you very much for your volunteer time. You work hard.
22 And I know none of these issues are easy. We all have our
23 own agenda. I know that. So just bear with me here and
24 we'll see if we can get through this.

25 A brief introduction of Perdue Agrirecycle. Perdue

1 Agrirecycle was formed in 2000 to provide an alternative
2 outlet for our poultry growers in Delmarva for excess manure
3 that they couldn't use on their farms. We have a lot of
4 farms that have two chicken houses and 10 acres of land. So
5 we had to find a solution for their manure.

6 Perdue Agrirecycle, since 2000, has handled 375,000
7 tons of manure. We've turned 186,000 tons of that into a
8 pasturized processed dried material that literally goes
9 across the country in lots of different markets.

10 A brief overview of the process, Perdue Agrirecycle
11 process heats raw poultry manure to a temperature of at least
12 170,000, and the moisture level is always below 12 percent.
13 Testing by independent labs since we've started, we've never
14 had a positive test for e coli and salmonella in our process.

15 And as a side note, the dreaded 0157 e coli that you see in
16 the news all the time is really not associated with chickens.

17 It's associated with ruminants, pigs and sheep, not
18 chickens. We're not a host for it.

19 So there's probably, not probably, if you talk to
20 the CDC, 99.99 percent it would never be in chicken manure to
21 start with. But if it did, it would be killed under our
22 process. And all these notes that I'm referring to are in
23 your handout and all our past notes.

24 What we're asking for. Since 2001, our product has
25 been listed on the restricted list under the Organic Material

1 Review Institute on the basis that we were not composted, so
2 if it weren't composted, you only have two categories,
3 composted and raw. You don't recognize our process.

4 Our purpose today is to request that our product be
5 reclassified as a processed manure, and that our product be
6 fully approved through the National Organic Program without
7 restrictions.

8 As the organic market is growing, and growing, and
9 growing, we get more and more requests from large organic
10 growers about our product on tomatoes, vegetables, and a lot
11 of vegetable crops. We are the largest producer of this type
12 of product, and the most cost effective that I can see the
13 market. We have a great big plant. We produce a lot of
14 product. And we've got the ability to ship it around the
15 country.

16 Supporting requests on what I'm asking for here,
17 addendum A of the National Organic Standards Board compost
18 task force dated April 18, 2002, manures that have been
19 treated to reduce pathogen organisms are considered to be
20 processed manure. Process manure materials must be made from
21 manure that has been heated to 150 degrees for one hour and a
22 moisture level of less than 12 percent, or frozen.

23 Since processed materials will not be contributed
24 to the contamination of soil, it is under our, like compost,
25 processed manure materials do not have to be incorporated in

1 the soil, therefore can be applied top dress and side dress,
2 similar to compost, with no waiting instructions.

3 Now, Perdue Agrirecycle got a letter dated
4 March 3rd, 2004, from the Organic Material Review Institute.
5 OMRI has listed your product as processed manure, without
6 days to harvest and restrictions. Based on meeting the
7 standards the product has been heated to 150 degrees for one
8 hour or more, and the moisture level is less than 12 percent.

9 Then, dated September 13, 2006, again from your
10 National Organic Standards Board Crops Committee,
11 recommendations for guidelines for use of processed manure,
12 composting, and et cetera. Since processed manures have been
13 treated to reduce pathogens, applications are not subject to
14 restrictions placed on raw animal manure. Okay.

15 The moisture of Perdue Agrirecycle's new products
16 are less and 12 percent, and we exceed the brand new data on
17 e coli dated March of '07 at 165 degrees kills it instantly.
18 We do at 170 degrees all the time, so we get that kill.

19 So, I'm asking what we need to do to get moved from
20 restricted to approved. That's why I'm here.

21 MS. CAROE: Does somebody want to address that?
22 Crops Committee?

23 MR. FERGUSON: I'm confused.

24 MS. CAROE: Okay. Julie, do you have a question?

25 MS. WEISMAN: Well, I do have a question. No, go

1 ahead.

2 MS. CAROE: Go ahead, Jeff. Oh, Kevin. It's
3 Kevin.

4 MR. ENGELBERT: I'm just -- we're going to need
5 more time, personally, I mean, to see exactly what has to be
6 done. I can't look at this and say --

7 MR. FERGUSON: We sent our petition in in May. We
8 didn't get any response to that. And I was here for public
9 comment in October, but a computer glitch got me off the
10 Board. So we've got plenty of time. The manure will be here
11 forever. We'd just like it to come to an end.

12 MS. CAROE: Okay.

13 MR. ENGELBERT: What we'll do is we'll put it on
14 our agenda as a work item. We'll take care of it.

15 MS. CAROE: Let me just, I just need to make sure I
16 understand. So are you asking us to affect your OMRI
17 listing?

18 MR. FERGUSON: No, I want you to approve us as NOP
19 as an approved product without restriction under the NOP
20 Program.

21 MS. CAROE: Okay. Have you, I'm going to take this
22 back a little bit and this may be --

23 MR. FERGUSON: Sure.

24 MS. CAROE: -- a stupid comment, but have you
25 looked at the regulation's restrictions on manure?

1 MR. FERGUSON: Yes. Raw manure, yes.

2 MS. CAROE: Okay. And there is an established
3 three-point system that has to, three ways of establishing a
4 composted manure. You're saying it's composted.

5 MR. FERGUSON: No, no. We do not compost.

6 MS. CAROE: You are not composted.

7 MR. FERGUSON: But it meets the same, it meets the
8 same criteria, though. It exceeds it, actually.

9 MS. CAROE: Okay, so it's compost -- it's
10 uncomposted but --

11 MR. FERGUSON: Processed.

12 MS. CAROE: -- pathogen reduced.

13 MR. FERGUSON: Guaranteed, yes. Pasturized.

14 MS. CAROE: Okay. So you are asking for a rule
15 change or --

16 MR. FERGUSON: Yes.

17 MS. CAROE: -- guidance that would allow your
18 product to be acceptable, since it is a raw manure but meets
19 pathogen reduction.

20 MR. FERGUSON: It's not a raw manure. It's a
21 processed manure.

22 MS. CAROE: It's a processed manure. Okay.

23 MR. FERGUSON: It's not a raw manure.

24 MS. CAROE: Julie.

25 MS. WEISMAN: I want to help you. It sounds to me,

1 what's being called for is a rule change that adds an
2 additional category --

3 MR. FERGUSON: Right.

4 MS. CAROE: Okay.

5 MS. WEISMAN: -- of processed manure.

6 MR. FERGUSON: Correct.

7 MS. CAROE: Got it. Any -- Mark.

8 MR. BRADLEY: We've been meeting with Mr. Ferguson
9 and Perdue Agrirecycling, and we're looking into the
10 particular details of the program. We have a trip planned up
11 there to look at the process. But we would defer to the
12 Board before we would go off the track and, the way that we
13 understand right now, the regulations have manure and
14 composted manure. There is nothing here that provides a
15 guidance for us to either issue guidance or a reg change.

16 MS. CAROE: Any other comments from the Board?
17 Katrina and then you're next, Tracy.

18 MS. HEINEZ: I heard you say that you have
19 submitted a petition. I just wanted to clarify that to what
20 you said?

21 MR. FERGUSON: Yes, we applied. We sent one in in
22 May.

23 MS. HEINEZ: Thank you.

24 MR. FERGUSON: Yes, ma'am.

25 MS. CAROE: Tracy.

1 MS. MIEDEMA: I'm on the Crops Committee.

2 MR. FERGUSON: Great.

3 MS. MIEDEMA: So I expect to be taking this up
4 possibly at some poing.

5 MR. FERGUSON: Congratulations.

6 MS. MIEDEMA: Is there some difference in a cooked
7 manure like yours and a composted in the way it interacts
8 with the soil, and the nutrient value delivered?

9 MR. FERGUSON: Well, according to your, a couple of
10 your own peer groups, no. Not that we know of. And of
11 course, the National Organic Board said that they looked at
12 it. I think Barbara Bellows, years ago, did a study on it.
13 The answer, as far as I know, is no.

14 MS. MIEDEMA: Why doesn't everyone just cook their
15 manure, then?

16 MR. FERGUSON: It's very expensive.

17 MS. MIEDEMA: Okay.

18 MR. FERGUSON: It's extremely expensive.

19 MS. CAROE: Kevin.

20 MR. ENGELBERT: That's what I wanted to ask. Why
21 don't you compost? What's the reasoning behind the
22 processing?

23 MR. FERGUSON: You drive off all the nutrients.
24 You end up with no NPK. Yes.

25 MR. MOYER: That's clearly, that's clearly not

1 true.

2 MS. CAROE: Hold on a second. Hold on, hold on.

3 MR. FERGUSON: Well, you don't end up with a 4
4 percent nitrogen if you compost manure.

5 MS. CAROE: Okay. Hold on. Jennifer, did you have
6 something? No. Jeff? Tracy, did you have anything else?
7 Okay, Jeff.

8 MR. MOYER: No, I was just going to say that you
9 may not be able to get your 4 percent, but you don't end up
10 with a material with no nutrients. And clearly the statute
11 says that even with processed manure, it is not designed to
12 be the sole source of fertilizer, nutrient free, or even the
13 primary source.

14 MR. FERGUSON: There was one statement like that,
15 then you contradicted it later on. I don't believe it should
16 be your total nutrient deal, but I don't believe it needs to
17 be treated like raw. We're far from raw.

18 MR. MOYER: No, I understand what you are saying.

19 MR. FERGUSON: Far from raw.

20 MS. CAROE: Anymore comments? Julie.

21 MS. WEISMAN: If it meets the criteria for
22 composted manure, what is the difficulty with calling it
23 that? I'm not in crops production, so pardon my ignorance.

24 MR. DAVIS: In California, processed manures are
25 used extensively in organic vegetable production, at least,

1 and they are quite useful. A lot of growers use them and
2 they are very valuable. But there is, there has been this
3 problem with, no, they don't meet the compost criteria
4 because the end goal is the same, pathogens are gone. The
5 desired result is the same, but they don't meet the compost
6 guideline criteria, because it's done a different way.

7 And that's what he's asking for, something that's
8 very valid, is that it's time to clarify this and get a
9 category for this type of material, being that it does not
10 fit the compost rules. It doesn't not classify as a raw
11 manure.

12 MS. CAROE: Are there any other comments. Rigo.

13 MR. DELGATO: Sir, I just have a question. The
14 ball is on your court. Once you are satisfied with all the
15 information, Mark, then you are going to send that to us,
16 correct?

17 MR. BRADLEY: I'm sorry, what do you mean?

18 MR. DELGATO: The gentleman here submitted a
19 petition. You have it on your desk.

20 MR. BRADLEY: I believe the petition was for a
21 nonsynthetic, was that -- petition for a nonsynthetic for use
22 in ag production. Go ahead.

23 MR. POOLER: The material was petitioned -- this is
24 Bob Pooler, National Organic Program. The material was
25 petitioned to add to the national list. It was reviewed and

1 considered to be a nonsynthetic. And I believe a letter has
2 been sent, and the letter indicated that the material was a
3 nonsynthetic, but was restricted by our regulations 205.203
4 the 90 and 120 day restriction before harvest. That's what I
5 believe the letter has said. So the petition was not
6 continued forward because it was considered a nonsynthetic.

7 MS. CAROE: Is there any other comments? Well, I
8 think may Crops should consider taking this issue up and
9 putting on the work plan, and working with the program. Bob?

10 MR. POOLER: There currently is a quote-unquote
11 petition in front of the NOP and actually the Crops Committee
12 dealing with the issue of processed manure and asking for
13 revision of 205.203. And I will be working with the Crops
14 Committee on this to try to get this petition as part of
15 their work plan.

16 MS. CAROE: When you say petition, we're not
17 talking about a material petition for listing on the national
18 list.

19 MR. POOLER: No.

20 MS. CAROE: We're talking about a petition for a
21 rule change.

22 MR. POOLER: A petition to revise the regulations
23 in 205.203.

24 MS. CAROE: Yes. Okay. Great. I agree. But
25 that's going to be done in collaboration with the Crops

1 Committee.

2 MR. POOLER: Correct.

3 MS. CAROE: Excellent. Any other -- Jeff, do you
4 have something?

5 MR. MOYER: No, I was just going to say, that's
6 what I said earlier, we're going to put it on our work plan.

7 MS. CAROE: Great. All right. Thank you so much.

8 MR. FERGUSON: Thank you all so much. Thank you
9 all so much. Great time. Thanks.

10 MS. CAROE: That is our last commentor for today,
11 so we are in recess until 8:00 a.m. tomorrow morning. And
12 again, 6:30 to 8:30, the Cosmo Club, 2121 Mass Boulevard is a
13 reception open to all interested parties. Thank you.

14 (Recess.)

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% Digitally signed by Teresa S. Hinds

ELECTRONIC CERTIFICATE

DEPOSITION SERVICES, INC., hereby certifies that the attached pages represent an accurate transcript of the electronic sound recording of the proceedings before the United States Department of Agriculture:

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A handwritten signature in black ink, reading "Teresa S. Hinds". The signature is written in a cursive style with a large initial "T" and "S".

Teresa S. Hinds, Transcriber