

FINAL MINUTES OF THE
NATIONAL ORGANIC STANDARDS BOARD
FULL BOARD MEETING
ORLANDO, FLORIDA
APRIL 24 - 28, 1995

1 **April 24, 1995**

2 The initial session of the National Organic Standards Board (NOSB) meeting was called to order
3 at 8:00 a.m. by Chairperson Michael J. Sligh.

4 Members in attendance were: Jay Friedman, Dean Eppley, Gene Kahn, Craig Weakley, Michael
5 Sligh, Merrill Clark, Tom Stoneback, K. Chandler, and Don Kinsman. Attending their first
6 meeting as newly appointed members were: Bob Anderson, Fred Kirschenmann, Kathleen
7 Merrigan, Rod Crossley, and Margaret Wittenberg. Participating at this meeting as the certifying
agency advisor to the NOSB was Brian Baker of California Certified Organic Farmers (CCOF).

9 National Organic Program staff members present from USDA were: Hal Ricker, Michael Hankin,
10 Karen Thomas, Ted Rogers, Grace Gershuny, Beth Hayden, and Michael Johnson.

11 Also in attendance from USDA were: Lon Hatamiya, Administrator of the Agricultural
12 Marketing Service (AMS), and Eileen Stommes, Deputy Director of the Transportation and
13 Marketing Division, AMS.

14 The Technical Advisory Panel Coordinator present at the start of the meeting was Zea
15 Sonnabend. John Brown was expected to arrive later.

16 Sligh defined the first order of business as recognizing the retiring board members present. These
17 included: Bob Quinn, Margaret Clark, and Rich Theuer. Gary Osweiler and Nancy Taylor were
18 not present, although Nancy Taylor did arrive on Tuesday and was recognized then for her
19 efforts. Following the presentation of plaques to the retiring Board members, the new members
20 of the NOSB were welcomed and seated. Sligh then introduced Lon Hatamiya to address the
21 NOSB on behalf of Secretary Dan Glickman and the USDA. Mr. Hatamiya made comments
22 relative to the NOSB's roles and responsibilities as implementation of the National Program
23 approaches. Mr. Hatamiya implored the organic industry to set their apprehension aside, be
24 cohesive, and support the National Program. He informed the Board members that expediting the
25 program rulemaking process is a priority and that implementation would be delayed if the Board
26 were to review all aspects of the Program before it was published in the Federal Register. He
27 noted that each member would have full opportunity to comment during the public comment
28 period.

29 Kathleen Merrigan remarked that a lot of the apprehension comes from the notion that USDA
30 would have final responsibility for constructing the National list of synthetic materials, specifically
31 the idea that the USDA might take the liberty of adding synthetic materials onto the List that were
32 not proposed initially by the NOSB. She asserted that while the NOSB is meant to serve as an
33 Advisory Panel in all other aspects of the Program, the legislation in the 1990 Farm Bill
34 established that only the NOSB could propose and add synthetic materials onto the List.

35 Other NOSB remarks to Lon included:

Sligh - criticized the Federal Register process and emphasized the need for the NOSB to review the Proposed Rule drafts;

Clark - asked that the NOSB have access to the comments after publication of the Proposed Rule, but before the Final Rule is prepared. (The response was that these are available through FOIA after the Final Rule is published);

Kirschenmann - stated the concern of perception that USDA will succumb to political considerations and write a Program that is not true to organic principles;

Kahn - implored that the National program not contain serious departures from the current status quo in the organic industry and related his personal objections to the Resolution of Focus document as well as NOP staff positions on residue levels as a standard for organic food and percentage organic ingredient declarations on processed food labels.

Baker - stated the community's concern that if authority over the National list is given up now, that it will never be given back by the government.

BREAK.

Following the break, the Board resumed business at 9:15 a.m. to discuss proposed changes to the agenda. Sligh asked that the Board approve the agenda for the week, discuss meeting goals and make nominations for the elections. Chandler moved and Crossley seconded that (1) the full Board administrative session be moved from 4/28 to 4/27 so as to be certain that those board members leaving on Thursday have an opportunity to participate in the important votes before their departures and (2) a materials review session be correspondingly moved from 4/27 to 4/28.

56 The motion passed unanimously and Sligh suggested that the agenda be continually negotiated
57 throughout the week to accommodate for additional time needed by committees or issues.

58 The issue of finding agenda time to consider phase-in was discussed, and Anderson suggested that
59 the chairs of the committees meet during the week and then give the Board a general presentation
60 about the implementation issue on Thursday or Friday. Kirschenmann moved and Eppley
61 seconded to so change the agenda. The motion passed unanimously.

62 The Board decided to set a different time to approve the minutes and review the assignments from
63 the meeting in Rohnert Park. Kahn moved and Chandler seconded that a vote on approval of
64 minutes be postponed until Friday. The motion passed unanimously.

65 Sligh then reminded the Board that all three NOSB officer positions were up for re-election,
66 including Chairperson, Vice-chairperson, and Secretary. Nominations for these posts proceeded
67 at this time at the request of the members. For Chairperson, Friedman nominated Weakley who
68 declined. Crossley nominated Anderson and Kahn seconded. Chandler moved to close the
69 nominations and Kahn seconded. Anderson was elected by acclamation. For Vice-chairperson,
70 Kahn nominated Sligh and Crossley seconded. Crossley moved to close the nominations and
71 Chandler seconded. Sligh was elected by acclamation. For Secretary, Sligh nominated Kinsman
72 and Crossley seconded. Chandler moved to close the nomination and Stoneback seconded.
73 Kinsman was elected by acclamation.

Following the election of the new officers, discussion ensued on whether committees should
75 continue to elect their own chairs, or whether it should be a full Board decision. Hankin
76 expressed the notion that there should be realignment of committee missions and that the
77 committee structure should be dissolved in favor of ad-hoc committees and taskforces to be more
78 responsive to important issues as they arise during the writing of the Proposed Rule. Sligh and
79 Kahn expressed dissent with Hankin's idea.

80 Kahn moved and Crossley seconded a motion to allow the full Board to vote on approval of
81 committee chairs after they are selected by the individual Committees. The motion passed
82 unanimously.

USDA Staff Report - Program Leader Hal Ricker proceeded with an update on the National
84 Program activities and program direction. He first introduced new Staff members Karen Thomas
85 and Beth Hayden and announced that he would now be working full time on the Organic
86 Program. He then reviewed recent meetings at USDA about organics, including his involvement
87 with the Integrated Pest Management Committee, an address to the USDA Biotechnology
88 Advisory Committee, attendance at the Minor Use Pesticide Working Group meetings, meetings
89 with FDA on labeling, discussions with APHIS on their Proposed Rule on non-indigenous
90 organisms, and Bob Anderson's slide presentations on Walnut Acres Farm to USDA.
91 He next briefly discussed the Petition Process and the March Federal Register National List
92 notice. He noted that the Department will establish an ongoing petition process which will be
93 published along with the Final Rule. As for the rulemaking process, the USDA expects to publish

94 a portion of the accreditation program in mid to late Summer. The standards are currently being
95 developed by the program staff and we expect to publish those in Fall. He also reviewed the
96 various analyses that need to be done for the Federal Register publication and noted that we are
97 still developing the user fee structure.

98 He reported that the Department absorbed a \$6,000 - \$7000 shortfall in the Board's funding for
99 the Orlando meeting. Marketing and Inspection Services has lost a portion of its advisory
100 committee funding as a result of losing the food safety agencies. Kathleen followed with a
101 suggestion that Hal research the legality of seeking philanthropic donations for the next Board
102 meeting if funding does not become available. Hal closed with the comment that Board phone
103 and fax expenses will no longer be covered by the USDA and that the President's FY 1996
104 Budget includes an additional \$500,000 for the first round of Accreditation.

105 Merrill Clark initiated a discussion stemming from a letter to Public Voice from the USDA. She
106 continued by expressing concern about the need for openness regarding major meetings between
107 USDA and other organizations which have direct interest and formal involvement in NOSB
108 activities. Ricker followed with comments relative to the day to day responsibilities of the USDA
109 and its historical precedent for working with other organizations and Federal agencies. Merrigan
110 reiterated her earlier remark that it is incumbent upon Board members to do outreach activities
111 and that they must be a conduit of information to the USDA.

112 BREAK.

Sligh called the meeting back to order at 11:15 a.m. and led a discussion on the definition of organic. He expressed the industry's concern over the lack of a definition for organic.

Kirschenmann requested the Board to adopt a statement of principle that enhances the Codex definition. Stoneback acknowledged the difference between the Codex document and the US legislation in that synthetics that are not harmful are permitted in the US legislation. Friedman moved and seconded by Chandler to accept the Codex definition of organic production as the NOSB's recommendation. Rogers and Weakley pointed out that Codex language may not be applicable since it refers to the "non-use of artificial fertilizers and pesticides." Crossley pointed out that the definition does not include processing and livestock language. After general discussion, it was decided that a definition working group would be organized, consisting of Grace Gershuny, Fred Kirschenmann, Michael Sligh, Tom Stoneback, Brian Baker, and Kathleen Merrigan. This working group agreed to prepare a draft definition for distribution on Tuesday with final approval scheduled for Thursday.

The motion to accept the Codex definition failed with all votes cast as nays.

Material Oversight Working Group:

(The Material Oversight Working Group {MOWG} was established at Rohnert Park to establish the procedure for materials review and voting.

Zea Sonnabend led a discussion of the MOWG's activities since the Rohnert Park meeting. Given the MOWG's mission, the following items *(in summary)* represent the group's recommendations on the materials review process: (1) A material must have two TAP reviewers; (2) If a substance

133 is Generally Recognized as Safe (GRAS) under FDA regulations, one TAP reviewer is sufficient;
134 (3) All criteria set forth in the OFPA must be considered; (4) A checklist for completeness will
135 accompany each material; and (5) Each material will be allotted a fifteen to twenty minute
136 discussion period. Rich Theuer will facilitate the processing materials discussion and Hal Ricker
137 will facilitate the crops & livestock materials discussion.

138 The MOWG recommends that materials voting for processing materials would proceed as
139 follows: The first vote would be to decide whether the material is non-synthetic or synthetic. If a
140 crops or livestock material is determined to be non-synthetic, then there would be no further votes
141 unless a member proposed to place the material on the Prohibited Naturals list. If a processing
142 material is determined to be non-synthetic, the NOSB would vote on approving its use in organic
143 foods. If the non-synthetic processing material is not approved for use in organic foods, then the
144 Board would vote to approve its use in foods made with organic ingredients. If a crops, livestock
145 or processing material is determined to be synthetic, then the NOSB would vote as to whether is
146 should be placed on the National List. If a synthetic processing material is not approved for
147 placement on the List for use in organic foods, then the Board would vote to approve its use in
148 foods made with organic ingredients. All use and application restrictions (annotations) will be
149 proposed during the discussion and a vote will be conducted for the annotation. If no annotation
150 is included with the approved material, then all uses allowed under its registration are permitted in
151 organic production and processing.

152 Merrigan suggested that, only when voting on materials, the NOSB consider abstentions as a vote

cast when determining the total votes of which a two-thirds majority is necessary for a motion to be approved. Crossley made a motion and it was seconded by Eppley to reaffirm the Rohnert Park voting procedure that abstentions and absences will not count as votes cast. Following the ensuing discussion, Crossley withdrew his motion. Friedman moved and Merrigan seconded the motion that for voting purposes for the National List only, abstentions from voting count as votes cast, but absences and recusals will not count as votes cast and that a two-thirds majority of all votes cast is necessary for a motion to pass. Vote: Yes - 12. Opposed - 2. Passed.

Sonnabend continued, recommending that the MOWG's work continue. Hankin suggested that the task of the MOWG be re-evaluated before the end of the week. The Board agreed to vote on this before the end of the week.

Sligh then requested that 5 minutes be spent on discussing the inerts issues and Sonnabend explained the inerts letter that she had prepared in conjunction with Sligh as follows:

Inerts Task Force Report Discussion

Sonnabend began with a brief explanation of the inerts scenario to the new members. She then brought up a number of questions that needed to be answered: Will there be a phase-in or time line for any new policies on appropriate inerts? Will inert ingredients appear on the National List? How will the NOSB work with manufacturers to find out what inerts are in formulations? How will the inerts be classified by the NOSB after they are disclosed in contrast to the codified EPA scheme of categorizing inerts? Crossley suggested that the task force make

172 recommendations on active substances and postpone the review of inerts, noting that there will
173 be time after implementation to review inerts. Kirschenmann noted that full transparency is
174 necessary by whatever method is necessary to obtain it. Sonnabend clarified that any vote about
175 the process of reviewing inerts did pertain to actions to be taken after those actives are reviewed
176 that are necessary for implementation of the National Program.

177 LUNCH BREAK.

178 The Public Input Session followed lunch and took up the rest of Monday's session. The summary
179 of the Public Input Session is on file at the USDA National Organic Program office.

1 **April 25, 1995**

181 Members in attendance were: Jay Friedman, Dean Eppley, Gene Kahn, Craig Weakley, Michael
182 Sligh, Merrill Clark, Tom Stoneback, K. Chandler, Don Kinsman, Bob Anderson, Fred
183 Kirschenmann, Kathleen Merrigan, Rod Crossley, and Margaret Wittenberg. Also attending was
184 Brian Baker from CCOF.

185 Staff members present from USDA were: Hal Ricker, Mike Hankin, Mike Johnson, Grace
186 Gershuny, Karen Thomas, Ted Rogers, and Beth Hayden.

187 **PROCESSING, HANDLING, AND LABELING COMMITTEE REPORT:**

188 *(Refer to 12/29/94 letter to NOSB from Rich Theuer containing Committee status report)*

189 **Amendments for Pest Control:**

190 Weakley reviewed the lengthy discussions regarding pest control measures that have occurred at
191 previous meetings and within Committee conference calls. Kahn moved and Stoneback seconded
192 to accept language modifications, to the Board Final Recommendation on the Organic Handling
193 Plan and the Board Draft Recommendation on Organic Good Manufacturing Practices, that
194 emphasized prevention over control. These modifications would be at Lines 142-143, 144-145,
195 256-257, 262-263, and 269-270 of the Handling Plan document and Line 62 of the Good
196 Manufacturing Practices document. The VOTE was unanimous to accept the changes.

197 **Organic Good Manufacturing Practices:**

198 Weakley then asked the Board to consider changing the status of the Organic Good
199 Manufacturing Practices Draft Recommendation to a Board Final Recommendation. Friedman
200 queried how processing of non-food products was being addressed. Theuer responded that the
201 OFPA relates to food, not fiber, and requested that this discussion be postponed.
202 Kirschenmann voiced the concern that food should be altered and processed as little as possible
203 and then asked whether nutritional aspects should be considered in defining "organic foods."
204 Weakley suggested that the Processing Committee would discuss the subject of "organic
205 Twinkies" on future conference calls. Rogers discussed the importance of defining minimally
206 processed and to have principles to support the definition and create a filter for the inclusion of
207 substances onto the National List. Weakley agreed to consider the subjects of minimal processing
208 and prohibited levels and practices of processing within "organic" foods on future conference
209 calls. Kahn moved and Crossley seconded to accept the OGMP document as a Final
210 Recommendation. VOTE - unanimous aye. Hankin asked whether the Committee intended to
211 put pest control products through the National List review process and include them on the
212 National List. Committee members expressed their intent to place substances used in cracks and
213 crevices on the List with the requirements that all organic food be removed to avoid
214 contamination.

215 *Commercial Non-Availability of Suitable Ingredients in Organic Form*

216 Weakley asked for comments on whether the document should be considered as a draft or final
217 recommendation, noting that it has been discussed for over a year and very few comments were
218 received during public distribution of the document. Kahn moved and Eppeley seconded to

consider the document as a Final Recommendation. Clark expressed concern about relying only on paperwork to show good faith efforts to source organic ingredients and suggested that the language be strengthened to force processors to locate organic ingredients. Kahn stated that the use of organic ingredients will be driven by market conditions, and that is where the need for percentage labeling is most critical. Rogers stated that percentage labeling may not be necessary, citing the market relation between producer, processor and certifier. Kahn responded that certifiers should not be asked to determine availability and that additional guarantees are needed to ensure that processors use more organic ingredients. Vote: Yes - 13. Opposed - 1. Motion carried.

Labeling Draft Recommendation amendment:

Motion was made by Weakley and seconded by Friedman to amend the still-draft sections of the Board Final Recommendation on Labeling (February 2, 1994), specifically Section 2.A.2, to add the words, "if they are not commercially available to the handler in organically produced form," at the 4th and 5th lines of the section. Vote: Yes - 13. Opposed: 1. Motion carried.

Labeling Bulk Organic Product

Crossley moved and Kahn seconded the following addition to the Board Final Recommendation on Labeling document, page 4, Line 85 :

Information on non-retail containers of an organic product should be given either on the container or in accompanying documents, except that the name of the product, lot identification, organic

239 identification and the name and address of the handler should
240 appear on the container. Lot identification, and the name and
241 address of the handler may be replaced by an identification mark
242 provided that such a mark is clearly identifiable with the
243 accompanying documents.

244 The motion was approved unanimously.

245 *Distributor Exemption*

246 The next revisions discussed by the NOSB concerned exemptions from certification requirements
247 for those distributors handling sealed processed organic foods. Weakley explained that these
248 proposed revisions are the result of many written comments received by the Committee and that
249 the purpose of the exemption would be to reduce unnecessary burden and cost from industry.
250 Baker questioned whether exemptions could actually be granted to distributors handling boxes of
251 fruit and expressed confusion as to what types of container handling were exempt from
252 certification. Theuer said the key is whether it becomes opened or not and whether the product
253 inside is protected. Sligh raised questions about which types of containers qualify for being
254 considered as "tamper-evident.. or adequate.. to maintain organic integrity during normal
255 transportation and storage." Kirschenmann said the concern is to not burden the system with
256 unneeded certification, but yet assure organic integrity and audit trail controls. He also raised the
257 question of treatment of storage spaces with prohibited materials by distributors who are not
258 certified and who are unfamiliar with organic handling practices. Kahn said the person who holds
259 the title should be responsible for following the product through the distribution chain until it is

2 sold. The NOSB decided that the Processing Committee should review its recommendation on
261 exemption from certification for handlers handling tamper-evident containers, and report back at
262 the next Board meeting.

263 *Phase-In Recommendation (Processing & Handling)*

264 Weakley then introduced the PHLC recommendation on the phase-in of handler certification. The
265 Committee recommends that handlers selling existing products labeled as organic or made with
266 organic ingredients submit an application within 2 months after implementation of the National
267 Program and that certification be completed within 12 months after implementation.

268 Kirschenmann suggested including wording changing "existing" to "previously third-party
269 certified," and the Board agreed. Concern was expressed by Baker and Quinn about certifier
270 overload, rushing certification applications, and duplication of certification expenses. The
271 Committee agreed to discuss these concerns and return a revised proposal later in the week.

272 Weakley then read the PHLC phase-in labeling recommendation that states that all products and
273 ingredients should meet the National Program requirements within 18 months after
274 implementation. Kirschenmann moved and Crossley seconded to accept the labeling
275 recommendation as a Board Final Recommendation.. A friendly amendment to add "previously
276 third party certified" in the first line between "all" and "products" was introduced and accepted.
277 The motion was approved unanimously.

278 *CROPS COMMITTEE:*

279 Kahn began the discussion with the Specialized Standards for Greenhouses and Mushroom
280 Production. The Board Draft recommendation was read by Kahn and discussion ensued. There
281 was general agreement that the Farm Plan provisions should apply to greenhouse production and
282 language addressing this issue was included at Line 6. Anderson moved and Eppley seconded
283 that the greenhouse standard be accepted as a Board Final Recommendation with the
284 aforementioned revisions. The motion passed unanimously.

285 Kahn then read the wording from the mushroom production recommendation. Anderson
286 requested, and Kahn agreed, that Subsection (e) be replaced with the following: "Sanitizers and
287 disinfectants not on the national list may not be applied to crops or growing substrates." There
288 was a friendly amendment accepted to change in section C, line 79 the word "*mediums*" to
289 'media'. Kahn clarified that producers would have to ascertain that the sawdust wasn't treated
290 and that the certifier would verify this fact. Kirschenmann moved and it was seconded by
291 Friedman to elevate the mushroom document to a Board Final Recommendation. Vote:
292 Unanimous aye.

293 Hydroponics

294 Kahn concluded his report by reading the hydroponics recommendation that would allow organic
295 labeling for products from soilless media if all other National Program requirements are satisfied.
296 Baker expressed his concerns about the philosophical problems associated with soilless
297 production. Kahn noted that the recommendation only allows for the possibility of an organic
298 hydroponics industry developing. Kahn recognized that hydroponics is a practice that is

dependent on synthetic inputs and wants to open up dialogue with its proponents. Crossley

300 moved and Weakley seconded a motion to accept lines 101-105 as a Board Final

301 Recommendation. Friedman first offered a friendly amendment that was accepted to strike “other

302 applicable” from the document. Vote: Unanimous aye.

303 In the interest of staying on schedule, Kahn postponed discussion of the Committee definitions

304 document until the next Board meeting.

305
306 **LIVESTOCK COMMITTEE:**

307 Chairperson Clark presented the following as a proposed addition to the Board Final

308 Recommendation on Healthcare for organic livestock; it is to be added at line 278 (4): “Certified

309 organic livestock farms shall be based on a system that incorporates access to the outdoors and

310 direct sunlight. It is understood that proper livestock health management may include periods of

311 time when livestock are housed indoors. Temporary indoor housing may be justified for: (1)

312 inclement weather conditions; (2) health, care, safety and well being of the livestock; and (3)

313 protection of soil and water quality.” Friedman moved and Kinsman seconded the motion to

314 accept this addition to the Healthcare document.

315 Vote: Unanimous aye. Passed.

316 *Antibiotics in Laying Hens:* Friedman moved and Kinsman seconded to accept the Committee

317 proposed language on the Use of Antibiotics in Laying Hens for insertion at line 358 of the Final

318 Recommendation on Antibiotics in organic livestock production. Questions were raised about

319 whether chickens represented enough of an investment to warrant allowing any medication use.
320 Hankin noted that the livestock hearings indicated that chickens are treated as a flock and not as
321 individual animals. Kirschenmann recounted problems of neglect for animals in systems that don't
322 allow for re-entry of animals after application of medication and discussed the internal tension
323 created within a producer when forced to decide between using medications or diverting. Vote:
324 Yes - 7. Opposed - 4. Abstain - 1. Absent - 2. Motion failed.

325 Chandler moved and Friedman seconded to accept the first paragraph only. Vote: Yes - 8.
326 Opposed - 1. Abstain - 2. Absent - 2. Motion carries to include only the following: "The use of
327 antibiotics as a growth promoter in poultry is prohibited. The use of antibiotics in poultry whose
328 eggs or egg products are intended to be labeled or sold as organically produced is restricted."

329 Kinsman moved and Friedman seconded to accept the second paragraph. Chandler, Eppley and
330 Anderson claimed that the standards should be consistent and allow for reentry after a withdrawal
331 period. Vote: Yes - 5. Opposed - 6. Abstain - 2. Absent - 1. Motion failed.

332 Kirschenmann talked about principles and consistency, comparing animals and soil. Just as
333 organic principles allow for emergency and restrictive use of synthetics for field production of
334 crops, shouldn't, he questioned, the same allowances be made for livestock production? He
335 acknowledged, in closing, that hypersensitive perceptions by consumers about antibiotics may be
336 inconsistent with organic principles and recognized the perception that once the medication is
337 used that a residue remains in the animal. Chandler moved and Eppley seconded to add at the

phrase “synthetic parasiticide” in the first paragraph along with antibiotic. Vote: Yes - 7.

339 Opposed - 6. Abstain - 1. Motion failed.

340 LUNCH BREAK

341 After Nancy Taylor was recognized for her outstanding efforts and accomplishments during her 3
342 year service to the NOSB, the livestock committee discussion resumed. Kirschenmann continued
343 that antibiotics were an unacceptable material for use in the food of an animal, comparing it to
344 anhydrous ammonia use in soil. He concluded that antibiotics should not be used in slaughter
345 animals, but could be allowed in animals whose products were sold as organic provided that time
346 was allowed for the animal's health to recover before marketing the products. Chandler
347 responded that we should also be able to eat the animal after its health has recovered. Baker
348 asked that the Board reexamine the recommended withdrawal times for dairy. Kahn then asked
349 whether science should be used to reevaluate the OFPA requirement that prohibited substances
350 not be used on land within 3 years of harvesting products to be labeled organic. Friedman
351 reminded the Board that consumer perception cannot be factored into an attempt to develop
352 livestock standards solely on the basis of scientific evidence and that in the absence of conclusive
353 scientific data, the highest standard possible should be written. Friedman also stated that he
354 believes the organic label will be devalued in the market place if other labels are used to identify
355 products produced or processed without the use of synthetic medications. Baker proposed that
356 appropriate marketing claims could be used to differentiate the organic label from the no antibiotic
357 label. Kirschenmann then informed the Board that the Livestock Committee would revisit the
358 entire issue of antibiotics in livestock, recognizing that its use is restricted, that the health
359 concerns of livestock and appropriate withdrawal times would be considered, and that principles

360 of organics would be the foundation of the new recommendations. Friedman reminded the Board
361 that there had been previous agreement not to withdraw Final Recommendations once they were
362 approved. Merrigan spoke to the value of participating in the discussion of livestock standards in
363 their entirety. A unanimous straw vote gave Kirschenmann approval to develop a "white paper"
364 for the Board only on the issue of antibiotic use in eggs. This concluded the Livestock
365 Committee presentation.

366 *ACCREDITATION COMMITTEE*

367 Sligh announced that the new Accreditation Committee membership consisted of Kirschenmann,
368 Merrigan, Crossley, Friedman and himself. He enumerated several issues for which the
369 Committee will be developing recommendations, including: State program approval, public
370 disclosure, site evaluation and seal use on labels. Gershuny gave a brief presentation describing
371 the development of the USDA proposals on accreditation and articulated on Staff and OGC
372 participation. She explained the Staff decision not to circulate drafts of proposals because of the
373 confusion engendered by distribution without explanation and supporting documents. Merrigan
374 asked whether USDA envisions a process whereby NOSB would review future drafts so as to
375 prepare Board members for explaining and defending the USDA rule. Gershuny replied that an
376 explanatory paper for accreditation will be distributed before the Proposed Rule. In response to a
377 question from Margaret Clark, Gershuny said that the current Program draft provides for private
378 certifiers to limit certification to members according to membership requirements rather than
379 standards. Other miscellaneous points that Gershuny raised about the current Program draft
380 were: a financial reserve to ensure that producers get certified in case of certifying agent

difficulties and affirmation that a Peer Review Panel will be provided for. The presentation
concluded with a general discussion about what types of production units (sizes and structures)
will need to be certified.

INTERNATIONAL COMMITTEE:

Friedman reported on the International Committee's current work. He raised a question
concerning fumigation and was replied to by Michael Johnson who noted that the staff was in the
process of developing a fumigation table which outlines various treatments required by APHIS's
Plant Protection & Quarantine Division. No other business was discussed by the International
committee. Friedman did conclude with offering suggestions for a smoother functioning Board
process, including: bylaws; explicit agenda details; written Committee presentations distributed to
the Board before the meetings; clearly labeled and dated documents; and a briefer summary of
materials review information.

BREAK AT 3:00PM.

MATERIALS REVIEW PROCESS

Reconvening at 3:15, Sonnabend led a discussion about how to handle the less well-defined areas
of the materials review process, namely inerts and the definition of synthetic. She proceeded to
discuss a document entitled "*Handling of Inerts Policy at the NOSB April Meeting,*" dated April
11, 1995.

Vote 1. Inerts on the National List

400 This motion is intended to help the Board to move forward in the materials review process by
401 leaving inerts to be dealt with in the future after publication of the initial National List.
402 Eppley proposed and Sligh seconded to discuss the following Proposed Motion 1: "Synthetic inert
403 ingredients shall be reviewed by the NOSB according to the criteria in the OFPA for inclusion on
404 the National List. This shall be handled as an amendment to the National List after the publication
405 of the initial List and after the inerts are identified and evaluated."

406 Hankin noted the Staff's position on inerts and the problems inherent with the NOSB trying to
407 attain confidential information necessary for reviewing inerts, and observed that the Board's
408 continuing at this time to develop a policy on inerts review does not contribute to the working
409 relationship between the Staff and the NOSB. Sligh noted that the Board cannot shrink from its
410 perceived responsibility to let the industry know where they stand on this issue. Merrigan went
411 on to discuss some of the historical concerns that the industry has with inerts.

412 Chandler offered the following amendment: *The inert priority shall be after the initial national*
413 *list.* Vote: Yes - 4. Opposed - 9. Abstain - 1. Amendment fails.

414 Merrigan made a motion seconded by Kirschenmann: *The NOSB will make every effort to review*
415 *synthetic inert ingredients for their appropriateness in organic production systems. The NOSB*
416 *will work with manufacturers of inert substances to obtain full disclosure. This process will take*
417 *place after the proposed national list and its subsequent Federal Register publication.* Clark
418 commented that if the NOSB doesn't review an inert, then that inert shouldn't be allowed in
419 production. Crossley pointed out the difference between full disclosure (for instance,

confidentially to the USDA) and public disclosure (to the general public). Others thought the
421 NOSB could be granted an approved status to review confidential information. Rogers noted that
422 the NOSB does not have statutory authority to be granted this status or review inerts for the
423 Program. Vote: Yes - 10. Opposed - 4. The motion passed.

424 Sligh proposed the following motion: *Inerts on the EPA List 4 are considered to be minimum risk*
425 *and will be accepted for organic production, with a TAP review and NOSB evaluation according*
426 *to the criteria in the OFPA for those that are synthetic. Inerts proposed for organic production*
427 *on EPA's List 2 which are potentially toxic and List 3 which are unknown will be compiled by*
428 *the NOSB and forwarded to the EPA as materials for fast-track review and possible*
429 *reclassification by them.*

430 Craig offered an amendment, seconded by Crossley to strike "with a TAP review and NOSB
431 evaluation according to the criteria on the OFPA for those that are synthetic." Sligh remarked
432 that he opposed this amendment because he wanted to review each inert rather than accept an
433 entire category. Vote: Yes - 8. Opposed - 6. The amendment fails. Weakley then followed with
434 a motion and it was seconded by Kahn to table the discussion. Vote: Yes - 10.
435 Abstain - 2. Motion carried.

436 Clarification of Synthetic Definitions

437 Rich Theuer, leader of the Processing materials voting, began this session by outlining the
438 process by which the ensuing materials voting will be handled.
439 Prior to voting, each Board member will be asked to give their opinion on three questions, which
440 will serve to clarify the material's status. These questions are: (1) In your judgment, is this
441 substance synthetic, non-synthetic, or abstain / no opinion?; (2) Should this substance be allowed
442 in an "organic food" (95% or higher organic ingredients) (*2/3 of those voting is required for*
443 *approval*); and, if question 2 should not receive a 2/3 approval vote, (3) Should this substance be
444 allowed in a "food made with organic ingredients" (50% or higher organic ingredients)?
445 Theuer continued with a thorough discussion on the various interpretations of the word
446 "synthetic," first noting that the correct terminology should be "non-synthetic vs. synthetic" and
447 not "natural vs. synthetic." Theuer carefully went through reflections on terminology within the
448 OFPA as it pertains to "synthetic." The Board agreed that the criteria listed in the OFPA Section
449 2119(m) did apply and were sufficient to evaluate substances for processing. Clark, however,
450 disagreed, affirming that the OFPA did not intend these criteria to apply to processing synthetic
451 substances. Theuer noted that the NOSB may not be the final arbiter of the non-
452 synthetic/synthetic definition, since the USDA, EPA and FDA have to decide and publish an
453 interpretative definition in the Federal Register along with the Rules. Sligh requested a preamble
454 explaining the Board's position on synthetics. Kahn stated that the realities of food manufacturing
455 requires many of these synthetic materials in order to produce food expected by consumers.
456 Kirschenmann offered the two principles of: using only materials that enhance the natural system,
457 and of altering the food as little as possible, as guidance to the NOSB for decision making.

} The meeting was adjourned for the day.

459 April 26, 1995

460 Members in attendance were: Jay Friedman, Dean Eppley, Gene Kahn, Craig Weakley, Michael
461 Sligh, Merrill Clark, Tom Stoneback, K. Chandler, Don Kinsman, Bob Anderson, Fred
462 Kirschenmann, Kathleen Merrigan, Rod Crossley, and Margaret Wittenberg. Participating as the
463 certifying agent advisor to the NOSB was Brian Baker of California Certified Organic Farmers
464 (CCOF).

465 Staff members present from USDA were: Hal Ricker, Michael Hankin, Ted Rogers, Grace
466 Gershuny, Beth Hayden, and Michael Johnson.

467 Technical Advisory Panel Coordinators present were: Zea Sonnabend, John Brown, and Rich
468 Theuer as facilitator

469 Theuer began by reading from the Conference report section suggesting that it may be necessary
470 for the Secretary to go to Congress for delineation of processed-food synthetic substance
471 categories. Theuer noted that the Board will be reviewing processing aids even though they are
472 not listed on the labels. Weakley noted the Processing Committee's General Annotation for all
473 processing materials, and encouraged the Board to adopt it. Kahn moved and Crossley seconded
474 the following General Annotation as a Board Final Recommendation on Processing: *Allowed*
475 *synthetic processing materials may only be used for processing applications where a wholly*
476 *natural substitute material is commercially unavailable. Processors must document in the*
477 *Organic Handling Plan efforts to source and utilize wholly natural substitute materials for all*

allowed synthetic ingredients used in processing.

479 Vote: Yes - 14. Opposed - 0. Motion carried.

480 Clark moved and Friedman seconded to "set aside all votes on synthetic processing materials
481 designated for use in certified organic products. Votes on their use in products 'made with
482 organic ingredients' can and should proceed." Clark prefaced her motion by stating "since the
483 OFPA prohibits the use of synthetic additives in processing food labeled "organic" and since the
484 public has come to believe organic foods are processed without synthetic additives or chemicals,"
485 such a motion was in order. Organic processors already manufacture organic foods without
486 synthetic additives, therefore allowing synthetic additives went against the "use natural materials
7 when available" principle." Wittenberg stated that customers are primarily concerned about
488 pesticide use in foods, and not synthetic materials used to process them; concerns of chemically
489 sensitive persons need to be respected and addressed, but should not be the guiding force behind
490 the organic standards. Weakley asserted that voting is important at this time because there is so
491 much time invested and the NOSB needs to determine what is synthetic so that General Counsel
492 can decide what is permitted under the OFPA. Anderson said that the percentage of organic
493 ingredients is most important, not really the minor ingredients and processing aids. Vote: Yes - 2.
494 Opposed - 11. Abstain - 1. Motion failed.

495 Materials Discussion

496 The initial round of the NOSB materials review began with the review of processing materials, led

497 by former NOSB Processing committee chairperson Rich Theuer, Ph.D. Dr. Theuer was also a
498 leading TAP reviewer for a number of the processing materials. The following notes represent
499 the NOSB voting process that occurred during the remainder of the week. The notes detail the
500 actual votes on each material and some general comments and discussion notes.

501 ***Processing Materials***

502 **Nitrogen Gas** - Reviewed by Steven Harper, Bob Durst.

503 Determined to be non-synthetic; Vote - Unanimous.

504 The NOSB's decision is to allow this material for use in organic food processing;

505 Vote - Unanimous.

506 Annotation: Oil-free grades; from non-oil source.

507 **Oxygen Gas** - Reviewed by Bob Durst, Richard Theuer, and Steve Taylor.

508 Determined to be non-synthetic; Vote - Unanimous.

509 The NOSB's decision is to allow this material for use in organic food processing;

510 Vote - Unanimous. Annotation: Oil-free grades; from non-oil source.

511 Discussion: Michael Sligh made a motion and it was seconded by Merrill to include the listed

512 annotation for nitrogen and oxygen. Vote: Unanimous.

513 **Diatomaceous Earth** - Reviewed by Steve Taylor, Bob Durst, and Richard Theuer.

514 Determined to be non-synthetic; Vote - Unanimous.

515 The NOSB's decision is to allow this material for use in organic food processing;

516 Vote - Unanimous. Annotation: For food filtering aid only.

Discussion - The NOSB decided that all processing substances must be food grade and meet Food
Codex requirements.

519 **Kaolin & Bentonite** - Reviewed by Richard Theuer.

520 Determined to be non-synthetic; Vote - Unanimous.

521 The NOSB's decision is to allow this material for use in organic food processing;

522 Vote - Unanimous.

523 **Kelp** - Reviewed by Steve Taylor and Richard Theuer.

524 Determined to be non-synthetic; Vote - Unanimous.

5 The NOSB's decision is to allow this material for use in organic food processing;

526 Vote: 13 aye / 1 opposed.

527 Annotation: Allowed for use as a thickener and dietary supplement (as defined in the CFR).

528 Discussion: Merrill noted the possibility of offering consumers supplements as an attachment to
529 products rather than using fortification techniques. She also expressed the notion of restricting its
530 use to only a thickening agent.

531 **Carrageenan** - Reviewed by Steve Taylor, Steven Harper, and Richard Theuer.

532 Determined to be non-synthetic; Vote: 9 aye / 5 opposed.

533 The NOSB's decision is to allow this material for use in organic food processing;

534 Vote: 13 aye / 0 opposed, 1 abstention.

535 There is no annotation for this material.

536 Discussion: Should a 2/3 vote or simple majority be sufficient to approve a substance as

537 synthetic? Kirschenmann moved and it was seconded by Weakley that only a majority is needed

538 to make synthetic/non-synthetic determinations, but that a 2/3 vote is necessary to place or

539 prohibit a substance on the recommended proposed National list. Vote: Yes - 12. Opposed - 2.

540 Motion carried. It was also agreed here that if a substance is available in both synthetic and non-

541 synthetic forms, and if the synthetic form is approved for the National List, then users must make

542 the non-synthetic form their first choice.

543 **Agar - Agar** - Reviewed by Steve Taylor and Richard Theuer.

544 Determined to be non-synthetic; Vote: 12 aye / 0 opposed, 2 absent.

545 The NOSB's decision is to allow this material for use in organic food processing;

546 Vote: 12 aye / 0 opposed; 1 abstention / 1 absent.

547 **Alginates (As a class)** - Reviewed by Steve Taylor and Richard Theuer.

548 Determined to be synthetic; Vote: 14 aye / 0 opposed.

549 The NOSB's decision is to allow this material for use in organic food processing;

550 Vote: 10 aye / 4 opposed.

551 **Alginic Acid** - Reviewed by Steven Harper, Richard Theuer, and Bob Durst.

552 Determined to be non-synthetic; Vote: 12 aye / 1 opposed, 1 absent.

553 The NOSB's decision is to allow this material for use in organic food processing;

Vote: 13 aye / 1 opposed.

555 **Xanthan Gum** - Reviewed by Steve Harper, Rich Theuer, and Bob Durst.

556 Determined to be synthetic; Vote: 14 aye / 0 opposed.

557 The NOSB's decision is to allow this material for use in organic food processing;

558 Vote: 12 aye / 2 opposed.

559 Discussion: Sonnabend noted that there may be genetically engineered versions of xanthan gum.

560 Sligh moved and Weakley seconded to prohibit genetically modified organisms or their products.

561 Stoneback expressed concern with attempting to cover this broad category with such a blanket

562 statement. Weakley agreed to rework the language of his proposed enzyme annotation, which

563 read: "*enzymes that are produced by microorganisms that are products of recombinant DNA*

4 *technology are synthetic and are prohibited unless specifically allowed.*"

565 **Lactic Acid** - Reviewed by Rich Theuer and Steve Taylor.

566 Determined to be non-synthetic; Vote: 13 aye / 0 opposed, 1 absent.

567 The NOSB's decision is to allow this material for use in organic food processing;

568 Vote: 13 aye / 1 opposed, 1 absent.

569 Discussion: Theuer discussed the genetic engineering problems with lactic acid. Weakley read his

570 lactic acid proposed annotation, which read, "*prohibited if derived from microorganisms that are*

571 *products of recombinant DNA technology.*" It was noted that as a guiding principle, materials

572 produced by microorganisms that are products of recombinant DNA technology are synthetic and

573 are prohibited unless specifically allowed. (This particular language was not adopted formally by

574 the Board as an annotation.)

575 **Citric Acid** - Reviewed by Steve Taylor, Steven Harper, and Bob Durst.

576 Determined to be non-synthetic; Vote: 8 aye / 5 opposed, 1 absent.

577 The NOSB's decision is to allow this material for use in organic food processing;

578 Vote: 13 aye / 1 absent.

579 Annotation: Must be produced by microbial fermentation of carbohydrate substrates.

580 **Lecithin (Unbleached)** - Reviewed by Steve Harper and Richard Theuer.

581 Determined to be non-synthetic; Vote: 12 aye / 1 opposed, 1 absent.

582 The NOSB's decision is to allow this material for use in organic food processing;

583 Vote: 11 aye / 2 opposed, 1 absent.

584 Discussion: Kahn noted that the non-hexane extracted form is not workable in his product;

585 Wittenberg noted that this form is also used in dietary supplements. The Board is also unclear

586 about the availability and performance characteristics of the unbleached lecithin.

587 **Lecithin (Bleached)** - Reviewed by Steve Harper and Richard Theuer.

588 Determined to be synthetic; Vote: 13 aye / 0 opposed, 1 absent.

589 The NOSB's decision is to allow this material for use in organic food processing;

590 Vote: 9 aye / 4 opposed, 1 absent.

591 **Sulfur Dioxide** - Reviewed by Bob Durst, Steve Taylor, and Richard Theuer.

2 Determined to be synthetic; Vote: 8 aye / 6 opposed.

593 The NOSB's decision is to allow this material for use in organic wine processing only;

594 Vote: 11 aye / 3 opposed. Annotation: Sulfur dioxide may not be added to wine at levels greater

595 than 100ppm; the level of free sulfites may not exceed 35 ppm in the final product.

596 Discussion: Crossley discussed the use of sulfur dioxide on grapes and in wine; also the use of it

597 on dried fruit. Sligh expressed the notion that it is not needed for use on dried fruit. Wittenberg

598 supported Sligh's position on prohibiting its use on fruits, but does recognize the need for this

599 material in wines. Merrigan noted that the language in the listing of sulfites in the OFPA could

600 very well have been a mistake or unintentional.

601 **Mono & Diglycerides** - Reviewed by Richard Theuer and Steve Taylor.

2 Determined to be synthetic; Vote: Unanimous.

603 The NOSB's decision is to allow this material for use in organic food processing;

604 Vote: Unanimous. Discussion / Annotation: Kahn noted that the food industry is trying to get

605 away from the use of these materials, but that it was still necessary for potato flake products..

606 Sligh moved and it was seconded by Friedman to restrict its use to drum roll drying of food

607 products; Vote: 9 aye / 4 opposed, 1 absent. Motion carries.

608 **Pectin (High Methoxy)** - Reviewed by Mark Schwartz, Richard Theuer, and Steve Harper.

609 Determined to be non-synthetic; Vote: 10 aye / 2 opposed, 2 abstentions.

610 The NOSB's decision is to allow this material for use in organic food processing;

611 Vote: Unanimous.

612 **Pectin (Low Methoxy)** - Reviewed by Mark Schwartz, Richard Theuer, and Steve Harper.
613 Determined to be synthetic; Vote: 14 aye / 0 opposed.
614 The NOSB's decision is to allow this material for use in organic food processing;
615 Vote: 13 aye / 1 opposed. Discussion: Kahn supports the use of this because his company uses
616 low sugar for consumer concerns and preferences.

617 **Sodium Citrate** - Reviewed by Bob Durst, Richard Theuer, and Steven Harper.
618 Determined to be synthetic; Vote: 14 aye / 0 opposed.
619 The NOSB's decision is to allow this material for use in organic food processing.
620 Vote: 13 aye / 1 opposed. Discussion: Oregon Tilth allows the use of this material but the
621 California Certified Organic Farmers does not. Its most common use is in dairy systems.

622 **Potassium Chloride** - Reviewed by Bob Durst, Steven Taylor, and Richard Theuer.
623 Determined to be non-synthetic; Vote: 14 aye / 0 opposed.
624 The NOSB's decision is to allow this material for use in organic food processing.
625 Vote: 11 aye / 3 opposed.

626 **Synthetic Potassium Iodide** - Reviewed by Bob Durst, Steve Taylor, and Rich Theuer.
627 Determined to be synthetic; Vote 14 aye / 0 opposed.
628 This material is prohibited for use in organic food processing (95% and above).
629 Vote: 7 aye / 7 opposed. However, the NOSB does allow for the use of this material in foods
630 "made with organic ingredients" (50%-95%). Vote 13 aye / 0 opposed, 1 abstention.

Non-Synthetic Potassium Iodide - Reviewed by Bob Durst, Steve Taylor, and Rich Theuer.

632 Determined to be non-synthetic; Vote 14 aye / 0 opposed.

633 The NOSB's decision is to allow the use of this material in organic food processing;

634 Vote: 13 aye / 0 opposed, 1 abstention.-

635 **Ammonium Carbonates & Bicarbonates** - Steve Taylor, Rich Theuer, and Bob Durst.

636 Determined to be synthetic; Vote: 14 aye / 0 opposed.

637 The NOSB's decision is to allow this material for use in organic food processing.

638 Vote: 14 aye / 0 opposed.

639 Discussion / Annotation: Sligh moved and Weakley seconded a motion for the following

640 annotation: "Limited to use as a leavening agent". This motion passed unanimously.

641 **Ascorbic Acid** - Reviewed by Steve Harper, Mark Schwartz, and Rich Theuer.

642 Determined to be synthetic; Vote: 14 aye / 0 opposed.

643 The NOSB's decision is to allow this material for use in organic food processing;

644 Vote: 13 aye / 1 opposed.

645 Discussion: There was considerable discussion over an annotation for ascorbic acid, including its

646 use as a preservative on meats and produce, and its use as a pH adjuster. In conclusion, it was

647 decided that it could not be verified as to how it is used in all cases; there are no restrictions on its

648 use.

649 **Calcium Chloride** - Reviewed by Rich Theuer, Steven Harper, and Steve Taylor.

650 Determined to be non-synthetic; Vote: 14 aye / 0 opposed.

651 The NOSB's decision is to allow this material for use in organic food processing;

652 Vote: 14 aye / 0 opposed. Only the natural form of this material is allowed.

653 Discussion: Sligh offered a friendly amendment to integrate the NOSB's recommendation on non-

654 availability with Weakley's prologue statement on the use of synthetic substances only when the

655 natural alternative is unavailable. This passed unanimously.

656 **Calcium Hydroxide** - Reviewed by Steve Taylor, Rich Theuer, and Bob Durst.

657 Determined to be synthetic; Vote: 12 aye / 1 opposed, 1 absent.

658 The NOSB's decision is to allow this material for use in organic food processing;

659 Vote: 10 aye / 3 opposed, 1 absent.

660 **Ferrous Sulfate** - Reviewed by Steve Taylor, Bob Durst, and Rich Theuer.

661 Determined to be synthetic; Vote: 12 aye / 0 opposed, 1 absent.

662 The NOSB's decision is to allow this material for use in organic food processing;

663 Vote: 10 aye / 2 opposed, 2 absent.

664 Annotation: This material is allowed for iron fortification of foods that is required by regulation or

665 for iron enrichment by professional recommendation.

666 **Magnesium Carbonate** - Reviewed by Bob Durst, Steve Taylor, and Rich Theuer.

667 Determined to be synthetic; Vote: 8 aye / 6 opposed.

668 There was discussion and concern over the fact that no one was aware of what this material is

currently used for. Subsequently, Weakley made a motion and Kahn seconded to table this material and refer it back to the processing committee. Vote: 13 aye / 0 opposed, 1 abstention.

Magnesium Silicate - Reviewed by Bob Durst and Steve Taylor.

Determined to be synthetic; Vote: 12 aye / 0 opposed, 2 abstentions.

This material is prohibited for use in organic food processing (95% and above).

Vote: 0 aye / 14 opposed. This material is also prohibited for foods labeled as “made with organic ingredients” (50% - 95%). Discussion: Crossley noted that this material raises concerns because of asbestos.

Magnesium Sulfate - Reviewed by Bob Durst, Steve Taylor, and Rich Theuer.

Determined to be non-synthetic; Vote: 14 aye / 0 opposed.

The NOSB’s decision is to allow the use of this material in organic food processing;

Vote: 12 aye / 1 opposed, 1 abstention.

Potassium Carbonate - Reviewed by Brian Baker and Walter Jeffery.

Determined to be synthetic; Vote: 12 aye / 0 opposed, 2 absent.

The NOSB’s decision is to allow the use of this material in organic food processing;

Vote: 11 aye / 1 opposed, 2 absent. Discussion: Craig moved and it was seconded by Jay to

accept the following annotation: Potassium carbonate is allowed only for FDA-approved

applications where natural sodium carbonate is not an acceptable substitute. The motion was

withdrawn and resubmitted by Tom Stoneback. Vote: 12 yes / 0 opposed, 2 abstentions. Motion

688 carries.

689 **Natural Bacterial Enzymes** - Reviewed by Steve Taylor, Rich Theuer, and William Fordham.

690 Determined to be non-synthetic; Vote: 14 aye / 0 opposed.

691 The NOSB's decision is to allow natural bacterial enzymes for use in organic food processing;

692 Vote: 12 aye / 2 opposed. Discussion: There was some concern raised about the categorical

693 lumping of all enzymes together - it was noted that there should be no universal acceptance of all

694 enzymes. With that in mind, the following annotation was passed by a vote of 10 - 4: "Enzymes

695 that are produced by microorganisms that are products of recombinant DNA technology are

696 synthetic and are prohibited unless specifically allowed. Synthetic bacterial enzymes must be

697 petitioned by a manufacturer or processor."

698 **Yeast, Smoked** - Reviewed by Mark Schwartz.

699 There were no decisions made on smoked yeast. This material was tabled and sent back to the

700 TAP. More data is needed.

701 **Sodium Hydroxide** - Reviewed by Bob Durst, Steve Taylor, and Rich Theuer.

702 Determined to be synthetic; Vote: 14 aye / 0 opposed.

703 The NOSB's decision is to allow this material for use in organic food processing;

704 Vote: 10 aye / 4 opposed. Discussion / Annotation: The disposal problems with sodium

705 hydroxide were mentioned. It was noted that this substance would be beneficial in processing

706 organic peaches; Anderson stated that he could not support this use. Weakley moved and

7 Merrigan seconded a motion to accept the following annotation: “Prohibited for use in lye peeling
708 of fruits and vegetables and where the natural sodium bicarbonate is an acceptable substitute.

709 **Sodium Carbonates & Bicarbonates** - Reviewed by Bob Durst, Rich Theuer, and Steve Harper.

710 Determined to be non-synthetic; Vote: 14 aye / 0 opposed.

711 The NOSB’s decision is to allow this material for use in organic food processing;

712 Vote: 14 aye / 0 opposed.

713 **Silicon Dioxide** - Reviewed by Steve Taylor and Bob Durst.

714 Baker noted that Steve Taylor’s review is inadequate and Durst’s is confusing and incomplete.

715 Crossley moved and Sligh seconded a motion to table this material. Unanimous.

716 **Potassium Phosphate**- Reviewed by Bob Durst, Steve Taylor, and Rich Theuer.

717 Determined to be synthetic; Vote: 14 aye / 0 opposed.

718 The NOSB’s decision is to not allow the use of this material in “organic foods” processing.

719 However, the NOSB does allow for the use of this material in foods “made with organic

720 ingredients.” Vote: 10 aye / 3 opposed, 1 abstention.

721 **Potassium Citrate** - Reviewed by Steve Taylor, Rich Theuer, and Bob Durst.

722 Determined to be synthetic; Vote: 13 aye / 0 opposed, 1 abstention.

723 The NOSB’s decision is to allow this material for use in organic food processing.

724 Vote: 10 aye / 3 opposed, 1 abstention. Discussion: This material is essential to the production of

725 evaporated milk and other dairy products.

726 **Crops Materials:**

727 **Lime Sulfur-** Reviewed by Donald Blackeney.

728 Determined to be synthetic; Vote: 14 aye / 0 opposed.

729 The NOSB's decision is to allow this material for use in organic crop production;

730 Vote: 14 aye / 0 opposed. Discussion: This substance is essential for tree fruit / orchards in the

731 Northwest. Annotation: Restricted to application as a fungicide or an insecticide if no feasible

732 alternative exists.

733 **Soaps-** Reviewed by Donald Blackeney, Paul Sachs, James Johnson, Joe Kovach, Philip Van

734 Buskirk, Samuel Cotner.

735 Determined to be synthetic; Vote: 14 aye / 0 opposed.

736 The NOSB's decision is to allow this material for use in organic crop production;

737 Vote: 14 aye / 0 opposed. Discussion / Annotation: Prohibited for use as an herbicide. Vote: 9

738 aye / 3 opposed, 2 abstentions. None of the members on the Board considered this material as

739 natural, as it is sometimes referred to.

740 **Boric Acid-** Reviewed by Jerald Feitelson, James Johnson, and Brian Baker.

741 Determined to be synthetic; Vote: 13 aye / 0 opposed.

742 The NOSB's decision is to allow this material for use in organic crop production;

743 Vote: 13 aye / 0 opposed. Discussion: This material is used to keep ants away; and can be used

1 in processing facilities. Sligh moved and Merrigan seconded a motion for the following
745 annotation: May be used for structural pest control. No direct contact with food or crops being
746 certified. Vote: 13 aye / 0 opposed, 1 absent. Rogers also mentioned that boric acid could be
747 used as fungicide and herbicide.

748 **Ash (from the combustion of biologically derived materials)** - Reviewed by Samuel Cotner.
749 Determined to be non-synthetic; Vote: 13 aye / 1 opposed. Discussion / Annotation: Ash is
750 prohibited unless it is from a naturally occurring source.

751 **Ash (from manure burning)**
752 Determined to be non-synthetic. Merrigan moved and Sligh seconded a motion to prohibit
753 manure ash for use in organic crop production. Passed unanimously

4 **Ash (from coal burning)**
755 This material was tabled and sent back to the TAP and the Crops Committee will discuss whether
756 the burning of mineral substances results in a synthetic substance..

757 **Oils-** Reviewed by Bill Wolf and Vivian Purdy.
758 Determined to be synthetic; Vote: 14 aye / 0 opposed.
759 The NOSB's decision is to allow this material for use in organic crop production;
760 Vote: 13 aye / 1 opposed. Discussion / Annotation: Crossley moved and Clark seconded a
761 motion to send this material back to the TAP; the motion failed 1 aye - 13 opposed. Merrigan
762 moved and Anderson seconded to accept the following annotation: Allowed on woody plants for
763 dormant and summer pest control. Prohibited for weed control use. Clark asked whether

764 alternatives were available and shouldn't the Board be more concerned with the environmental
765 impacts of petroleum based oils. She also noted that these materials were reviewed only by
766 manufacturers/suppliers of such materials and therefore, did not constitute a proper, unbiased
767 review. Vegetable oils were identified as having only limited application and effectiveness. Kahn
768 and Weakley spoke about the long history of the oils in organic production and how essential they
769 were to California organic agriculture. Vote: 14 aye / 0 opposed.

770 **Sodium Nitrate-** Reviewed by James Johnson, Bruce Spencer, Paul Sachs, and Walter Jeffery.
771 Determined to be non-synthetic; Vote: 14 aye / 0 opposed.
772 The NOSB's decision is that this material should not be placed on the Prohibited Natural(s) List.
773 Vote: 4 aye / 10 opposed. Discussion: Merrigan placed and Sligh seconded a motion that would
774 prohibit all uses of this material. John Brown made the comment that the material is essential for
775 the growth of seedlings in the northeastern portion of the country. Kahn recognized the strong
776 opposition to Chilean nitrate and asked that recommendations guiding its use be prepared for the
777 USDA and the organic community. Friedman moved to have the Crops Committee develop a
778 position paper for appropriate use restrictions and possible phase out for this material. for
779 additional reviewing. The motion was seconded by Kahn. Vote: 14 aye/ 0 opposed.

780 **Strychnine-** Reviewed by Paul Sachs, Gary Osweiler, and John Clark.
781 Determined to be non-synthetic; Vote: 4 aye / 8 opposed, 1 absent.
782 The NOSB's decision is to prohibit this material for use in organic production;
783 Vote: 11 aye / 2 opposed, 1 absent. Discussion: It was noted that strychnine may be available as

both a synthetic and non-synthetic. Chandler moved to allow this material as an allowed synthetic onto the National list, explaining its usefulness on pocket gophers. The motion was seconded by Crossley. The motion was defeated 11-1.

Hydrolyzed Aquatic Plant Extracts- Reviewed by Donald Blackeney, Bruce Spencer, and James Johnson. Determined to be non-synthetic; Vote: 13 aye / 0 opposed, 1 abstention. By the nature of the National List, no further action was necessary on this material. An informative discussion ensued before the vote on hydrolyzed aquatic plant extracts. Baker noted that stability is a problem in some solutions, especially plant and fish extracts, and that otherwise non-synthetic formulations contain preservatives and/or stabilizers to allow marketability. Sligh and Merrigan stated that the NOSB should just vote on active ingredients at this time and postpone the review of inerts and confidential information. Sonnabend introduced the question of whether the solvent used in extraction should affect the determination of whether the active ingredient is classified as synthetic or non-synthetic, noting that the solvents used for plant extraction may be water potassium hydroxide. Sonnabend also asked whether inerts and stabilizers should affect the synthetic/non-synthetic status. Baker noted that the NOSB has not yet decided that extraction with a substance such as potassium hydroxide or ammonia hydroxide makes the end substance synthetic. Clark expressed her view that relying on sea plants for fertilization can lead to depletion of these materials that supply a large amount of oxygen to the atmosphere. She also stated that there are several other environmental concerns surrounding this material.

Pheromones- Reviewed by Joe Kovach and Bruce Spencer.

- 805** Determined to be synthetic; Vote: 14 aye / 0 opposed.
- 806** The NOSB's decision is to allow this material for use in organic crop production;
- 807** Vote: 14 aye / 0 opposed.
- 808** **Sulfur-** Reviewed by Joe Kovach, Paul Sachs, and Walter Jeffery.
- 809** Determined to be synthetic; Vote: 9 aye / 5 opposed.
- 810** The NOSB's decision is to allow this material for use in organic crop production.
- 811** Vote: 13 aye / 1 opposed.
- 812** **Bordeaux Mixes (copper sulfate and hydrated lime)** - Reviewed by Philip Van Buskirk.
- 813** Determined to synthetic; Vote: 13 aye / 0 opposed.
- 814** The NOSB's decision is to allow this material for use in organic crop production;
- 815** Vote: 13 aye / 0 opposed. This material must be used in a manner that minimizes accumulation of
- 816** copper in the soil.
- 817** **Micronutrients-** Reviewed by Phillip Van Buskirk, Vivian Purdy, Bill Wolf, and Brian Baker.
- 818** Determined to be synthetic; Vote: 14 aye / 0 opposed.
- 819** The NOSB's Decision is to allow this material for use in organic crop production;
- 820** Vote: 13 aye / 0 opposed. Discussion / Annotation: Micronutrients will be restricted to cases
- 821** where soil/ plant nutrient deficiency is documented by soil or tissue testing. Micronutrients made
- 822** from nitrates, or chlorides are not allowed. They are not to be used as a defoliant, desiccant, or
- 823** herbicide.

825 **Potassium Bicarbonate** - Reviewed by Brian Baker and Walter Jeffery.

826 This material was tabled and sent back to the Crops committee. The Board will wait until there is
827 a registered use for this material before making a decision on its suitability.

828 **Fish Products** - Reviewed by James Johnson, Bruce Spencer, and Paul Sachs.

829 Determined to be synthetic; Vote: 11 aye / 0 opposed / 1 absent / 1 abstain.

830 The NOSB's decision is to allow this material in organic crop production;

831 Vote: 13 aye / 0 opposed / 1 absent. Discussion / Annotation: Liquid fish products can be pH

832 adjusted using sulfuric, citric, or phosphoric acids. The amount of acid used cannot exceed the

833 minimum amount needed to lower the pH to 3.5. Gershuny noted that fortification with nitrogen
4 is prohibited.

835 **Boron Products, Soluble**

836 The discussion of this substance was interrupted by the need to switch to administrative matters.

837 After the administration section, boron products was inadvertently dropped from any further

838 voting. It will be voted on at the next Board meeting. The initial discussion began with

839 Sonnabend suggesting that the annotation contain language that the product not contain

840 prohibited substances, since there is both naturally mined boron and formulations. It was agreed

841 that the previously adopted protocol for choosing the non-synthetic form for use, if it is available,

842 before the synthetic form, would apply here. Baker noted that Lynn Coody omitted a couple of

843 boron salts from her TAP review. Gershuny and Baker agreed that there were no synthetic boron

844 salts that were of particular concern to the organic community. (The BREAK occurred at this
845 point).

846 **Potassium Permanganate** - Reviewed by Brian Baker and Walter Jeffery.

847 This material was first determined to be synthetic by a unanimous aye vote. It was then tabled
848 and sent back to the Crops committee. During the discussion, Weakley identified this substance
849 as an essential ethylene scrubber for fruit storage used to prevent ripening. Rogers asked if this is
850 a mechanical operation, then why is it being considered for the National List? Baker commented
851 that certifiers are being asked to vote on potassium permanganate's compatibility.

852 **Nicotine Products** - Reviewed by John Clark.

853 Determined to be synthetic; Vote: 12 aye / 0 opposed.

854 The NOSB's decision is to not allow nicotine products in organic crop production. Vote: 12 aye
855 / 0 opposed.

856 **Tobacco Dust** - Presentation by John Clark.

857 Determined to be natural; Vote: 12 aye / 0 opposed. The NOSB's decision is to place tobacco
858 dust on the Prohibited Natural(s) list. Vote: 12 aye / 0 opposed.

859 **Livestock Materials:**

860 **Aspirin**- Reviewed by William Zimmer and Marta Engel.

861 Determined to be synthetic; Vote: 12 aye / 0 opposed.

2 The NOSB's decision is to allow this material for use in organic livestock production;
863 Vote: 12 aye / 0 opposed. Discussion: Material can be used for crisis management and hard
864 udders. Sonnabend noted that although Dr. Price of FDA/CVM stated in Rohnert Park that
865 aspirin is not an approved medication for livestock and would require a new drug application, Dr.
866 Engel, a TAP reviewer, states that it is registered and so the review is continuing. Annotation: for
867 health care to reduce inflammation.

868 **Biotin-** Reviewed by Richard Krengel and William Zimmer.
869 This material was tabled and the Livestock committee will develop a policy on vitamin and
870 mineral use and a review on general feed additives and then direct the TAP coordinators on how
871 to continue with the reviews. Discussion centered on emphasizing the need for complete
2 nutritional feeds originating from healthy soils as the centerpiece of organic livestock health care
873 practices, although Wittenberg noted that sometimes a diverse diet may be insufficient because
874 each animal's needs are different and varying weather conditions may induce unanticipated stress.

875 **Iodine-** Reviewed by Richard Krengel and William Zimmer.
876 Determined to be synthetic; Vote: 12 aye / 0 opposed
877 The NOSB's decision is to allow this material for use in organic livestock production;
878 Vote: 12 aye / 0 opposed. Annotation: feed salt supplement or topical disinfectant.

879 **April 27, 1995**

880 (The following represents the minutes from the Administrative session on Thursday that occurred
881 during the discussion on boron products and for a short time after lunch):

882 Merrigan moved and Friedman seconded to adopt the following resolution: *The Board requests*
883 *sufficient Departmental resources to convene a NOSB meeting prior to October 1, 1995 to*
884 *further consider materials and other issues. To reduce meeting costs, the NOSB recommends*
885 *that the meeting be held in Washington, DC, preferably at a site such as the National 4-H Center*
886 *where facility costs would be minimal. In devising a meeting budget, the NOP should be aware*
887 *that nine of the 14 NOSB members will request funds from their home organization budgets in*
888 *order to forego USDA travel reimbursement. In this way, the NOSB hopes that limited resources*
889 *can be stretched to cover the travel costs of the remaining NOSB members and NOSB technical*
890 *advisors. Crossley moved and Eppley seconded that the first meeting of the next fiscal year be*
891 *held in Texas. The latter motion was approved unanimously.*

892 ***Committee update reports:***

893 **CROPS:** Gene Kahn will remain as Chair. The workplan will be developed during the next
894 conference call. Stoneback, with assistance from Chandler and Eppley, will do an in-depth report
895 on sludge for the NOSB. The Crops Committee will remain in existence and will work with
896 USDA to address short term issues as they arise. Calls will be scheduled as needed.

7 INTERNATIONAL: Jay Friedman will remain as Chair and the Committee will remain
898 functioning as it has been. A conference call is scheduled for May 16. Issues to be discussed
899 include fumigation.

900 ACCREDITATION: Kathleen Merrigan will serve as Chair. Issues for this Committee currently
901 are state enforcement, site visits, and trademarks.

902 LIVESTOCK: Fred Kirschenmann will serve as Chair. Issues include aquaculture, honey, wild
903 game, and materials review.

904 PROCESSING, HANDLING AND LABELING COMMITTEE: Craig Weakley will serve as
905 Chair. The work plan will be developed on the next conference calls. Issues are new materials
906 for the TAP review, distributor exemption, and certification phase-in. The Committee will remain
907 functioning.

908 Anderson announced that Kirschenmann will take the lead in preparing a NOSB Code of Ethics
909 and Chandler will begin finalizing the By-laws. Sligh, Friedman, Kinsman and Kirschenmann will
910 assist Chandler. Eppley moved and Crossley seconded to accept the proposed Committee Chairs
911 for the next year. Motion passed unanimously.

912 Merrigan moved and Anderson seconded to delegate a task force to write a preamble for the
913 National List similar to the Processing Committee's preamble, but also describing the purpose and

914 protocols of the National List and explaining the review and voting process. The vote was
915 unanimous for Merrigan to coordinate with Sligh and Weakley who will contribute language on
916 synthetic/non-synthetic substance availability.

917 The Board then turned to the ongoing task of trying to agree on a definition of "organic." Relying
918 on the task force report prepared during this meeting week, and incorporating language from the
919 Codex interpretation of organic, the Board approved the following definition unanimously:

920 *Organic agriculture is an ecological production management system that promotes and*
921 *enhances biodiversity, biological cycles and soil biological activity. It is based on minimal use*
922 *of off-farm inputs and on management practices that restore, maintain and enhance ecological*
923 *harmony. "Organic" is a labeling term that denotes products produced under the authority of*
924 *the Organic Foods Production Act. The principal guidelines for organic production are to use*
925 *materials and practices that enhance the ecological balance of natural systems and that*
926 *integrate the parts of the farming system into an ecological whole. Organic agriculture*
927 *practices cannot ensure that products are completely free of residues' however, methods are used*
928 *to minimize pollution from air, soil and water. Organic food handlers, processors and retailers*
929 *adhere to standards that maintain the integrity of organic agriculture products. The primary*
930 *goal of organic agriculture is to optimize the health and productivity of interdependent*
931 *communities of soil life, plants, animals and people.*

932 The Board then passed a resolution on inerts which read: *Inerts on the EPA List 4 are*
933 *considered to be minimum risk and will be accepted for organic production, unless an NOSB*

934 *evaluation finds a specific List 4 inert to be unacceptable. Inerts proposed for organic*
935 *production on EPA's List 2 which are potentially toxic and List 3 which are unknown will be*
936 *compiled by the NOSB and forwarded to the EPA as materials for fast-track review and possible*
937 *reclassification. List 1 inerts are prohibited by the OFPA. Clark opposed the resolution and*
938 *commented that synthetic materials on List 4 and even inappropriate or toxic natural materials*
939 *cannot be automatically "acceptable" for organic production, without any in-depth knowledge*
940 *and/or review of such materials by NOSB.*

941 The Board next debated the resolution on the NOSB statutory authority. Anderson spoke first,
942 referring to a railroad analogy with the need for the crew to work together and act responsibly in
943 consideration of its many passengers. He identified the responsibilities that each member of the
944 NOSB and USDA Staff has in acting together as conductor of the train and hoped that differences
945 will be put aside as we work side by side to deliver our payload. Courtesy, honesty, and fresh
946 starts are the concepts to keep in mind as we continue on down the track.

947 Merrigan read the resolution and the Senate report and affirmed that the resolution is necessary
948 because groups are concerned about the USDA authority over the National List. Weakley,
949 Chandler and Anderson agreed with the interpretation of the OFPA that only the NOSB can
950 propose synthetics for the National List. Ricker replied that it is not AMS' intention to add
951 synthetics to the proposed National List or to act contrary to the Board's wishes, but the
952 Secretary of Agriculture does have final authority over all aspects of the National Program and
953 the real issue is whether the NOSB, an advisory Board to the Secretary appointed by the

954 Secretary, should be passing a resolution that insists that his advisory Board has more authority
955 than he does for certain aspects of the program. Ricker expressed futility rather than objections
956 to the resolution. All persons commenting agreed that the Board needs to review the materials
957 for the List after they have been reviewed by a TAP member(s) and that USDA's decision about a
958 synthetic proposed for the List by the Board may differ. Kirschenmann then moved and Crossley
959 seconded that the following resolution be adopted, which it was by a vote of 8 - aye, 4 - opposed,
960 and 1 abstention: *The NOSB is more than an advisory board in one very important aspect. The*
961 *Organic Foods Production Act (OFPA) requires the NOSB to recommend to the Secretary the*
962 *universe of synthetic materials acceptable for organic production (USC 6517 (c) and (d); see*
963 *also 6518 (k). In turn, the Secretary can, both before and after public comment, delete synthetic*
964 *materials from the proposed and final National Lists. The Secretary cannot, at any time, add*
965 *synthetic materials to the List that are not first recommended by the NOSB (USC 6517 (d)(2).*
966 *This statutory responsibility makes the NOSB unique among USDA advisory boards. The*
967 *"Resolution of Focus" document should be amended to reflect this special role of the NOSB in*
968 *establishing the National List. In doing so, the "Resolution of Focus" document would reflect*
969 *the common understanding of those involved in the construction of the Act, including the*
970 *organic, environmental, consumer, and humane care organizations who came together in*
971 *support of the OFPA and now support the NOP. The NOSB understands and respects the role*
972 *and responsibilities of the secretary in the rulemaking process. With the exception of the*
973 *placement of synthetic materials on the National List, the role of the NOSB is advisory.*
974 *Nevertheless, this advisory function is critical to the development of a sound national program.*
975 *Prior to publication of proposed rules, the NOSB expects to engage in active two-way*

6 *communication with the NOP staff to maximize information exchange. Such exchanges will*
977 *enhance the expertise of the NOP and aid their rulemaking efforts. Further, such exchanges will*
978 *enhance NOSB understanding of USDA decisionmaking, aid NOSB in providing counsel to the*
979 *NOP, and prepare NOSB members to educate the public about NOP efforts.*

980 Prior to returning to the discussion of materials, Baker reported to the Board that the impromptu
981 task force had agreed on the following principles:

- 982 1. Non-synthetic and allowed synthetic materials may not be combined in formulations with
983 prohibited materials.
- 984 2. Carriers, diluents, fillers, emulsifiers, preservatives, excipients, stabilizers, surfactants, wetting
985 agents and other ingredients of formulated products must be consistent with the inerts policy.
- 36 3. The use of all materials approved for production must be consistent with their corresponding
987 annotations under the NOP Farm Plan guidelines and with the individual Farm Plan.
- 988 4. Procedures to address brand name products will be established at a later time.

989 The Board agreed in principle without taking a vote.

990 **April 28, 1995**

991 The meeting was called to order at 8:15 a.m. by Chairperson Sligh. Members in attendance were:
992 Jay Friedman, Dean Eppley, Gene Kahn, Craig Weakley, Michael Sligh, Merrill Clark, Tom
993 Stoneback, K. Chandler, Don Kinsman, Bob Anderson, Fred Kirschenmann, Rod Crossley,
994 Margaret Wittenberg, and Brian Baker from CCOF as the certifier representative.

995 Staff members present from USDA were: Mike Hankin, Ted Rogers, and Hal Ricker.

996 The first order of business was a report on piperonyl butoxide (pbo). John Brown reviewed the
997 voting on pbo that had occurred at Rohnert Park in October 1994 and provided additional
998 information that had been requested of him at the Rohnert Park meeting. His professional opinion
999 based on reviewing studies was that there should not be significant concern about approving this
1000 substance for the National List. Its benefits include decreasing the use of the active ingredients by
1001 as much as 90% and providing effective pest control measures in processing plants.

1002 Crossley would like to see pbo allowed for use in processing facilities for structural pest control
1003 and used only with pyrethrin. Kirschenmann urged caution in approving this substance to protect
1004 the US organic industry, even if more botanicals have to be used. Kahn said the Crops
1005 Committee supports pbo but with heavy restrictions. Sligh brought up the environmentalist
1006 concerns about pbo's effects on the immune system and informed the Board that a new EPA
1007 report on pbo is due out on May 22. Clark supported the need to avoid risk to the environment
1008 and urged rejection of pbo for the National List. Baker said that the ban on pbo has been a
1009 hardship for growers and that a pyrethrin/rotenone combination is harder on the environment than
1010 pyrethrin/pbo. Friedman moved and Clark seconded to postpone a decision on pbo. The motion
1011 passed 11 aye/ 2 opposed.

1012 After a break, the Livestock Committee presented newly prepared language on the use of
1013 antibiotics and parasiticides in laying hens. The Committee language recommended that eggs

4 from poultry treated with antibiotics or parasiticides not be sold for 90 days following the date of
1015 use and that the criteria for use as listed in the Board Final Recommendations be satisfied. This
1016 recommendation was based on the principle that animal health must be restored after use of
1017 medications, just as soil health must be restored after the use of restricted materials. Friedman
1018 opposed the language becoming a Final Recommendation because public comment has not been
1019 received on the issue and there may be additional information that was received at the USDA
1020 hearings that the new Board members may first wish to review. He also questioned whether
1021 evidence was before the board that demonstrated a need for the use of synthetic medications in
1022 egg production. Having reviewed the materials derived from the USDA hearings, Friedman
1023 concluded that producers were already producing without the chemicals that the board was
1024 considering permitting in organic production. The consumer is already getting organic egg
5 products where the organic label means no synthetic drugs have been used. Approval of a label
1026 that says “organic” and means synthetic drugs have been used devalues the organic label. After
1027 varied comments about customer expectations, consistency with other animal species standards
1028 recommendations, longer withdrawal times and the process of developing the language, the Board
1029 turned down Friedman's motion, seconded by Clark, to adopt the wording as a Board Draft
1030 Recommendation for additional limited comment. The vote was 5 aye and 8 opposed. Motion
1031 failed. However, the Board did approve Weakley's motion, seconded by Friedman, to send the
1032 language out for public comment as a Committee recommendation. The vote was unanimous aye.

1033 Turning to the issue of genetic engineering, Sligh questioned whether the NOSB should adopt a
1034 resolution formally stating that the process of genetic engineering is considered by the NOSB to

1035 be a synthetic process and that appropriate substances be annotated properly regarding the use of
1036 genetically engineered forms. Stoneback cautioned that genetically engineered forms of
1037 substances are already in use to a greater extent than the Board and the organic community is
1038 aware of. Sligh asked for a small task force to develop language to address concerns of consumer
1039 groups. Ricker offered that the USDA Biotech Council would help with defining the various
1040 types of genetic engineering and supported the idea of a small task force writing a position
1041 hopefully before the Codex meeting in May 1996. The task force will be headed by Sligh with
1042 assistance from Kirschenmann, Wittenberg, Baker, Ricker, and Stoneback.

1043 The next topic was evaluation of the materials review process and future priorities. Clark asked
1044 for more and better information from the reviewers and that a copy of Theuer's review sheet be
1045 mailed as an example. Some other miscellaneous comments were: 30 days is sufficient for review
1046 time; improve the selection of the reviewers; eliminate MSDS and FAPS sheets; provide historic
1047 organic use and current status information; send the 2119m criteria out to the reviewers and
1048 provide their responses directly in the notebooks; and watch out for conflicts of interest.

1049 Sonnabend will incorporate many of the above evaluations into the next round of reviews and will
1050 be assisted by Baker in writing the commercial interest disclosure statement for reviewers.

1051 Sonnabend reported on preparations for the next meeting, noting that sludge and chlorine bleach
1052 could be hotly debated materials. She summarized her survey that attempted to confirm the non-
1053 synthetic status of the materials on the Crops Committee allowed naturals list. Several materials
1054 were identified as also occurring in synthetic form and these will be added to the synthetic

materials to be reviewed by the TAP. Ricker informed everyone that Sonnabend and Brown will remain as TAP coordinators at least through the next meeting. He responded to a question from Baker by stating that he expected the proposed National List to be published after the next meeting, so it was essential that all necessary materials be included for review at the next meeting.

BREAK.

Friedman moved and Chandler seconded to have the next NOSB meeting in Austin Texas. This motion passed by 12 aye, 0 opposed and 1 abstention. The dates most convenient for members were October 30 - November 3, 1995.

Approval of the minutes from Rohnert Park was quickly taken up. Clark asked Sligh, Kinsman, Baker and Wittenberg to assist her in increasing consumer involvement in the recommendation and comment process. This was agreed on. Anderson and Crossley agreed to work with Hankin in furthering the completion of the Good Organic Retailer Practices document with Walter Robb of Whole Foods. Positive vocal support was expressed for transitional labeling provisions within the National Program. USDA will provide leadership and will communicate language and status reports to the NOSB as the issue is developed as the National Program moves along. Hankin was requested to prepare a "projects to be completed" list from the Orlando meeting and distribute it to the Board. Revisions will be made on page 20, lines 463 - 464, at the request of Sligh, to correct the sentence to read, "...was just an advisory Board to USDA, but instead is assigned an additional non-traditional role of decision making." Sonnabend noted that the Materials Oversight

1074 Working Group has more members than are identified in the Rohnert Park minutes. Weakley
1075 moved and Crossley seconded to accept the minutes as amended. Vote for approval was
1076 unanimous except for a recusal by Friedman.

1077 The final agenda item was phase-in recommendations. Kahn read the joint Crops and Livestock
1078 Committees recommended wording and, after making minor additions, Friedman moved and
1079 Kirschenmann seconded to approve the Committees' recommendation. The motion was passed
1080 11 aye , 0 opposed and 1 abstention.

1081 Weakley read the Processing Committee's recommendation on phase-in (implementation). Clark
1082 obtained confirmation that meat products are covered within the body of the recommendation.
1083 Friedman explained his concept that the accredited certifying agent's bond to USDA not be
1084 subject to forfeiture for actions occurring prior to accreditation. Kahn moved and Crossley
1085 seconded the motion to adopt the Processing Committee's phase-in recommendation as amended.
1086 The vote was 12 aye and 0 opposed. (Note: All phase-in recommendations comprise Addendum
1087 #9 to the Final Recommendations. The addendum language will be incorporated into the Final
1088 version of these minutes).

1089 Sligh passed the gavel to Anderson. Appreciation for Michael's accomplishments was shown by
1090 all in attendance. The meeting adjourned.