

UNITED STATES OF AMERICA
DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

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NATIONAL ORGANIC STANDARDS BOARD

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PUBLIC COMMENT WEBINAR

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TUESDAY
OCTOBER 18, 2022

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The Board met via Video
Teleconference, at 12:00 p.m. EDT, Nathaniel
Powell-Palm, Chair, presiding.

BOARD MEMBERS PRESENT:

- NATE POWELL-PALM, Chair
- MINDEE JEFFREY, Vice Chair
- KYLA SMITH, Secretary
- AMY BRUCH
- BRIAN CALDWELL
- CAROLYN DIMITRI
- GERARD D'AMORE
- LIZ GRAZNAK
- RICK GREENWOOD
- KIMBERLY HUSEMAN
- ALLISON JOHNSON
- DILIP NANDWANI
- LOGAN PETREY
- WOOD TURNER

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NOP STAFF PRESENT:

MICHELLE ARSENAULT, Advisory Board Specialist

JARED CLARK, National List Manager

DAVID GLASGOW, NOP Associate Deputy
Administrator

ERIN HEALY, Division Director Standards

ANDREA HOLM, Materials Specialist

DEVON PATTILLO, Agricultural Marketing
Specialist

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

12:00 p.m.

MS. ARSENAULT: So welcome everybody to the first day of the National Organic Standards Board meeting. This is the start of the public comment webinars, which will be today and Thursday, not next Thursday, this Thursday.

I'm going to start the recording so we will be recording the webinar just so you know, and we will also have a tran -- we have a transcriptionist with us on the call. So we'll have a transcript of the entire meeting, the two public comment webinars and next week's in-person meeting. The transcripts will be posted on the website after the conclusion of the meeting.

So if you're online, you should see an instruction slide. If you're on the phone only I'm going to give a brief overview of what you can't see. So we ask that you please stay on mute to minimize background noise, and if you hover somewhere over your Zoom screen, you should

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be able to see your mic and video camera on the task bar on the left side.

Chat is enabled in Zoom, but chats are not part of the public record, so while we want you to say hello to each other and chat amongst yourselves, the Board won't be answering comments in the chat and again, they won't be part of the public record. Closed captioning is available in Zoom, so again if you hover somewhere over your Zoom screen, my task bar is at the bottom.

You'll see the closed captioning button. It says "CC Live Transcript," and you can control it for your own view. So you can turn it on or off as needed. You can also change the font size if you need bigger or smaller, and then you'll also see next to the live transcription button the reactions button, the raise hand features in there.

We ask that you please don't raise your hand. All commenters are registered ahead of time, and will be called on in turn by the

Board chair when it's your turn to speak. You can also customize your own view in Zoom. You can rearrange what you see on your personal screen by going to the upper right-hand corner of Zoom. You should see a checker box that says "view," and you can add a gallery view or a speaker view.

We're going to spotlight the speaker timer for everyone, so that should remain on your screen no matter what view you're using, and then we'll highlight as well the Board chair and the speaker who is talking at the moment. If you're having any technical problems, you can visit support.zoom.us. They're very helpful and usually pretty responsive, or what always works is log out and log back in.

So the webinar again is being recorded, and we'll get the transcript posted to the website as soon as it's available. So speakers, thank you Jared. You're way ahead of me. Please make sure that the name and your

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video title is correct so we can locate you when it's your turn to speak.

Sometimes we need to find you in the list to make sure that you're muted or unmuted, and you can also rename yourself by clicking the upper right ellipses in your video title. Or if you find yourself in the participant list, you hover where you should see a "more" button that will allow you to rename yourself as well. You can also control your mic from that, those other places as well in the participant list.

Do keep an eye on the chatbox. If you're scheduled to speak and we can't find you in the list of participants, we may send you a note asking you to identify yourself. If you're calling in on the television, Zoom will know to name you and I will have it as your full number.

So you stay on mute until it's your turn to comment. When you're called, you can then unmute yourself and turn your camera on if you want, it's optional. You don't have to be

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on camera. Again, both the mic and camera are on the bottom left-hand side of the Zoom task bar under the ellipses, or as I recently learned, it's also called the meatballs, the three dots next to each other.

And if you're on the phone only and don't mute button, you *6 to toggle between mute and unmute. All right. Now I am going to turn the mic over to the National Organic Program Deputy Administrator Jennifer Tucker. Jenny.

MS. TUCKER: Okay, good morning or good afternoon, depending on where you are, and thank you very, very much Michelle. Hi everyone. I am Jennifer Tucker, Deputy Administrator of the National Organic Program. Welcome to all of our National Organic Standards Board members and to our audience today.

This fall meeting is our first experiment in returning to a hybrid model, where we will do public comments today on Thursday, and then an in-person meeting next week in

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Sacramento, California. Our intent is to livestream that meeting for those who cannot attend the in-person.

As we look ahead and as we reflect on the past two and a half years, I am grateful for many, many things. I'm grateful that we've had several years of experience in online comments before COVID, so we were able to quickly translate, transition to an online environment.

I am grateful for this Board that has worked so well together without actually having met in person for so long. I am grateful for this community that continues to engage on the tough issues, and I am so grateful for the team at the National Organic Program who worked tirelessly to bring us all together, to uphold the process and to advance the work that comes out of these meetings.

To our public commenters, thank you for again engaging in this process with us. I also thank our audience. You continue to be an

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important part of this public meeting process, and we're glad that you're here. Let's pause for a virtual pause to acknowledge this moment. If you're new, we wave two hands in our iCamera for virtual applause, and I want to again thank all of you. That's how. Again, we wave into the camera to clap.

Next week, we're going to take a special moment to clap in live person and hear ourselves do that for the first time in three years.

This meeting, like other meetings of the National Organic Standards Board, will be run based on the Federal Advisory Committee Act and the Board's Policy and Procedures Manual. Meeting access information for all meeting segments is posted on the NOSB meeting page on the USDA/AMS website.

Transcripts for all segments will be posted once completed. I will act as the Designated Federal Officer for all meeting

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segments. Nate Powell-Palm, our Board chair, will take the helm for this session.

As I noted at the start of the last NOSB meeting, in an open and transparent process mutual respect is critical. We ask you in advance to avoid personal attacks and disparagement. Please engage with grace, both when you speak into the mic and when you chat into the chatbox. To close, I thank the National Organic Program team, an amazing team that I'm honored work with each day.

Michelle, big applause for Michelle, who does so much logistical work to bring us together, and who really takes care of this Board. I also want to thank Jared Clark, Andrea Holm, Devon Pattillo, David Glasgow and our Standards director, Erin Healy. Let's give them a big round of applause. Thank you so much.

I'm now going to hand the mic back to Michelle Arsenault, who is our Advisory Board specialist, who will do a roll call of NOSB

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members and NOP staff. Thank you very much.

MS. ARSENAULT: Thank you, Jenny.
All right. Board, Nate Powell-Palm.

CHAIR POWELL-PALM: Present, good
morning everyone.

MS. ARSENAULT: Good morning. Mindee
Jeffery? Thank you. Hi Mindee, welcome. Kyla
Smith.

MEMBER SMITH: I'm here, hello
everybody.

MS. ARSENAULT: I need to change my
view. I can't see all of you. Amy Bruch.

MEMBER BRUCH: Good morning, present.

MS. ARSENAULT: Good morning. Brian
Caldwell.

MEMBER CALDWELL: I'm here, present.

MS. ARSENAULT: Hi Brian. Jerry
D'Amore.

MEMBER D'MORE: Here as well, thank
you.

MS. ARSENAULT: Jerry. Carolyn

Dimitri.

MEMBER DIMITRI: Good afternoon.

MS. ARSENAULT: Hi Carolyn, welcome.

Liz Graznak.

MEMBER GRAZNAK: Yes, I'm here, good morning.

MS. ARSENAULT: I finally heard Liz say her own name out loud, and I've been pronouncing it wrong all this time.

MEMBER GRAZNAK: That's okay.

MS. ARSENAULT: There you go, Liz. Thank you. Rick Greenwood.

MEMBER GREENWOOD: Present.

MS. ARSENAULT: Welcome Rick. Kim Huseman.

MEMBER HUSEMAN: Hello.

MS. ARSENAULT: Hi Kim. Welcome, good morning. Allison Johnson.

MEMBER JOHNSON: Good morning.

MS. ARSENAULT: Hi Allison. Dilip Nandwani.

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MEMBER NANDWANI: Good morning,
present.

MS. ARSENAULT: Good morning. Logan
Petrey.

MEMBER PETREY: Hi. Good morning,
present.

MS. ARSENAULT: Hi Logan. Wood
Turner. Oh no, Wood's frozen. We see him.

MEMBER TURNER: Here, present.

MS. ARSENAULT: Oh, there you go. I
heard you Wood, thanks. Your camera's frozen,
by the way. So you can turn it off if you're
having bandwidth issues, and that goes for
everyone on the Zoom. Last but not least, Javier
Zamora. I see your title Javier, but you're on
mute. Oh there, you're unmuted now. All right.
Well for the record, Javier is here on the call
with us.

All right, and we also have several
staff members on, Jenny on the call with us, but
Jenny already introduced them. So now I'm going

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to hand off the mic to Nate Powell-Palm, chair of the NOSB, to get us started. Nate.

CHAIR POWELL-PALM: Thank you Michelle, and hello everybody. So excited for this meeting and even more excited to see many of you next week in person. A little bit of a reminder on our Policy and Procedures Manual about public comments.

So all speakers will be recognized for -- or who signed up during the registration period, and persons must give their names and affiliations for the record at the beginning of their public comments. Proxy speakers are not permitted.

Individuals providing public comment shall refrain from making any personal attacks or remarks that might impugn the character of any individual. And so I just want to say one quick thing on this. I've been reflecting on this a bit this last week.

When you go to Gallery mode on this

call, you're going to see the face of or the name of everybody on the call. These are team mates, folks. When we look around the problems of this world, these are the folks who are all pulling together in the same direction. So I wanted us just to remember that when we go through our comments, thinking about how are we solving the problems that we're eager to solve together, and who is working towards that goal, and that is absolutely everyone in this room.

Minor disagreements maybe, but overall we're all on the same team. So I want us just to try to remember that as we're going through today.

Members of the public are asked to define clearly and succinctly the issues they wish to present before the Board. This will give our members, NOSB, a comprehensive understanding of the speaker's concerns. I'll call on speakers in the order of the schedule, and we'll announce the next person or two so they can prepare.

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Please remember to state your name and affiliation, and then we'll start the timer.

Board members will indicate to me if they have questions and I will call on them. Only NOSB members are allowed to ask questions. I would reiterate that once more. Please refrain from asking questions to the Board. In response, you may answer a question, but our Board members are the ones asking questions today.

So to get kicked off, our first speaker is going to be Kiki Hubbard, and we're going --

MS. ARSENAULT: Hey Nate, can I interrupt you just one second? Can we test the timer? I'm sorry, I forgot to add that, that I had it set for five seconds now. It should be spotlighted in, thank you. I think maybe I've just unspotted for myself when somebody spotted me. All right. So it should be on screen spotlighted for everyone, and I'm going to start it and make sure you guys can all hear it.

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Good, loud enough.

CHAIR POWELL-PALM: One of the most polite timers there is, definitely loud enough.

MS. ARSENAULT: Okay, excellent. Thank you.

CHAIR POWELL-PALM: Thank you. So first up will be Kiki Hubbard, followed by Russell Taylor and then Amalie Lipstreu. Any questions from the Board before we get started here?

(No response.)

CHAIR POWELL-PALM: All right. So first up is Kiki Hubbard. Kiki, please say your name and affiliation, and the floor is yours.

MS. HUBBARD: Thanks so much Nate. Hello everyone. It's so nice to see you all. I'm Kiki Hubbard, director of Advocacy and Communications for Organic Seed Alliance. My comments will focus on the Materials Subcommittee's work on excluded methods, as well as the organic seed requirement.

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As many of you know, OSA has long been supportive of the Subcommittee's work on excluded method, including supporting the proposals that the Board has passed on the topic to date. We strongly support the Board's recommendation that the NOP develop a formal guidance to include the definitions and criteria, as well as the excluded and allowed methods tables that have been developed in previous proposals.

I think we can all agree that understanding and addressing (audio interference) techniques that may or may not align with the excluded methods definition is critical work, and that the lack of clarity risks slowing progress toward another organic integrity goal, which is to plant more organic seed on organic land.

This is an important point of context for the excluded methods conversation because regulating these methods is more feasible within the confines of certified organic seed production

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than it is within the conventional seed space. As long as growers are sourcing conventional seed that is produced outside the rules of certified organic production, it will continue to be difficult to require transparency regarding the methods behind the seed organic growers are using.

As OSA shared at the NOSB spring meeting, our most recent state of organic seed data shows no meaningful improvement in organic producers using more organic seed over the last 15 years.

This data makes clear that improvement in organic seed sourcing is not happening without regulatory changes, even though organic seed availability has increased tremendously since the NOP was established 20 years ago. It's time that policy follows suit to protect this progress and ensure organic farmers plant more organic seed.

We also recommend that the NOSB and NOP establish a working group on organic seed.

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The purpose of this group would be to begin discussing a time line for crop by crop evaluations of organic seed availability, and understanding availability by crop type will provide the NOP confidence in eventually closing the exemption for non-organic seed, without leaving organic growers in a lurch.

Finally, we hope NOP will make organic seed a rulemaking priority, given the strong support across the organic community for updating the organic seed requirement per the NOSB's 2018 recommendation.

We hope to see the excluded methods recommendations made a priority as well. Thank you for your time, and we look forward to the conversation next week, where we'll receive an update on the Board's important work around excluded methods.

CHAIR POWELL-PALM: Thank you so much Kiki. I appreciate you commenting today. Any questions from the Board? Amy, please go ahead.

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MEMBER BRUCH: Yeah, thank you Nate. Kiki, thank you so much for joining us for the comment period, and really appreciate these comments on organic seed and it tie-in with excluded methods. I was just curious.

Since our program is a global program and we have many certifiers that have certifying agencies overseas as well, internationally and domestic, do you believe that it's possible to start obtaining global data on organic seed usage as well?

MS. HUBBARD: I do. It will take a concerted effort and willingness among seed companies to be transparent with their data regarding commercial availability of organic seed. I do, but it -- yeah. Again, it will have to be a concerted effort. I think iPhone could play an important part in that work.

But yeah, it's absolutely necessary in order to make quicker progress toward ensuring that more organic land is vented to organic seed,

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because currently as you know, we don't have a reliable, comprehensive organic seed database that both growers and certifiers and inspectors can rely on.

MEMBER BRUCH: Thank you, Kiki.

MS. HUBBARD: Yeah, thank you Amy.

CHAIR POWELL-PALM: Any other questions for Kiki?

(No response.)

CHAIR POWELL-PALM: All right. Thank you so much, Kiki. Appreciate your comment.

MS. HUBBARD: Thank you.

CHAIR POWELL-PALM: Thank you for your comment. Next up we have Russell Taylor, followed by Amalie Lipstreu, and then Abby youngblood.

MR. TAYLOR: Good morning. I can't see the slides on the screen that are going to be presented.

CHAIR POWELL-PALM: They should be, yes.

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MS. ARSENAULT: Just one second for us to get them up and projected. There we go. And again for those of you on the call, once we start showing slides it takes over your whole screen. You can go to the view button in the upper right and exit full screen, and then you can resize it as needed.

MR. TAYLOR: Thank you. My name is Russell Taylor. I'm the president of Humic Products Trade Association. We're an international association of humic acid manufacturers. Humic substances covers a large category of products which are the end results of decomposition. So this would be really, really old plaque matter that's fully decomposed.

First slide, please. So our intended to comment on the Subcommittee regarding their comments towards the Organic Food Protection Act, but certainly had little or no comments regarding the synthetic use of the ingredient, which is encouraging.

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The initial problems with the humic substances which were concerning is fortifying these humic substances and humic acids with the extractant, and there was no concerns whether the -- they were synthetic use or fortification.

So the primary concerns by the Crop Subcommittee were includability. You see a lack of standardization for substances on the market, resulting subproducts that produce minimal or no results.

So next slide, please. I'd like to comment on these two items, first of all the lack of standardization. The Humic Product Trade Association was integral in creating and developing ISO 19822. It's an international standard for testing humic and folic acids in fertilizer products.

This is a child of the Lamar, which is the AOAC/FWC listed there. The seal you see on this screen here is the Humic Product Trade Association method, a seal in association with

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these methods. Now these methods are endorsed by AAPFCO, but most states are not enforcing the humic and folic acid test.

So my comments would be to the Subcommittee that the international standard is not being used, and we encourage the use of this standard.

Next slide, please. Next slide, please. Yes, there you go. The Subcommittee also presented concerns about lack of effectiveness of use these products. There is an issue with third party reviewers right now listing products that are not using folic acids, and we'd like to bring this next (audio interference) bring it to attention of the NOSB. NOSB rules clearly indicate that humic and folic acids are extracted from humates.

I included the reference there from the Code, which is "Humates is a mined substance of low solubility." There are products being sold in the humic and folic space that are not of

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mineral of mined low solubility. Plant extracts, lignosulfonates, corn steep liquors, others are included in the humic and folic acid category, and they should instead be appropriately categorized as in vessel compost and plant extracts.

We think this is a huge problem and correctly correlates to the issues with, presented by the Subcommittee, that some of these products are not showing the efficacious results.

Next slide, please. We think the Subcommittee's concerns can be easily addressed by enforcing third party rules, getting the third parties to follow NOP rules as written, and encouraged use of ISO method 19822.

CHAIR POWELL-PALM: Thank you for your comments, Russell. Any questions from the Board? (No response.)

CHAIR POWELL-PALM: All right. Appreciate your time today. Thank you.

MR. TAYLOR: Thank you.

CHAIR POWELL-PALM: Moving on, we have Amalie Lipstreu next, followed by Abby youngblood and then Adam Seitz.

MS. LIPSTREU: Thank you, Nate. My name is Amalie Lipstreu, and I'm the policy director for the Ohio Ecological Food and Farm Association. To get at the heart of my comment, I need to provide a little history. OEFFA was founded more than 40 years ago by farmers, some of whom became sick or saw their family members get sick and die in ways associated with the use, the increased use of chemical inputs in farming.

They noticed changes in soil biology that they didn't like, and they did something courageous at the time. They said no, we don't want to farm in the way increasingly becoming the norm, which in many cases put them outside of the community of their neighbors. They were among the founding leaders of OEFFA and of the organic movement, and it's important that we ground ourselves in their decades of leadership.

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Society at large is just now coming to appreciate the critical role that organic farmers provide, and climate change is accelerating that understanding. Despite some of what we heard at the spring NOSB meeting, there is an increasing amount of science to back that up. We also appreciate the work of the Board taking on the momentous task of demonstrating how organic is climate smart, which is challenging given that there is no consensus definition of the term "climate smart."

OEFFA strongly supports the assertion by the Board that future research must include the greenhouse gas impacts of not using synthetic nitrogen, and that a full life cycle analysis of organic management systems is needed. Greenhouse gas emissions are not limited to what happens within the farm gate. Therefore, climate and ag research must extend beyond those borders.

OEFFA is on the record saying that we have reservations regarding the use of the

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universal OSP and believe that the connection between the universal OSP and climate change is tenuous. Finally, let me state very clearly that OEFFA supports the Board's assertion that the USDA Agricultural Marketing Service has a key role to play in raising the awareness about the role of organic management systems in addressing climate change.

USDA Secretary Vilsack made a statement during his Obama administration tenure that he could not choose between children, meaning organic and conventional farmers and support organic production, implying that to do so would damage or insult conventional producers. Also, we often hear about taking a whole of government approach to challenging issues.

Let's continue to ask the USDA to take this opportunity and use a whole of agriculture approach to support all farmers in moving toward resilient climate-friendly systems, lifting up organic management as a positive example.

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CHAIR POWELL-PALM: Great timing, right on. Thank you. Any questions from the Board?

(No response.)

CHAIR POWELL-PALM: All right, really appreciate your comments today in joining us Amalie. Next up we have Abby youngblood, followed by Adam Seitz and then Darryl Williams. Abby, please go ahead.

MS. YOUNGBLOOD: Thanks, Nate. Good afternoon. I'm Abby youngblood, executive director at the National Organic Coalition. Over the past year, NOC and our partners have worked to activate support for organic agriculture across the USDA, and we want to highlight a few significant milestones.

Secretary Tom Vilsack at USDA has publicly stated the climate benefits of organic systems. USDA has launched a \$300 million organic transition initiative. The origin of livestock rule was finalized in March, and the

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rule is meaningful. We anticipate a final strengthening organic enforcement rule soon, and the organic community is pushing hard for the finalization of the long overdue proposed organic animal welfare rules.

And the NOSB is seeking a path forward to provide technical support to NOSB members, and the NOP has allocated funding for that purpose. This is an important issue to reduce barriers to serving on the NOSB, especially for farmers and those with fewer resources. NOC is now turning to the Farm Bill legislation as a vehicle to strengthen organic integrity and increase the port for organic agriculture, and I encourage the NOSB to engage with NOC and other advocates in this bigger picture thinking, about the changes that are needed to address regulatory bottlenecks, reform certification cross-share, increase participation for under-served farmers, recognize organic as a climate change solution, boost funding for organic research and more.

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So when we see each other in Sacramento, I will have with me a document highlighting our top priorities in the Farm Bill legislation. Later today, my NOP colleagues will testify on the detailed comments we submitted to you this fall. For now, I want to draw your attention to the annotation chart in our comments.

The National List requires specific and detailed annotations to restrict how materials are used, but those annotations cannot be made at sunset. For that reason, we strongly urge the Materials Subcommittee to create a living document of annotations and to update that at every NOSB meeting, and we've included in our comments a chart that can be a starting point for that work.

I also want to express strong support for the NOSB's work on excluded methods. I urge you to work in partnership with the National Organic Program to assert that excluded methods

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are the law of the land for organic production. The organic community is united in our opposition to gene editing and other new GE techniques.

Finally, I want to thank the NOSB for your work on the risk mitigation table. Oversight of the NOP's accreditation system is fundamental to organic integrity, and the NOSB must pay close attention to how the NOP's annual peer review audits are going and to the other mechanisms to strengthen the accreditation process. Thank you for your work and (audio interference) each of these comments.

CHAIR POWELL-PALM: Thank you so much, Abby. Any questions from the Board?

(No response.)

CHAIR POWELL-PALM: I have one quick question for you Abby. Could you list off those wins one more time that we've experienced this last semester?

MS. YOUNGBLOOD: It does feel good. We don't have everything we want just yet, but

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hearing Secretary Vilsack talk about the value of organic as a climate change solution. Those words came out of his mouth I think twice, once in the spring and once this fall. The launch of the \$300 million Organic Transition Initiative, which includes technical assistance, mentorship, NRDC programs, some risk management, and we want to build off of that in the Farm Bill.

Finally, the origin of livestock rule finalized and a good rule, and strengthening organic enforcement, organic livestock and poultry standards. I hope that we'll be toasting each other on finalization of those rules within the next few months.

It's always slower than we want it to be, and then the work that you guys are doing to provide technical support to NOSB members and to make it easier for people to serve on the Board. Great progress, and we need to keep that momentum going.

CHAIR POWELL-PALM: Thank you so much

for those highlights. I really appreciate it, and thank you for the work of NOC. All right. We're going to keep moving on. Thank you, Abby. Adam Seitz is up next, followed by Darryl Williams and Harold Austin. Adam, please go ahead.

MR. SEITZ: Good morning and afternoon. My name is Adam Seitz, and I serve as a senior technical reviewer for Quality Assurance International, and NSF company and the leading provider of organic certification services worldwide. As always, thank you NOSB and NOP for your efforts and for the opportunity to comment.

I'll be commenting exclusively on the topic of ion exchange filtration. First, it's entirely appropriate to require that ion exchange recharge materials be included on the National List, and QAI supports this proposal. It is, however, not appropriate to regulate ion exchange resins as ingredients for processing aids, as

they are neither. They are food contact substances.

Instead of reiterating our written comment, I'll move on to a little exercise. Consider 205.605(a), which includes non-synthetic substances permitted for use as ingredients in processed organic products. It includes citric acid. Imagine an organic beverage producer that dumps citric acid into a hopper, pneumatically conveys the citric acid to a batching vessel, adds water and then pumps the citric acid solution to a subsequent batching vessel.

This citric acid batching system, which pumps hydrogen and citrate ions into a vessel for blending with organic product, is not dissimilar from ion exchange resins, which as food contact substances function more like equipment. Assuming the recharge materials are on the National List, released ions from National List substances such as sodium hydroxide into

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organic product.

Considering the citric acid handling scenario further, the citric acid may contact a number of food contact substances on its way from a 50 pound bag, the bag itself possibly containing food contact substances, all the way through the conveyance system, where it is blended with organic ingredients.

Additionally, the hypothetical organic beverage being processed may also contact additional food contact substances and even as packaged. Further, citric acid, an accepted non-synthetic ingredient and other non-synthetic and non-organic agricultural ingredients on the National List, are often purified using ion exchange resins. This does not change their status to synthetic.

Even the water that was batched with the citric acid could have very well been treated by a water treatment facility that utilizes ion exchange filtration to purify the water, or it

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could have been softened on site with an ion exchange water softening system.

At the end of the day, the topic is complex, and while QAI supports the NOSB's Option 1 scenario for resins, a more robust long-term work topic and solution may be needed to evaluate the program's scope of authority in regulating food contact substances.

Requiring ion exchange resins to be included on the National List is not appropriate, especially in light of the north of 5,000 food contact substances that would then require inclusion as well. We could go even further and start looking at the plasticizers and other additives in bailer, the paint and many other substances on ag equipment that contact both organic products and organic soil and so on.

Not a great idea and not an actual suggestion, but something to think about in the context of figuring out what to do with ion exchange resins. Thank you much for your time

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and consideration.

CHAIR POWELL-PALM: Thank you so much for your comments, and thank you for the visuals you included in your written comments. Those were really helpful. Any questions for Adam from the Board?

(No response.)

CHAIR POWELL-PALM: The idea of paint being considered on a bailer has me really up and all excited. So thanks for that visual as well. All right, thank you Adam. Moving on, we're going to next have Darryl Williams, followed by Harold Austin and then George Szczepanski. Darryl.

MR. WILLIAMS: Good afternoon. My name is Darryl Williams. I'm a senior technical reviewer for Quality Assurance International. QAI supports and underlying theme of fraud prevention, but QAI does not agree that standardized audit checklists or other certification forms are the answer.

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There are several resources outlined in the IOI trainings, ACA's best practices, Organic Integrity Learning Center and NOP Organic Program Handbook about these topics. If a universal form is created, must a certifier use the universal form by law?

If not, then providing a template that may be used seems like a good path forward. Forms created and used by certifiers should be up to their discretion, and should provide the information needed to verify compliance.

These forms should be assessed by the NOP during accreditation audits, and improved on an individual certifier basis if not adequate. Lastly, it may be valuable to hold off on this discussion until the SOE is published, to ensure the proposal is in line with the rule. A better approach than standardized forms like audit checklists would be to define specific guidelines for what information should be included on the form.

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For example, in conducting mass balances or tracebacks, what minimum duration of time for mass balance is acceptable? And/or what constitutes a unique identifier for complete tracebacks? Regarding BOLs, can we legally require any information that's not included in Title 49 or other regulations which describe the use of straight bills of lading, like unique lot numbers, crop year grown or buyer name to be on the BOL?

A BOL does not always provide traceability by a lot number. Traceability in a mass balance can be verified where the BOL traces for example, to the certificate of analysis that contains the BOL number and a lot number for the shipped ingredient or finished product. Other receiving records and receiving logs can be in place to tie documentation together, which contain lot numbers, crop year grown and buyer.

We have a wide variety of forms used by different certifiers, and we have an even

wider variety of documentation on manufacturer's letterhead to verify compliance. What guidance for forms would help certifiers be more consistent?

As already stated, guidance about what specific information should be covered and even what regulatory vocabulary, terminology and questions certifiers should be asking on forms would be extremely beneficial.

For example, questions regarding genetic modification do not always include the correct terminology for appropriate excluded methods verification, and some may be accepting manufacturer documentation that only refers to GMOs instead of excluded methods, or that reference regulation EC 1829 or 1830 for genetic modification, when we know these definitions are different from NOP requirements.

Additionally, engineered nanomaterials are becoming more common in food, while NOP guidance states that engineered

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nanomaterials would not be permitted unless included on the National List. It's uncommon for certifiers to be verifying high risk ingredients against this requirement.

We do not feel it's appropriate to require certifiers to use standardized forms, but we do welcome specific guidance and from the NOSB (audio interference) quickly provided by (audio interference). We thank you for all your work.

CHAIR POWELL-PALM: And we thank you for your comments. Any questions from the Board?

(No response.)

CHAIR POWELL-PALM: I have a question for you Darryl, and it is, it is on this topic, I guess, when we're thinking about the big picture, the goal of standardized forms in this document, really we're trying to figure out in what ways can we aid the consistency of these audits? When we look at mass balance and tracebacks, you if you look at report forms across certifiers, they range in quality by a

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lot.

And so in training inspectors how to conduct mass balance and tracebacks it's very theoretical, because it's going to be certifier-specific when they actually get in the field and start working.

And so what ways would you say we could improve training inspectors on how to conduct these, so that we're not just figuring out what is the certifier asking on this form, but rather how do I find fraud?

In thinking about this document, if we were to make a universal form or a universal guideline to aid in identifying what materials to audit, what timeframes, etcetera, it seems like we'd be able to experience a better success rate of identifying red flags, as opposed to just trying to make sure that we're answering the questions correctly that the certifier's asking on their forms.

So trying to, you know, get ahead and

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find fraud, what would you say is the best way we should go about increasing inspector efficacy?

MR. WILLIAMS: I would just say, you know, it's really about where your starting point and your ending points are, you know, going with your inventory levels and really directing the audits on how they should be conducted and guidance provided is really the best way. It's difficult, because every operation is going to be different.

Like grain elevator is going to be different from yogurt manufacturer. I mean they're very, very different. I think, you know, guidance on also just what should we be -- what are the most, what are the items that prevent or that we're seeing be fraudulent the most, you know, and really scope in on those things, you know.

Is it weak, is it, you know, flavors? What is it? What are we seeing that's a large problem, and I think we should just focus in on

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those. I hope I got your --

CHAIR POWELL-PALM: You did. One quick follow-up to that, do you think this is more of an appropriate item for ACA to work on, to identify best practices across certifiers, rather than guidance from the program or NOSB?

MR. WILLIAMS: I think guidance has a little more footing than the ACA does, and I don't mean any, any harm in that. I just know I've been on several working groups, and a lot of stuff is developed in there for flavor questionnaires and stuff like that, and a lot of times that doesn't get transposed onto certifiers' documentation.

So I think certifiers tend to listen a little more to NOP guidance than they do ACA, and I'm not saying that's the right thing to do. But it's, it's what I typically see.

CHAIR POWELL-PALM: No, that's very helpful. Thank you, and thank you for your comments today. All right. Next up we have

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Harold Austin, followed by George Szczepanski and then Emily Griep, Griep, sorry. Harold, please go ahead.

MR. AUSTIN: Thanks Nate. Good morning. My name's Harold Austin. I'm the director of Orchard Administration for Circle Fruit Company, and a former member of the NOSB, serving in the handlers' position. My comments are of support on behalf of the Organic Crop Producers and Handlers here in the Pacific Northwest.

For handling, I support the relisting of nitrogen and carbon dioxide. Both of these are used in the storing of our organic apples under controlled atmosphere storage conditions, which is key to maintaining the quality, integrity and condition of our fruit for a longer period of time.

In crops, please see my written comments for a more in-depth list of the materials, explanation of those materials that

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I'm supporting to have relisted for cost material usage. Some of those materials are micronutrients, sticky traps and humic acids, all important tools in organic crop production.

Of special importance are the two listings for the coppers, the fixed coppers and the copper sulfates. These two materials are important for nutrition as well as for disease control. After the loss of the two antibiotics, the coppers have become an intricate component in our product rotation for fire blight control.

Helping organic tree fruit producers to not only just control this deadly disease, but also aiding us in resistance management. Resistance management is as much of importance as the control of fire blight or coryneum blight themselves are. In the past, our industry has had to deal with resistance to several miticides and various other materials. Since then, our industry has worked hard to avoid any such incidents from ever happening to us again.

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In order for that to continue to occur, we must maintain a healthy material toolbox and a broad product selection, thus ensuring adequate products to use in rotation. The continued allowance for the use of coppers is an integral part of this process. For CACS, the overall concept in sourcing technical support from within the USDA I completely support and agree with.

I do not support the Subcommittee's recommendation to not allow that help to come from AMS NOP. The NOP is the USDA division that works in tandem with AMS NOP and at the NOSB, and having the historical knowledge growing from within their rank and file, similar to what we had when I served, when we worked with Emily Brown Rosen of the AMS NOP and she was an employee there, I can't say enough about the impact that her knowledge has and was for those of us that were serving at that time.

I think it benefits all of you to take

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and look at trying to grow that knowledge within the USDA's NOP process. Source it from the other divisions of the USDA, but funnel that information through the AMS NOP staff, so that they too are becoming as knowledgeable about each of the materials as possible. Then that knowledge will be there to be used and integrated into future discussions where and when needed.

I would like to also offer my support to the comments from the two gentlemen from the Northwest Horticultural Council that will be presenting later this morning. Thank you.

CHAIR POWELL-PALM: Thank you. Any questions for Harold from the Board?

(No response.)

MEMBER CALDWELL: Yeah. This is Brian, Nate.

CHAIR POWELL-PALM: Go ahead, Brian.

MEMBER CALDWELL: Harold, thanks so much for all your past work and your commitment. I really appreciate that. A quick question about

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copper sulfate, and I'm just wondering, I'm pretty familiar with all the fixed copper usage, but how much is copper sulfate actually used?

MR. AUSTIN: You know Brian, copper sulfates, you know, because it's a finer grind material than the fixed copper, fixed coppers are a little bit safer used later in the growing season. Fixed coppers really are the materials that are used in the fall or early in the spring before we start to develop a lot of blossoms in growth on the tree.

It's a good form of copper when mixed with oil or something else to adhere, to deal with overwintering bacteria of the fire blight and coryneum blight on the tree, where the fixed copper is a lot safer material to use in-season. So both of them kind of have their specific fit in organic tree fruit usages. One, the copper sulfate more when the trees in the dormant stages; fixed copper more when the tree has foliage and fruit on the crop, on the tree itself.

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MEMBER CALDWELL: Okay, thanks very much.

MR. WILLIAMS: You're welcome.

CHAIR POWELL-PALM: Any other questions for Darryl? All right. Thank you very much sir.

MR. WILLIAMS: Thanks guys.

CHAIR POWELL-PALM: Next up we have George Szczepanski, followed by Emily Griep and then Alice Runde.

MR. SZCZEPANSKI: Thanks, Nate. I appreciate a good pronunciation of the name there. That's a tough one. My name is George Szczepanski, and I'm commenting on behalf of the International Fresh Produce Association, where I serve as director of Production, Supply Chain and Environmental Policy.

I want to begin by thanking the Committee for their hard work. It does not go unnoticed, even by those of us commenting on the call like myself who you might not know

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personally yet.

As I spend time getting to know this part of the process a little better, it's obvious that NOSB has a huge task and rises to the call of dedication. As I mentioned, I'm representing the International Fresh Produce Association. IFPA represents every segment of the global fresh produce supply chain, with approximately 3,000 member companies, including over 500 directly involved in the organic fresh fruit, vegetable and floral supply chain.

Last year \$9 billion of organic produce was sold in this country, accounting for 12 percent of all produce sold. When shoppers think about organic, they're often thinking about fruits and vegetables, and that's why it's critical that the produce industry is considered as a part of all applicable NOSB recommendations.

The content of our comments is driven by IFPA Organics Committee, comprised of 21 passionate produce industry professionals

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representing a diversity of organic produce commodity and operation types, regions and experience. They're passionate about the work they do, the food they bring to the market, and the organic values that drive their operations.

You'll hear from my colleague Dr. Emily Griep and members of the committee on a number of items on the list for this meeting, including biodegradable, bio-based mulch fill, elemental sulfur, carbon dioxide, Polyoxin D and other sunset materials. The ones I mentioned, we do support the continued use of these materials, and would direct you to our written comments submitted to the docket for full commentary.

IFPA is grateful for the opportunity to participate in this process, and in maintaining the inputs and standards that align with your data program. We advocate for policies that foster, not stifle creativity.

When perfect is the enemy of the good

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and proposals to limit the use of new inputs are sent to the NOSB, we disincentivize the research and development of future tools that will drive the industry forward and continue to meet the growing demand for organic fresh produce.

Innovation that is in line with the organic principles needs to be encouraged as part of the continuously improving organic marketplace. We urge NOSB to approach consideration of recommendations to the NOP with specific attention to the need for adequate tools for fresh produce growers, for objective scientific review, with an understanding of the diverse needs of the many crops, regions and methods of production in the organic universe.

When you go to NOP, please represent the facets of the organic community that we represent. As previously mentioned, IFPA has submitted more detailed comments to the docket, and we're happy to provide additional information at any time. We appreciate your consideration

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of these comments in support of the fresh organic produce industry.

CHAIR POWELL-PALM: Thank you so much for your comments. Logan has a question.

MEMBER PETREY: Hi George, good to see you. Oh great, great. Thank you for the comment and thank you also for the written comments for the Board to diving into those more. So question on the biodegradable, bio-based mulch film. You said you were in favor for its relisting, and did you see that from most of your growers to have that relisted and do you also see it as like you were talking about innovative things for the organic industry to move forward, you know, as progress? Just a comment on that subject.

MR. SZCZEPANSKI: Absolutely. Logan, I appreciate the question and it's a big yes on both of those points. You'll hear a little bit more from Dr. Emily Griep, who's going to be also coming from IFPA, as well as some of our growers, and the growers are really what drives this.

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Particularly in the berry industry, we've heard that this is not only a useful development, it's something that prevents the least of a lot of plastic mulch that goes straight to the landfill if we don't have alternatives like this.

It's definitely part of how IPA approaches a lot of things that we look for innovation that drives the industry forward, and really as the -- as this kind of a product is improved upon over the years, it needs -- it needs a market to be used to get the investment dollars to keep making it a better and better substitute and to do the research on it that's going to help us understand better its function and what happens as it biodegrades.

MEMBER PETREY: Right.

MR. SZCZEPANSKI: So yeah, I'm really driven by the members and you'll hear a little bit more from them as the day goes on too.

MEMBER PETREY: Awesome. Thank you,

George.

MR. SZCZEPANSKI: Thank you.

CHAIR POWELL-PALM: I have one quick question for you George, just tacking onto Logan's BPMF question. Do any of your members, do any of them use this product?

GS Yes they do. Actually you know what Nate? I'm going to make sure that I can circle back and confirm the people who I'm talking to about it.

Like I said, of particular industry to the berry industry, but I've also had growers come back and comment more on the philosophical approach that we want to be encouraging, even people that aren't using product, that looking to encourage inputs that are solving problems, even if they have to be further refined to get to that, that final stage where they're really rising to the call.

CHAIR POWELL-PALM: That would be great to give any specific brand names you have

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on products out there and --

(Simultaneous speaking.)

CHAIR POWELL-PALM: That would be great. If you could send that to Michelle, that would be awesome.

GS Thank you.

CHAIR POWELL-PALM: Thank you so much. Next up we have Dr. Emily Griep, followed by Alice Runde and then John Foster.

DR. GRIEP: Yes, hello. Thank you, Nate. As you said, my name is Emily Griep and I'm the Vice President of Regulatory Compliance and Global Food Safety Standards for the International Fresh Produce Association.

I likewise want to recognize and thank the Board for the extensive amount of work you do throughout the year, reviewing every input along with the, I'm sure many stakeholder comments you receive each fall and spring. I and our members really appreciate this opportunity to engage directly in these activities.

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With regards to the inputs currently under consideration, I do want to highlight a few pertaining to the Crop Subcommittee that are especially important for our industry. The first of those is carbon dioxide. IFPA strongly supports the continued use both as an algicide disinfectant and sanitizer, as well as a plant or soil amendment.

Carbon dioxide is essential for plant growth as a key component to facilitate photosynthesis. Its use as an enrichment is particularly important in greenhouse environments, to facilitate efficient growth and maximize their yields. Carbon dioxide is also used as a pH adjuster in irrigation water sources, which is also necessary to help promote the efficiency of nutrient uptake.

We do also support the continued inclusion of Polyoxin D zinc salts on the National List. It is an essential fungicide for fruit and vegetable production that is both

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highly effective and low in toxicity. This particular input is critical to prevent plant diseases such as foliar or leaf blight, as well as petritis and its use in combination with other fungicides, aids in the prevention of pathogen resistance to these treatments.

So we do also support the continued use of elemental sulfur as a fungicide and as a soil amendment to control pH. Finally, I would like to state our strong support for biodegradable, bio-based mulch film. As George mentioned, certain sectors of industry, particularly producers of berries, tomatoes and other row crops, currently rely on the use of polyethylene plastic film for weed control as well as water conservation, and there are not any suitable alternatives currently available.

Unfortunately, this plastic is unable to be recycled after its use, and so it does inevitably end up in the landfill. We were very glad to see the approval of 80 percent BBMF in I

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believe it was the fall of 2021 meeting, as we do expect and hope this will encourage innovation in the manufacturing industry, to further develop these films and make them more widely available for all organic growers. So we do hope that the Board will vote to maintain BBMF on the National List.

As we've mentioned, we do support the continued use of additional materials currently under sunset consideration, and would direct you to our written comments submitted to the docket. On behalf of IFPA, the IFPA Organics Committee and our broader membership, thank you again for your time and consideration.

CHAIR POWELL-PALM: Thank you for your comments. Amy, please go ahead.

MEMBER BRUCH: Sure, thanks Nate. Emily, thank you for your time today and written comments. I really appreciate it. I have two questions for you. One, you mentioned Polyoxin D and I was just going through written comments

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and from stakeholders there are some concerns about the substance potentially and its effects on beneficial organisms.

Do you have any experience or information from your point of view on that substance and its effects on potential beneficiaries?

DR. GRIEP: I'm not aware of that at this moment, but that's something I'd again be happy to follow up with you on it and speak to our members, and see kind of what we have available in regards with that current research.

MEMBER BRUCH: Okay, perfect. That would be a great follow-up, and then secondarily, you had mentioned EMF, and you talked a lot about EMF and the word "innovation" with that product, based on current standards with polyethylene films.

Is there any other innovation happening in this sector in regards to how do we rethink plastic or biodegradable plastics or the

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way in which we're farming these vegetables outside of, you know, films placed on the ground? Can you touch on that?

DR. GRIEP: So as far as I'm aware, the use of films on the ground really is the most effective and I think one of the only ways to control or suppress weed growth, and I think it's something that as an industry we would love to be able to get away from, and they're just have not been any suitable alternatives at this point.

And so that's something where we even now there's concerns with the use of plastic and is that degrading into our soils, and there's certainly I think the need for more research all around with regards to whether it is continued use of plastics?

Is there a way to prevent that degradation? Is there a way that we can recycle these, you know? Plastic recycling in general is really a challenging component, not you know, not only to organic production but just in

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general for the packaging industry.

So I don't know that we have a good answer for what the best alternative is, but I think the BBMF and that's an area where we see okay, this research development has been evolving and I think is probably the farthest along that we see of other alternatives. So that's something we do want to also recognize.

All right, there's still more to be known about these inputs as well, but that's where, you know, we say I think to really encourage that research and that innovation, what we kind of keep going back to is there needs to be a market for that as well, to encourage the manufacturers to see okay, this is worth putting our time and resources into.

MEMBER BRUCH: Thank you Emily, appreciate it.

DR. GRIEP: Thank you so much.

CHAIR POWELL-PALM: Thank you Amy.

Dilip, please go ahead.

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MEMBER NANDWANI: Thanks, Nate. Thanks Emily for this very interesting info. I'm curious to know about this producer safety training. Do you have any idea how it is going? Is it mandatory on organic farms, because they may be talking about one of these inputs what we've been talking here. Thank you.

DR. GRIEP: So do you mean just product safety training in general?

MEMBER NANDWANI: Correct. It is mandatory, now it has become mandatory I believe on the organic farms, or how is going?

DR. GRIEP: It is correct. So the produce safety rule was published by FDA in 2015, and so there's been a lot of training going on for all farms covered by the produce safety rule, and so that does include all organic and conventional farms. There are certain exemptions for the produce safety rule related to size of the farm or whether you're growing what they call rarely consumed raw produce.

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So if it's, you know, something like a potato or something that's not going to be, it's going to be cooked before it's eaten. There are certain exemptions. But the requirements are the same for conventional and organic farms, and the training.

CHAIR POWELL-PALM: Thank you.

DR. GRIEP: You're welcome.

CHAIR POWELL-PALM: Thank you for that. Mindee, please go ahead.

VICE CHAIR JEFFERY: Thank you Emily for the information. I'm curious. Part of this discussion feels a little stuck in the binary of plastic versus a bio-based film, and I'm curious if anyone in your group is doing research or successfully focusing on biological and cultural methods, rather than looking towards solutions that require -- a synthetic solution that requires manufacturing.

DR. GRIEP: So that's something I know George had mentioned too, and so we do have a

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member of our Organics Committee, and I believe she's going to be speaking later today, Emily Musgrave. She's done a lot of work and a lot of research in this area.

And so it's something I can also follow up with her separately and we can, you know, do our best to really compile okay, what do we all know at this point and maybe even get to a mini-lit review or something to follow up and get a better idea for okay, what's the current state? Who's using what products and what, you know, maybe potential alternatives are there?

CHAIR POWELL-PALM: Fantastic, all right. Thank you Mindee. Any other questions for Emily? One question for you just to clarify, and this might be part of your response with the follow up, but do you have any producers that you know of who have a product that they can use, that qualifies under 80 percent or 100 percent BBMF?

DR. GRIEP: My understanding is that

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it's not currently widely used, if at all. So I don't think we have any producers at this point, and again, so I'll be in the in-person meeting next week, so I can quick try and get some answers for you and get a list if we have anybody. But my understanding is that it's actually not used yet at this point.

CHAIR POWELL-PALM: That would be great. So you see or your organization sees the listing as aspirational? In other words, sort of setting the goalpost for innovation?

DR. GRIEP: Yes, correct.

CHAIR POWELL-PALM: Okay. I very much appreciate that. All right, thank you. I'll look forward to that follow up. Next up we have Alice Runde, followed by John Foster and then Margaret Scoles. Alice, please go ahead.

MS. RUNDE: Thank you. Good afternoon. My name is Alice Runde. I'm the coalition manager for the National Organic Coalition or NOC. My comments today pertain to

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racial equity, in-person oral comments in acreage reporting and organic climate smart agriculture. On the racial equity, NOC has previously presented data and context regarding the persistent structural racism in our agricultural system, which has excluded most BIPOC farmers from landed farm ownership and participation in organic certification.

NOC's recommendation for the NOSB are to (1) establish a Diversity, Equity and Inclusion Subcommittee within the NOSB to ensure equity receives the time and attention it deserves; (2) advocate for anti-racism and cultural sensitivity training for NOSB members; (3) partner with key stakeholders; (4) prioritize research examining barriers to participation in organic certification for BIPOC farmers; and (5) advocate for USDA to provide targeted outreach, technical assistance, information and infrastructure.

On in-person oral comments, while we

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understand the decision to only have virtual oral public comments for the fall 2022 Board meeting, we encourage the Board to restore in-person oral comments for future meetings. The virtual comments provide access to all members of our community, while in-person comments also provide a chance for stakeholders to be involved in an in-person meeting.

Many stakeholders attend the in-person meeting to give comments and then stay to listen to the Board deliberations. This community participation differs from many other FACA boards, and it is an integral part of having the Board and the stakeholders work collaboratively.

On acreage reporting, inclusion of crop acreage on organic certificates and the number of animals is essential to determine whether an operation is indeed capable of producing the quantity of organic products it offers for sale. The reporting must be flexible

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for small acreages such as mixed vegetable operations. Reporting the number of animals and stage of life would both help determine the ratio of animals to acres of pasture, and would also help inform the state of national organic dairy by way of growth data, and knowledge of replacement animals available.

We do ask that if the proposal passes, that there be a mechanism for risk assessment based on mix of acreage size and dollar value of crops.

Organic and climate smart agriculture. First, NOC applauds the considerable amount of work that went into producing the discussion document on organic and climate smart agriculture. We agree that organic certification should automatically qualify a producer for climate smart programs through USDA.

The fact that every organic producers goes through the certification process and inspection every year, and has to document

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ecosystem management practices is notable and unique. Climate smart practices should cover a whole package of management practices that are environmentally beneficial. Organic system plans and annual inspections are integral to the development of that complete ecosystem package. Thank you for your consideration and your time.

CHAIR POWELL-PALM: Thank you for your comments. We have a question from Logan. Please go ahead.

MEMBER PETREY: Thank you. Thanks for the comments. First, sort of two questions. The first one on the, let's see, the racial equity and getting more BIPOC or organic farmers. Do you have any idea where in the country that may be accomplished the most? Like is there any look at where we may have the most BIPOC conventional farmers and that was where we might transition more? Do we have any idea like what states or, you know, what area that is, because it's interesting on the research side, you know, is we

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need to focus some prioritized research.

That could be a geographical need as well, because our country's very diverse in climates and everything else. So I didn't know if you'd speak to that.

MS. RUNDE: Yeah, and I'm happy to follow up with more precise information, beginning with most BIPOC farmers are in the Southeast or in the South, and that happens to be like one of their main challenges is accessing local certification agencies and that there's not enough certification agencies in the areas that might serve BIPOC farmers. So that's one of the challenges that we've seen through the data.

And again, I'm happy to follow up with more precise information on that very interesting question. I know it's something we're looking at, especially as it relates to the Organic Transition Initiative and trying to connect some of the organizations that work with BIPOC farmers to certification agencies, organic technical

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assistance, that information.

MEMBER PETREY: Right, and then second question. Thank you. Organic cert -- you said something, organic certification should equal climate smart agriculture, and I agree with you. I was actually at the IFPA conference and it was stated that there may be a difference and a separation in regenerative ag and organic ag and I completely disagree.

I think that organic agriculture is regenerative, and you should not have to have both labels, or there should not be a competing, a competing deal. That's concerning to me as an organic producer, that we may have a misperception that organic farming is no longer, is not the regenerative, and that now you have consumers that are more interested in regenerative than they are organic. That can be very confusing to me, and so I agree with you. I hope that we're able to make that known to everybody, our consumers base and everything. So

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I'm glad you stated that, so thank you.

MS. RUNDE: Absolutely.

CHAIR POWELL-PALM: Well said Logan. Thank you for that, that's great. Any other questions for Alice?

(No response.)

CHAIR POWELL-PALM: All right. Thank you Alice for your time and comments. Next up we have John Foster and then Steve Ela, followed by Phil Larocca. John, please go ahead.

MR. FOSTER: All right. Can you hear me all right?

CHAIR POWELL-PALM: We can, thank you.

MR. FOSTER: Great. Thanks for the time. Thank you for all the hard work. My name's John Foster. I am the chief operating officer for Walton Associates, former NOSB member 2010 to 2015.

The next slide please. The three topics I'd like to talk about are right there,

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and they have to do with the National List and how it's applied.

I'll say we also have made some written comments, handling crops, CACS and general comments. The one, and for those interested, I'm particularly kind of attached this ion exchange concept, and we've provided concepts on that on the handling agenda. But these three, these three comments are kind of larger thinking, and I'd like to think of them as aspirational thinking.

Next slide, please. The -- let me change a line here -- I would like the National List to be as inclusive and accommodating as possible, and my concern here mostly is that we're inadvertently excluding opportunities from areas of the country, region, world from being able to be successful, primarily in farming and livestock operations, because materials that we think of in the U.S. as being ubiquitous are actually really hard to come by elsewhere.

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I don't, my aspiration is that we tend to be exclusive in our thinking. Again, I think inadvertently, and I'd like to make sure that the list is as generous as possible, to serve as many people as possible, particularly when supply chain fragility really shows itself like it has in past years.

Next slide, please. This idea I mentioned back in April too, but I've done a lot more thinking about it. The utility of a single registry that captures and aggregates commercial availability allowances the certifiers, this would be most perhaps in seed but could be applicable elsewhere, I think would be the only way we're going to move the needle on organic seed use and in a couple of other things, flavors, yeast for example, and ensure that those decisions are made consistently across all certifiers.

I don't see consistent -- I think ACA is doing a pretty good job of getting alignment

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on some things, but I don't see this yet. I think it needs NOP oversight to get there.

Last slide, please. And then I'd like to continue kind of building on what I think of as success in applying commercial availability to things on 605, flavors and yeast. I think collagen capsules are on there, collagen gel rather is on there now too, and I think the advances in food science are going to open up if we provide an incentive and a marketplace for things we think of as non-agricultural at this time. But I think they could be if there's the right incentive to bring it to market.

CHAIR POWELL-PALM: Thank you for your comments, John. Kyla has a question for you.

MEMBER SMITH: I'm unmuted. Hi John. Thanks for your comments. I have a question about ion exchange. So there's been a lot of comments and focusing in on the definitions, you know, most notably of processing aid and

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ingredient, and as we are well aware within the organic regulations there's not a definition of hard exceptions.

Do you think it would be helpful as we move this to a proposal if we developed our own definitions sort of outside of the definition that was provided to FDA, to help us, you know, further figure out how to approach resins?

MR. FOSTER: The short answer is yes. Can I go on a little bit longer? I think, I think adding a definition should be fairly straightforward --

(Audio interference.)

MR. FOSTER: I think adding a definition could, and I think should be pretty straightforward. It also allows us to kind of own that, if you will, us meaning, you know, the organic community to own that. I do see, I think that there's a vulnerability any time the regulation reaches out or references another agency's definition. That, as we've seen with

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inerts, that's a recipe for a problem.

But so when we can define that for ourselves we should, and then we really don't have to worry about it outside, unless in this case FDA would, for some reason, come up with a drastically new definition that would be inconsistent in some way. But on this score, for the one or two maybe three terms that would need to be defined, I don't see that happening. These are all long-standing materials and I would hope that changing 205.2 would be relatively straightforward compared to something else that's more in the practice standard.

So it's really -- we should take that chance. We should make that effort, because then it's ours and we can kind of flex as we need to within that.

CHAIR POWELL-PALM: Okay. Logan has a question for you.

MEMBER PETREY: Yeah, thank you. John, just a quick question. I didn't know if

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you could give us an example of a limited material for certain areas that are in the supply chain shortages. Didn't know if you had anything in mind in particular.

MR. FOSTER: Not specific, but take for example three -- so three things that a year ago everyone would have laughed at me if I said there was going to be a global shortage of mustard, right; global shortage of sunflower oil; global shortage of compressed CO2 actually. New Zealand is on a rationing of compressed CO2.

Those are all things that were ubiquitous and unquestioned in their availability.

MEMBER PETREY: I think you made a great point, and I just didn't know if you had any on a list, just to show us that we would have never thought, like you said, that to be short and they're important materials.

MR. FOSTER: Yes. Well, I think -- well, CO2 would be one.

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MEMBER PETREY: Yeah.

MR. FOSTER: That's one that has a lot of uses outside of the organic industry, primarily outside of the organic industry. But the pressure or the intensity of that supply chain fragility on the conventional side has restrained it significantly more for organic, because generally speaking organic operations, whether it's farms or processors, don't -- they don't use the volume.

They don't have the buying power. We don't have the buying power for many materials. They'll always default to their conventional, longer-standing generally deeper pocket conventional counterparts. So I think we're going to continue to be at a volume disadvantage, and back to kind of my first point, if the National List should be as inclusive as possible, because it's clear for the last two or three years we don't know where our supply chain hazards are going to be.

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MEMBER PETREY: Thank you, and we see it with the chicken litter and the organic fertilizers. I know that a lot of areas are like that, and we even saw it with the Polyoxin D. You know it's up for the sunset review and the conventional farm manager here won't be.

MR. FOSTER: Right, right. I don't think we can assume that what -- we can't assume clearly that what was available a year ago is going to be available next year. Anything on the list.

MEMBER PETREY: Thank you, John.

MR. FOSTER: Yeah, you bet.

CHAIR POWELL-PALM: All right, thank you for your comments, John.

MR. FOSTER: You're very welcome.

CHAIR POWELL-PALM: Next up we have Margaret Scoles, followed by Steve Ela and then Phil Larocca. Margaret, please go ahead.

MS. SCOLES: Margaret Scoles, executive director of the International Organic

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Inspectors Association. We train inspectors and provide networking services for organic inspectors. I want to just make sure I'm online, because I don't see the timer moving.

CHAIR POWELL-PALM: It will start as soon as you start.

MS. SCOLES: Can you hear me?

CHAIR POWELL-PALM: Yes.

MS. SCOLES: Oh okay. I thought I was talking to air. Anyway, apologies about the webcam. I unexpectedly am not in the office today. I'm here to speak kind of a general comment related to the Human Capital Initiative, the recommendations that you worked on over the past two meetings, and this is not necessarily about your recommendation but a big project has happened with the collaboration of the Accredited Certifiers Association and the IOAA.

We struck a working group we chose to call the Inspector Retention Working Group rather than the Human Capital Working group, and we

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started in January and over the next five months worked to produce a comprehensive 64 page document that is available on both the IOAA and ACA websites.

We released it about five days after your public comment deadline, so it is not in our public comments. But I wanted to let you know that we settled with some hard questions and we came up with a lot of solutions. We didn't come up with a solution. We see that inspectors are absolutely critical to the organic inspection process, and we do see that there is -- we are facing a shortage of well-qualified inspectors, and there's a lot of factors that are going to make that even worse.

We think that the coop, the Inspectors Coop is one of the solutions and staff inspectors are one of the solutions. Paid apprenticeships are one of the solutions. There are a lot of different solutions, but there's not one solution. I just wanted to share with you that

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we are continuing to work on that and a report is available. Thank you.

CHAIR POWELL-PALM: Thank you for your comment. Any questions for the Board for Margaret? Kim has a question. Please go ahead Kim.

MEMBER HUSEMAN: Hi Margaret. I appreciate your comments, and recognizing that it's not just one solution but a combination of many, what would be your suggestion? Like what stood out to you as low-hanging fruit that could maybe not solve the issue, but maybe a leading way to solve the issue?

MS. SCOLES: I think that in a way low-hanging fruit implies that something's easy, and I think the first thing that comes to mind is not easy but it's really important and that's mentorship.

It's been the missing rung in onboarding inspectors, reliable, accessible, affordable apprenticeships, and I think we

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learned a lot about this this past year, and we're continuing in fact. We are talking with the Department of Labor about a paid apprenticeship program that would be maybe yet another solution.

I think that that is one that we have to solve to make everything else work, but also I think getting the data. I don't know that that's easy either, but it's low-hanging fruit. It was one of the things that really didn't get funded with the NOP Human Capital Initiative. We were one of the organizations that put in for data.

There's honestly no one in the U.S. that knows how many inspectors there are, what is the demographic of the inspector that's likely to stay in it, how many inspectors we need, and of course there's the question of SOE. What happens with -- I mean how many inspectors do we need? We don't know how many inspections are going to happen until SOE is actually released.

So low-hanging fruit, I would say, is

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continued collaboration between the ACA and IOAA for example. So sorry, that was a long answer and I didn't give you a full answer.

MEMBER HUSEMAN: No, I appreciate your comment. Thank you very much.

MS. SCOLES: Thanks.

CHAIR POWELL-PALM: All right. Any other questions for Margaret?

(No response.)

CHAIR POWELL-PALM: Thank you very much.

MS. SCOLES: Thank you.

CHAIR POWELL-PALM: Next up we have one Steve Ela, followed by Phil Larocca, and then Terry Shistar. Chair Emeritus, please go ahead.

MR. ELA: Thanks Nate. Very appreciated. It's exciting to be on this side of the table instead of that side. So my name is Steve Ela. I'm an organic fruit grower out here in Western Colorado, but today I'm speaking as a representative of the National Organic

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Coalition, who I'm working with now.

I'd like to talk on four main topic areas. First of all, the minimum reporting requirement; secondly, NOSB technical support and then ion exchange filtration; and then just finally more, a bigger comment on the essentiality of materials.

But let's start with minimum reporting requirements. We do agree that there is a need for a universe bill of lading as you have said. We think that would assist with the tracking of organic shipments. However, we don't agree with the Universal Organic Systems plan. Organic firms, in handling operations, as well as certifiers, are a rich and diverse group. A one-size-fits-all document will fit no one well.

And so what we would like to see is documents that are certified that require certain minimum information, but also that different certifiers, different auditors can select and choose which one fits their particular style and

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their particular practices.

So I would suggest that crowd sourcing from those that already have those documents, and make sure they meet those minimum requirements, and then let people select what documents they would like to use.

In terms of NOSB's technical support, we do believe that good technical support could come from within USDA, but we recognize there are knowledge gaps in other agencies and organics have not always been well represented. We would like to make sure that technical support can come from outside USDA as well, and in fact what we would say is that similar to the NOP contract with Armory for technical reports, why not have an NOP contract with a similar organization for NOSB support.

We believe that each NOSB member best knows how, what kind of support they're going to need, and that they should be able to select that in their own stead.

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In terms of ion exchange filtration, we know it's a simple but complicated topic. Obviously the food contact substance versus secondary food additive conversation is complicated.

But at this point the Board has rejected that resins not be listed. We've gone through this several times, and so at this point the NOC recommendation is that resins do be individually listed, and that we provide a long time frame for those to be, go through the petition process. So you know, it feels like we've gone through this over and over and we've kind of edged towards that final conclusion.

The last thing is on essentiality of materials. The review of petitions proposals and sunsets requiring the details of each material is in those -- yeah, we get the details, but we miss sometimes the overall picture. We need to step back and say is this material actually essential, even though it might meet the criteria.

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So for that in our written comments, we've noted that the various petitions and some sunsets we think should be either delisted or rejected. So as a representative of NOC, it seems appropriate that I finish with a NOC-NOC joke. So Nate, if you would humor me. I would like to direct this to a comment on peroxyacetic acid, also known as (audio interference). So knock-knock?

CHAIR POWELL-PALM: Who's there?

MR. ELA: Peroxyacetic acid.

CHAIR POWELL-PALM: Peroxyacetic acid who?

MR. ELA: Don't pull a fast one on us and approve a material with no documentation that actually works or will be essential to organic farming. Thanks, Nate.

CHAIR POWELL-PALM: Good timing, all right. Any questions for Steve? Kyla, please go ahead.

MEMBER SMITH: Hi Steve. I have some

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questions on ion exchange, so I took this one over from you and your extensive work on this topic. So I guess my question is sort of similar to what I asked John about definitions. So I guess I just -- I'm going to make a statement and then I'll ask a question.

So I think that we want to get it right, right? So that's what's been taking so long, is to make a correct and right decision, and it is complicated. And so I guess my question is do you or does NOC like -- would you define resins as processing aids or ingredients, and if so, can you explain how you get to that thought?

MR. ELA: I think, you know, we've seen the problem of FDA definitions, and I think one of the things that NOC members have pushed back against and as we -- as the program talked to FDA more, you know, the FDA's definition of food contact surfaces and, you know, what gets designated there is really primarily

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manufacturer-driven.

There's not a great evaluation process for that, and so I think we have some concerns that when we defer to FDA on that definition, that we're really kind of leaving a wide open loophole. And so your comment do we have a definition within, you know, the NOP? Maybe. You know, we recognize the issue of, you know, whether as Nate said that paint on a baler or piping, you know, we don't want to go down that rabbit hole.

On the other hand, with resins, you know, they have not been -- they don't fit exactly the food contact substance definition. So I guess we feel that because they are exchanging materials with foods that they're important, but we would like to see them each individually listed. There aren't that many resins that are in use, so it's not an onerous, onerous process.

It would take some time and we don't want to see disruption, but we would like to at

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least have people know what is in contact with their food.

MEMBER SMITH: I'll ask a follow-up question. So I guess like outside of the FDA definition of food contact substance or secondary food additive, like we have these definitions of ingredients and processing aids, and we have a precedent after the Harvey lawsuit to list those within the National List. So just like looking at those definitions, do resins meet either of those?

MR. ELA: We are feeling like they probably do. So I think that, you know, (audio interference) only comes down and NOC members think they should be listed individually. And as in -- and I feel like the Board has edged towards that, because each time we've said no, we shouldn't list resins, you know. We should just list the recharged materials. The Board has rejected that in the past.

So there's been some discomfort in

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past boards of not listing the resins. So to me it feels like tacitly we've kind of moved towards individual listing as a comfort level on this. But it's a complicated topic no doubt, and the nuances are nuanced.

CHAIR POWELL-PALM: Thank you, Kyla. Logan, just go ahead.

MEMBER PETREY: Hi Steve, great to see you. Can you just talk about biodegradable bio-based mulch now? What do you think about it? you can make it as brief as you want it. We still, you know, obviously respect your opinion a lot. We used to have you on and so I'd be curious to hear what you have to say.

MR. ELA: Yeah. I'll speak both personally and as NOC. Personally on the Board, and Asa obviously worked, you know, very hard on this and Asa and I talked a lot, and I think we were both very on the fence on our votes of which way we wanted to vote on it, both on the annotation we last passed and then, you know, on

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its -- you know, it's an aspirational listing. It's not, that material isn't there yet.

And now putting my NOC hat on as well as my personal hat is that I just had very deep concerns about whether biodegradable mulch will break down in all soils. I really worried that we will actually end up with a pollutant in organic soils, versus a, you know, an effective material.

So I think that comes down to the bottom line. Conceptually I love it. I would love to use it. I would be great, but pragmatically and practically, I just don't think it's there and I don't think we have the data or the confidence that we're not going to actually create more of a problem, rather than less of a problem. So with that, I'm moving towards the delisting, which is hard --

MEMBER PETREY: And that is the delisting of all biodegradable, bio-based mulch with the 100 percent. I mean I understand we had

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the 80, but this would be taking the entire thing off?

MR. ELA: It would take the -- it would take both the potential annotation and the listing off.

MEMBER PETREY: Right.

MR. ELA: I would rather see if a product comes to market. I would rather see a manufacturer petition and then have to justify that that material does break down in all environments, that it is fully biodegradable, that it is not a pollutant and have that go through the petition process and put the onus on the manufacturer to show that to you all, rather than kind of coming at it from the backwards way.

So we're in favor of delisting and then very open to a petition saying hey, we've got a, you know, we've got a great product out here. Let's put it back on.

MEMBER PETREY: Great. Thank you, Steve.

CHAIR POWELL-PALM: Amy, please go ahead.

MEMBER BRUCH: Sure Nate. Steve, welcome back. Thank you for your time today. Thanks for representing NOC's questions. I actually want you to put your farmer hat on. I want to ask you, because that was one of the written comments by a bio group. We need to hear a farmer perspective on do farmers want acres on certificates. So you being a farmer, I'd like for you to respond to that question.

MR. ELA: Yeah, it's a great -- I mean and it's one I wrestle with because as a specialty crop farmer, you know, very different than what you do in terms of acreages. I mean we have lot sizes that range from, you know, a quarter acre of trees up to, you know, ten acres and certainly Washington would be, you know, even larger.

But I think overall, we're fine. We think that -- I think that acreage reporting is probably a good thing. It's a great way to be

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able to backtrack and look at, you know, production versus acreage. I do get a little bit of heartburn, you know, at least with tree fruits we're very stagnant, you know. We have things in the ground for years, so it's easy to keep quarter acre numbers straight.

From a vegetable grower, I could see there would be a lot of heartburn. And so I do, I think I'm -- I am not in support of acreage requirements, but I think let's have a minimum size and let's look at risk assessment, you know. If you're a market gardener with one row of lettuce, what's your risk of fraud? Pretty darn low, you know.

But if you're a big grain grower or I'm producing, you know, pallets and pallets of apples, you know, higher risk. So I think acreage reporting with some sanity and reasonableness is a good thing.

MEMBER BRUCH: Okay, thank you. May I ask one follow-up to that?

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MR. ELA: Absolutely.

MEMBER BRUCH: Okay, and I really appreciate that statement, and that makes me think when we talk about small farmers and family legacy and preserving that generational succession, that sometimes that business information is really critical for the lasting succession of that family transfer of that land. So with that information in mind, do you believe that it's important for small farmers to know how much production they have, what are their costs of production for that, and their net, you know, income off that land.

That I think factors into their robust, diverse crop rotations, does that make sense, to plant what I'm planning. Does that nitrogen carryover, you know, maybe I'm not counting it for this year. I might go backwards, but I'm, you know, going forwards, two steps forward the next crop.

Do you think that information really

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is important? Are we doing a disservice to say we should not be telling farmers this is really important, just because of that preservation of the family farm?

MR. ELA: Well, I mean what you just said is we all know that -- I mean I've never had a problem with organic recordkeeping because it's records that help me with my farm, period. Yes, sometimes I don't want to put the pencil to the paper in the heat of the moment, but yet that data is good data for good business in general.

And so yeah, I think, you know, we do need to know. We need to be good business people. I mean a family farm's not going to survive if it's not economic, and so being able to document those economics and being able to document what works and what doesn't, and whether it's nitrogen fertilizers or, you know, the effect of climate change on a farm and, you know, that this no longer is producing well.

I mean we've taken trees out that are

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too frost-sensitive now for our area, and that's all based on recordkeeping. So I agree with you. I think -- I hear so many people push back on recordkeeping, and it's a tough one and I hate it, and I hate it for food safety. I hate all that, but yet it makes me -- I make better decisions based on it usually.

So it's a good thing even though I dislike it. It's not what I want to do at the end of the day.

MEMBER BRUCH: Okay, thank you for your candor. Appreciate it, Steve.

CHAIR POWELL-PALM: Any other questions for Steve? All right.

(Simultaneous speaking.)

MR. ELA: It's real good seeing you all. Next week, take care.

CHAIR POWELL-PALM: Bye-bye, take care. Next up we have Phil Larocca, followed by Terry Shistar, and then we're going to take a break. Phil, please go ahead. You're still

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muted, Phil.

(Pause.)

CHAIR POWELL-PALM: Not quite there.

MS. ARSENAULT: There we are.

CHAIR POWELL-PALM: Oh, you're back to muted. You were unmuted for a minute there.

MR. LAROCCA: How about that?

CHAIR POWELL-PALM: There we go. The floor is yours.

MR. LAROCCA: As I was going to say, I'm a bit disheveled this morning because I realized about ten minutes ago that I was looking at Eastern Standard Time rather than Pacific, and I'm not really computer savvy. So it was absolute stress period to get on this call.

At any rate, my name's Phil Larocca. I'm the owner and winemaker of Larocca Vineyards. I've been an organic farmer for 50 plus years being the loose cat. I also sit as chairman of the board for the CCOF. I'm on the California Organic Product Advisory Board. I sit on the

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state of California's OCal Board, and that's a board that we established through organic rules and certification standards for certifying cannabis.

As I mentioned, I've been around for a long time and I was extremely proud of being an organic farmer then, as I am today. So in the early days, I was very much involved in the development of the NOP. I attended every meeting and what's interesting is I sat through hours and hours of conversation about origin of livestock, access to pasture, whether it poultry, dairy, beef, cow.

So we're still listening to the same thing, porches, no porches. So what I'd like to say here is to the Board, integrity is what it's all about, and there's been a part of the industry which at times I have to agree with. I said well, if we flex the rule a little bit, we'll get more people involved in organic production.

And any time we have, whether it be

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one square foot of land or 5,000 acres of land that is being chemical-free, no pesticides, herbicides in a particular glyphosate being put underground, so that's a good thing. But the bottom line is this industry revolves around the word "integrity." That's what made me be proud then and now as an organic farmer. In the long term, if we lose the concept of integrity, we're not really gaining any ground.

I've been involved in numerous studies, my own in our case when we ran our own study as to what people think when they're buying organic. They really think that they're getting an honest to good true product, free of synthetics, etcetera, etcetera. I remember years ago part of the study that we did at CCOF, where we asked people if they felt it was okay for them to pay an extra amount of money if they were buying something organic.

The answer was always the same. Absolutely, I'm willing to pay the extra amount

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of money as long as it true is organic. So I guess my plea here is just when making decisions on new additions to the National List or taking something off, keep the concept of integrity of what this industry is all about.

Now I want to welcome you all to California. You're in the best part of the state, Northern California. If you have the time, we have high taxes and we're in a drought. But we're a great state and we're a great agricultural state, and to quote my granddaughter, we're an amazing agricultural state when it comes to organic production. So thank you for your time.

CHAIR POWELL-PALM: We're looking forward to joining you.

MR. LAROCCA: Absolutely.

CHAIR POWELL-PALM: Any questions for Phil? All right. Well, I really appreciate your comments today Phil. Thank you, and looking forward to seeing you next week.

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MR. LAROCCA: Absolutely.

CHAIR POWELL-PALM: Next up we have Terry Shistar, and then we're going to break. After the break, we'll have Jay Feldman, Marie Burcham and Maddie Kempner. Terry, please go ahead.

MS. SHISTAR: My name is Terry Shistar, and I'm on the Board of Directors of Beyond Pesticides. In choosing the name Beyond Pesticides, we recognize the moving beyond pesticides means moving beyond pests. The division of organisms into good guys and bad guys, beneficials and pests, is an oversimplified and mistaken concept of the way the world works. It is also counterproductive in agriculture and in general living on the earth, which means living with other organisms.

Recognizing the importance of the diversity of life means promoting organic agriculture and land management, which depend on maintaining biodiversity and a balanced

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ecosystem. You're already at the next one. That's in your role on the NOSB. Your role on the NOSB is important to transforming agriculture.

The NOSB draft letter to the Secretary of Agriculture Vilsack is an excellent primer on how organic agriculture responds to the climate emergency. However, you need to stress the need for USDA to promote conversion to organic farming. More important than the questions posed by NOP are questions concerning how USDA programs can assist organic producers and those seeking to convert to organic.

The draft letter addresses these as well. It also points out the resiliency of organic agriculture. In view of the climate benefits of organic and the incentives inherent in organic marketing, the real question is whether USDA will abandon its promotion of chemical-intensive agriculture, supported by the biotech and chemical industry, in favor of

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wholehearted support for organic agriculture.

Because despite the astronomical growth in organic consumption in the United States, conversion to organic agriculture lags behind. USDA could and should make adoption of organic and climate smart practices a prerequisite for receiving the benefits of its programs.

Next slide, please. Elsewhere in your agenda, next oh. We face a number of important issues, including peroxy-lactic acid. While a promising antimicrobial in meat processing has not yet been supported by independent science as required by OFPA, in an examination of ion exchange the Handling Committee learned that it results in chemical change.

Therefore, organic foods such as apple juice or sugar that have been processed with ion exchange are synthetic. Such synthetic foods must be allowed only if the NOSB has reviewed

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them and placed them on the National List.

The consideration of bio-based biodegradable mulch film is part of a larger issue of the use of plastic in organic production and handling. Awareness is growing about the impacts of plastic and the microplastic particles to which it degrades. BBMF should not be relisted.

Moreover, the NOSB should initiate action to eliminate all uses of plastic in organic production. Can you move to the next slide anyway?

CHAIR POWELL-PALM: All right. Kyla has a question for you. Please go ahead, Kyla.

MEMBER SMITH: Hi Terry. So I have a question about ion exchange. So you said in your written comments and just hearing your oral comments that food produced through ion exchange should also be considered synthetic. Water is one of the most common things to be purified through ion exchange. Would you consider water

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that's gone through purification through ion exchange to be synthetic?

MS. SHISTAR: I think that well, if you're talking about softened water, if you've run your hard water through water softener, then yeah, maybe it should be. But all that means is that it should be on -- that it should be considered by the NOSB and placed on the National List. It doesn't mean that it should be prohibited. Softened water is, you know, can be a --

(Audio interference.)

MS. SHISTAR: So yes, I think it's something to consider.

CHAIR POWELL-PALM: Any other questions for Terry? All right, thank you for your comments. We're going to break. I'm sorry, Rick is that a question? you're muted right now, Rick.

MEMBER GREENWOOD: Okay, am I on?

CHAIR POWELL-PALM: Yes.

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MEMBER GREENWOOD: The question that comes up, we've talked a lot about limiting plastic from agriculture. My concern is, and I'm an avocado farmer, all of my water lines are plastic, and I think that's true for lots and lots of agriculture. So how do we get around that? Are we going to go back to cast iron pipes or, you know, what's your thought on that Terry?

MS. SHISTAR: My thought is that you, as the NOSB, need to develop a plan and decide what are the priority places to eliminate plastic. I think places where the plastic breaks down and gets into the environment, those are high priorities. Probably the lesser priority is the -- is the PVC pipes. But there's -- I think plastic in packaging is probably also a higher priority. But you know, I understand.

MEMBER GREENWOOD: Yeah, I mean --

MS. SHISTAR: Plastic has become part of our lives. It's hard to eliminate.

MEMBER GREENWOOD: Okay. No, it is a

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real conundrum. I mean everyone talked about we've got to get plastic out of agriculture, and there's a millions and millions of pounds of plastic which also has contact with water, which has contact with all of our organic products. So it's a very complicated process.

MS. SHISTAR: Yes.

MEMBER GREENWOOD: Thank you.

CHAIR POWELL-PALM: Thank you, Rick. All right, thank you Terry. I appreciate your comments and for you joining us today. We're going to take a break, and Michelle if you're there, just to do a little math. Coming back at ten after the hour, making sure I'm getting that right, and the first person when we're back is going to be Jay Feldman, followed by Marie Burcham and then Maddie Kempner.

MS. ARSENAULT: I don't, I don't want to contradict you, but five after would be a 15 minute break.

CHAIR POWELL-PALM: Thank you. Okay,

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five after the hour. There we go.

(Whereupon at 1:49 p.m., the above-entitled matter went off the record and resumed at 2:05 p.m.)

CHAIR POWELL-PALM: Five after the hour. I think we're ready to get started again. This next group of folks, we're going to start with Jay Feldman, followed by Marie Burcham and then Maddie Kempner. So Jay if you're there, please go ahead.

MR. FELDMAN: Hello everybody. I'm Jay Feldman, executive director of Beyond Pesticides. Thank you all for your service. Our written analysis of the materials on the National List of Allowed and Prohibited Substances under the Board's review utilizes the three pillars that are foundational and integral to the review.

Protection of health, meaning no adverse health effects from cradle to grave of each material; compatibility with organic practices, meaning impacts on biological systems

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in nature and a holistic analysis and essentiality; proof that the National List materials are essential in light of all available alternative practices and inputs.

The history of the Board and the legislative history of the Organic Foods Production Act and the sunset process requires an assumption that the material is being taken off the list and only relisted with a rigorous process that makes a determination with careful consideration of the three pillars.

This process of careful scrutiny is the backbone of continuous improvement in organic. Why is this so important? First, consumers, supporters of organic do not generally want synthetics in the food. Second, organic consumers and farmers, at least the ones who spearheaded the adoption of the law today embrace its embedded values and principles, do not want a food supply that loads up the environment with synthetics.

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Third, organic consumers are not interested in shortcuts in handling or processing or elements of the chemical-intensive market that advanced reliance on synthetics. With organic, we have carved out a way that takes the best and rejects the worst from our ag history. Whether we're talking about processing the express prevention and humane conditions.

So the goal of the National List is to ratchet down the materials as much as possible, and in the process incentivize the development of new approaches, methods and inputs. In so doing, we establish, protect and grow the organic integrity. With this approach, there are many examples of a need for improved Board review, which goes directly to public trust in the organic label.

Themes that emerge and should be rejected in the review before you include bioplastic mulch, you heard about; chlorhexidine, symptomatic of a resistance issue without

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adequate production annotation, allowance of 606 non-organic inputs without an analysis of the chemical-intensive production processes. Carbon dioxide petition that does not meet the standards of review required. Polyoxin D without a full essentiality review for broad spectrum fungicide thus attacks the very basis of organic ecosystems, and even copper sulfate, no agreed-upon guide for a farmer for protection annotation.

At Beyond Pesticides, we see organic as transformative change that is needed to meet the existential crises associated with petroleum-based inputs in agriculture, resulting in the health crisis, biodiversity collapse and the climate emergency. Thank you.

CHAIR POWELL-PALM: Thanks for your comments, Jay. Any questions from the Board. Amy, followed by Brian. Amy, please go ahead.

MEMBER BRUCH: Sure. Thanks Nate. Thank you, Jay. I appreciate your comments here

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today and written ones just provided. I have a general question. You mentioned and that's our framework is looking at essentiality when we're evaluating substances for the National List. Another comment brought up an interesting point, and as a farmer, I feel definitely the challenges with supply chain constraints, you know, the last couple of years in just having things available.

So what's your general thoughts on how do we balance, you know, the new era that we're living in with trying to, you know, approve substances based on essentiality, and I also understand about supply chain constraints and offering tools for producers to continue to farm successfully organically?

MR. FELDMAN: Great question, and I think this is a question general to society, right, that we're having supply chain issues. I mean we, despite what may be the common conventional thinking out there, we are a flexible people at Beyond Pesticides, and to the

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extent that we need exceptions, you know, given certain conditions and they are time-limited, you know, and we hold on to our values and our principles while making these exceptions for time-limited, you know, in a time-limited perspective, I think we benefit.

However, I should point out that there's a plus side for organic in this era of limited supplies and increasing petroleum costs, where in fact we're seeing where we do conversion and transition work. We're seeing, as you have seen, the high cost of fertilizer, right, and synthetic fertilizer is the mainstay of conventional agriculture.

To the extent that we are reducing that input and replacing it with still expensive but nevertheless alternative organic inputs, we're stabilizing the price of organic relative to the increasing prices in the market. So we can no longer compare organic, I don't think, to old price structures. We have to compare an

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overall, unfortunate overall increase in pricing.

But I want to, I want to say that we are flexible where there are time-limited exemptions, waivers or what have you needed to sustain organic for a limited time and to keep us on track with our values. Sure, we're definitely willing to consider those kinds of situations.

MEMBER BRUCH: Okay, thank you Jay.

CHAIR POWELL-PALM: Next up Brian. Please go ahead.

MEMBER CALDWELL: Yeah, thanks Jay. Just a question about the Polyoxin D. Most of the comments that we have, especially from the farmers and growers, are very enthusiastic about this material because it's -- it seems to be more effective than most of the other organic controls that are available. Just if you'd just say a few more words about what your concerns are for it, I'd appreciate that.

MR. FELDMAN: Yeah. I guess our, the main issue we have and the point I was trying to

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bring up in our comments is that, you know, we don't feel that, and you know, I served on the Board and Polyoxin D was on the agenda then as it is now. We don't feel that there's an adequate essentiality review. So that, you know, when I talk about the three pillars, these are all, you know, areas of review that have to be looked at in coordination.

It's not, it's not a menu of choices. It's so when we say "essentiality needs to be considered," that is one of the pillars without which we don't have a compatible product.

So just on the basis of essentiality alone, I think we're at the point where according to the TR, crop rotation, crop nutrient management, sanitation to remove disease vectors, selection of resistant species, beneficial antagonistic bacteria monitoring, all that is part of what organic is, the core of organic, cannot be replaced by an -- and shouldn't be replaced by an individual material.

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In addition to that, I mention this impact on biological systems. Not only is there a problem with broad spectrum impacts, it reduces the ability for biocontrol. I mean you guys know all about biocontrol on the farm. We don't want to do anything in an organic compatible system with inputs that -- where we invite in inputs that disrupt that ability for biological control and ecosystem services.

Look, my last point. You guys are on the leading edge of ecosystem services. You can't go to a farm meeting anymore without any farmer talking about ecosystem services. We all know that. We have learned, conventional ag is learning from organic. When we introduce a product like this, we're no longer on the leading edge in teaching conventional ag how to manage without a product that has these broad spectrum effects.

CHAIR POWELL-PALM: Thank you, Brian.

MEMBER CALDWELL: Thanks very much.

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CHAIR POWELL-PALM: Kyla, please go ahead.

MEMBER SMITH: Yeah Jay, thanks. When you were talking about the essentiality a pillar, and you named off some of the things that are crop rotation and various other mechanical and cultural practices that are required within the practice standard, that are reviewed within someone's OSP, I guess I'm just wondering if those are inherent in the review and are required to be done, and we are also hearing from farmers that they are still needing this material, like how does that not pass the essentiality test?

MR. FELDMAN: Yes. This is the quintessential question that every NOSB member struggles with, because we're constantly being asked as a NOSB member to use something because I, Farmer A, uses it and relies on it. What we have to do as NOSB members, I believe, is step back from that, widen the lens and ask, and this is where the TR is extremely helpful, at least

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for me it was.

We ask what is available out there. Where are there examples of their efficacy and their alternative and their profitability, etcetera, and then separate yourself from that individual farmer. Of course, we're going to hear from the farmer that needs it. Those are the farmers that are going to show up. Our job to be on the leading edge and to advance the growth of organic, I think, is to bring in other information about viability, profitability and integrate that information aside from the anecdotal stories from individual farmers.

It is difficult, you know. Farmers that are reliant on materials, I think, make a good case that they need it within the system that they're utilizing. Our job is to help facilitate these alternative methodologies that you reiterated, that have to be supported and elevated, so that we no longer rely on these inputs. That's how I look at it. Thank you.

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CHAIR POWELL-PALM: Any other questions for Jay?

(No response.)

CHAIR POWELL-PALM: Jay, I have a question for you. In written comments, Beyond Pesticides has mentioned leakage, and in your comments or leakage of resins into organic foods. Could you speak a little bit about any studies or evidence you have that that occurs that isn't theoretical?

MR. FELDMAN: Oh my gosh. There are almost too many to mention. I would -- if you don't mind, I would definitely like to provide that for you guys in writing.

CHAIR POWELL-PALM: Thank you.

MR. FELDMAN: I mean the leaching is, you know, I work on the pesticide side of the equation and packaging, and this has been a real, like Terry mentioned earlier in terms of plastic packaging, a tough nut to crack and we'd really like to work with the Board on that. So we will

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provide you with the data.

CHAIR POWELL-PALM: Great, and apologies if I didn't get that right. Just on ion exchange, not on plastics.

MR. FELDMAN: Oh okay. Same thing there. We will, we will get you what we have.

CHAIR POWELL-PALM: Thank you.

MR. FELDMAN: Thank you so much.

CHAIR POWELL-PALM: Next up we have Marie Burcham, followed by Maddie Kempner and then Beth Rota.

MS. BURCHAM: Hi, can you hear me?

CHAIR POWELL-PALM: We can. Please go ahead.

MS. BURCHAM: Good afternoon members of the NOSB and NOP. My name is Burcham. I'm an attorney and the policy director for Cornucopia Institute. I just have a general comment for the NOSB today. To better support the organic marketplace, we need to improve integrity, transparency by committing to

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continuous improvement. Without continuous improvement in standards, enforcement and organic research, OFPA's purpose cannot be met. Further, organic integrity requires that loopholes, inconsistencies and vacuums within the organic standards be addressed continuously as well.

Cornucopia connects with organic consumers on a regular basis. We hear several themes voiced again and again by dedicated organic buyers, including concerns that organic seal that does not mean what consumers believe it does, despite displays often being informed by the USDA's own marketing materials.

We also hear concerns that industrial farming methods that are linked to (audio interference) welfare, environmental harm and human health risks are being used in organic farming. There is also confusion about how widely varying production practices can show the same label and frustration due to misinformation being peddled by anti-organic propaganda.

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Cornucopia hears from organic farmers as well, and their concerns echo the organic consumers. Often organic farmers face difficult challenges competing against corporations and conventional brands, using the organic label for a quick buck. We encourage you to provide better opportunities for farmers and dedicated organic consumers to be involved in the public process. Without both farmers and consumers, there is no label.

The NOSB has vowed to the organic program's continuous improvement as well. Your recommendations can help address the serious threats to the organic label. We ask you to address these inconsistencies, regulatory vacuums and new and evolving research in organic agriculture. This should include, but not be limited to addressing organic transition issues, recent certifier survey on policies of 430 transition period's serious inconsistencies.

These inconsistencies encourage bad

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actors to cheat the system, pushing the industry as a whole away from the goal of continuous improvement. Tackling the issue of hydroponics and container production, as of right now this production method has no standards. Certifiers will have to pick up the pieces. Approaching the National List with the goal of moving substances off the list is also important, so that the industry is continuously improving towards environmental resilience.

Addressing the regulatory vacuums, the updating of all recommendations were needed and discussing problems within the existing standards is also very important. A growing body of scientific research also shows farming systems designed and managed according to underlying organic principles can meet the food needs of our society, while also addressing our serious environmental and social issues.

Despite the USDA's insistence that organic is just a marketing label, it is in fact

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an alternative to the extractive and harmful practices that abound in conventional agriculture. The stakes are very high, not only to embody continuous improvement to succeed and grow. Thank you for your time and efforts in moving the organic marketplace forward.

CHAIR POWELL-PALM: And thank you for your comments and joining us today. Any questions?

(No response.)

CHAIR POWELL-PALM: I have some semantic question for you, and that is that when you talk about the dedicated organic consumer, how to do we reach out to the casual organic consumer and improve their participation? It seems like we do hear quite a bit from the dedicated organic consumers, but we still live in a world where organic food is pretty inaccessible. There's the price, it's not on every shelf, especially and when you go to rural America. How do we grow that pot of folks who

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see organic as a solution and worthy of their participation? Can you speak to that a little bit?

MS. BURCHAM: Yeah, I'd love to. We have so many ideas in that area, as you can imagine. The casual organic consumer is also hurt by these issues of a lack of consistency and also that anti-organic propaganda, which is -- unfortunately seems to be getting stronger and stronger as organic gains in popularity.

So we hope to see more speaking back to the anti-organic propaganda using the actual science and research that's out there, fact-based advocacy for these farming systems. We hope to see more support from the USDA and from Congress quite frankly, coming up into the Farm Bill season.

As far as getting these more casual organic consumers or people who don't consume organic food at all more involved in the marketplace, there's a lot of practical solutions

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and one of the big things we'd like to see, which is again a Farm Bill issue probably, is having subsidies be more towards climate-friendly practices, having organic always be climate smart, things like this, making sure that organic farmers have programs that are supporting them, technical assistance, that makes their price point more reasonable for everyday consumers, and also just putting funds and resources towards research that supports these practices, and making that more accessible to consumers.

Unfortunately, we do hear from consumers that are more casual that they're just confused. They're confused by all the third party labels, they're confused by the messaging from different parts of industry including conventional ag, and it's just a challenge to help clear that confusion. I think we just need fact-based, science-based research that is accessible to consumers and very clear communication about the benefits of organic food.

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And then also just assistance, programs to make sure everyone has access to this incredible food.

CHAIR POWELL-PALM: All right. I really appreciate your comments. Thank you for joining us today. Well, sorry. Mindee has a question for you. Please go ahead Mindee.

VICE CHAIR JEFFERY: Thank you for those comments, Marie. I'm curious if you could see value if the organic community spent more time talking about organic's unique position in democracy and its unique public-private partnership as a regulatory framework?

MS. BURCHAM: Yeah. I think that would be an interesting way to hook into it actually, and I think that is one reason the anti-organic propaganda is actually gaining in steam right now, because there's fears that there's a public-private partnership that's being represented here that is growing and can't be ignored anymore, and it's a good representation

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of also having production practices be regulated, which is -- can be scary to some of the big industry, conventional industry folks.

So I mean that sounds like an amazing idea Mindee. We would love to see that move forward and have that extended out in more areas of agriculture.

CHAIR POWELL-PALM: Thank you for that question Mindee, and thank you Marie. Any other questions?

MEMBER D'MORE: Yeah, this is Jerry. I had my hand up and it disappeared.

CHAIR POWELL-PALM: Okay.

MEMBER D'MORE: I beg you pardon.

CHAIR POWELL-PALM: Oh I'm sorry. Go ahead, please.

MEMBER D'MORE: You know, thank you very much Marie. This may be a very hard one to answer, but if there's -- are there two, three, four line items of cause for the term "anti-organic propaganda"? I mean, you know, being way

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old and knowing that, you know, there's a price premium, that we've dealt with for a long time.

But the use of the term anti-organic propaganda, can we find a source towards what drives people in that direction?

MS. BURCHAM: You mean what drives consumers towards --

(Simultaneous speaking.)

MEMBER D'MORE: No, that drives, drives this conversation that we're having to identify anti-organic propaganda. Who's generating that and to what purpose?

MS. BURCHAM: Yeah. I don't want to -- I mean I could -- I have a lot of inside speculation.

MEMBER D'MORE: I'm sorry. I don't want anecd -- no, I'm sorry. I'm not asking you to identify those who. I just want to know what are the -- if possible, what are the two or three core issues that drives people in that direction?

MS. BURCHAM: Yeah. I mean the anti-

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org propaganda that we see, I would say that it's most often that pesticides are not harmful, one.

MEMBER D'MORE: Okay.

MS. BURCHAM: The GMOs are not harmful, and harmful is of course a very broad and subjective term. We could like talk forever about what harmful means, right? But and also just that cultivation practices that organic uses have no benefit.

Another thing that I'm seeing more and more often, just like in the past couple of years, is this idea that, you know, we can't feed the world with these production methods. It's an elitist fable, which I think is of the things that I see propaganda on, I think is the one that I think we could use the most actual discussion on internally within the organic marketplace, because I think there are problems there. Not that we can't feed the world with these production practices, but the inaccessibility issue.

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But also the other ones. There is so much research now showing the harmful effects of chemically intensive agriculture and I think as that research was built, the voices in opposition to it have been having to also amplify. I think we just -- we just need to be more cognizant as a marketplace that that is extremely strong out there, that consumers are hearing, are hearing that we're liars or literally I get told on a regular basis that I am lying when I send scientific studies and things out regarding to this as part of my work.

MEMBER D'MORE: Right, right.

MS. BURCHAM: It's very hard to speak back to that, but I think we just need to continue saying hey, this is fact-based. We have the research. We would like more research, because certainly I think more research is always beneficial, and getting the support from the USDA about those facts is also important as well.

MEMBER D'MORE: Thank you very much

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for that. I'm glad I asked the question, because when you got into things like feeding the world, I think there is a point there and I think we do need discussion. I would broadly say that anti-organic propaganda might also be just from those who feel threatened by some of what we do, and that's not bad on us or bad on them, but it's an identifier as to where we might look to have commonality and discussion. So thank you very much.

MS. BURCHAM: Yeah, thank you Jerry.

CHAIR POWELL-PALM: Thank you for fielding all these questions, Marie. We really appreciate your time and expertise today.

MS. BURCHAM: Thank you.

CHAIR POWELL-PALM: Next up we have Maddie Kempner, followed by Beth Rota and then Michael Croster. Please go ahead.

MS. KEMPNER: Hi everyone. My name is Maddie Kempner. I'm the policy director for the Northeast Organic Farming Association of

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Vermont or in Upper Vermont. I really want to thank all the Board members for your hard work and for the opportunity to provide comments today. I'm going to comment on two products today. The first is really to hydroponic and container production, and the second is in response to the proposal regarding oversight and traceability infrastructure.

VRF, which is our certification program here at NOFA, is part of an informal group of certification, education and policy organizations that continue to agree that soil is the foundation of organic agriculture, and who strive to achieve consistency in our organizational policies and certification decisions.

Specifically, we agree that soil is the foundation is the organic agriculture, that a full reading of OFPA 6513 and the regulations require that organic plants be grown in the soil, and that aeroponic, hydroponic and crops grown to

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maturity in containers do not comply with OFPA 6513.

As certifiers, we can't achieve consistency in our policies and decisions until the NOP goes through the formal rulemaking process for greenhouse production standards, which were recommended by the NOSB nearly 20 years ago.

And we can't achieve consistency in our policies and decisions until containers go through the process of NOSB discussion, recommendation and NOP rulemaking. We agree that certain crops grown in containers, including spouts, microgreens, spotters, transplants and metriums have historically been certified organic and should continue to be allowed to be certified organic moving forward.

We urge the NOSB to activate the latent agenda item field and greenhouse container production, which was listed on the NOSB work agenda grid from 2017 until spring 2021, as on

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hold but recently disappeared from that list. We would happily provide detailed input as to the Board movement of this agenda item, with the shared goal of improved transparency and consistency, and bringing us into greater alignment with the global organic movement, including the recent iPhone position on hydroponics.

Secondly, I would like to comment on the proposal related to fraud prevention and modernization of organic traceability infrastructure. VOF would comply with adding a bridge to organic certificates to help address fraud in the industry. However, it's important to ensure that this system works for small, diversified producers.

A typical vegetable farm in Vermont might grow more than 71 different crops on about 50 acres of land. These producers often sell direct to consumers through FCSA or farm stand model with some amount of product being sold to

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local restaurants and coops.

Calculating the acreage of 71 different crops, which are often more appropriately measured in growth feet in many cases will add time and cost to the inspection and certification of these types of operations, while not necessarily resulting in less fraud, since the majority of sales are direct to consumers.

So in order for this requirement to work, we really need some flexibility and appropriate rules to allow small, diversified farmers to meet this requirement, and we propose allowing mixed vegetables to be an acceptable category on certificates. Another option would be to require acreage for crops that are grown above a certain acreage, over two acres for example, or are sold as a commodity or the sale of which exceed a certain total value, for example, over \$20,000 to be a threshold for that.

Whatever decision you come up with, it

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needs to work for those small and diversified producers, who would have a significant burden estimating the percentages of an acre each crop they grow, while not having this information be useful or actually contribute to deterring fraud. Thank you so much.

CHAIR POWELL-PALM: Thanks for your comments. Amy has a question for you. Oh, you are muted Amy.

MEMBER BRUCH: Oh shoot --

(Simultaneous speaking.)

MEMBER BRUCH: Anyway, well thank you. Thank you Maddie. I appreciate your comments and also the written ones. I have a question just in regards to some of these small producers and how -- where OSP handles certification with products and crops. Is the OSP, because I've read certain certifiers, based on written comments, are still requiring that information to be put into an OSP, but not necessarily on a certificate at this point in

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time, just what crops are being grown and estimating acres? How does your organization handle that information just within the OSP?

CHAIR POWELL-PALM: Maddie might have been frozen. Can you still hear us Maddie? Shoot.

MEMBER BRUCH: Maybe we'll come back to her.

CHAIR POWELL-PALM: Yeah, we'll come back at the end, yeah. Good question Amy. Please just remember that and we'll circle back again.

MEMBER BRUCH: Sure.

CHAIR POWELL-PALM: All right. Next up we have Beth Rota, followed by Michael Croster and then Heather Spalding. Beth, please go ahead.

MS. ROTA: Hello everyone. I'm Beth Rota, Organic Program Director of Quality Certification Services organic requirements. About 20 percent of our clients are outside the

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U.S., giving us a unique international perspective. QCS is the proud recipient of NOP's Organic Integrity Award in 2020, and a Data Quality Award in 2022.

My thoughts today focus on the work of the Certification, Accreditation and Compliance Subcommittee. Since I started working in organic certification 15 years, the process has increased in complexity, paperwork, calculations, time and expense. It is more robust and more consistent. Our continued progress should ensure that organic certification remains accessible to a diverse sector.

We do not support requiring crop acreage on organic certificates. The standard should promote diverse classes of products and not inadvertently penalize diverse and (audio interference) operations with petty paperwork burdens or overly-extensive certification logistics. Oversight by certifiers should continue a systems approach that uses auditing to

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test if those systems are working.

Don't forget that the regulations already required detailed crop production records, and that certifiers have access to audit those records. Mechanisms for oversight should protect the operators' proprietary business information and discourage policing based on incomplete information. Alternatively, funding and facilitation of qualified certifiers supply chain audits, as well as more organic-specific yield data would help certifiers be more effective in detecting and determining fraud.

QCS supports a proposal for technical support for the NOSB because it will help members make informed decisions. Technical support can fill in information gaps beyond the expertise of committee members, and limited perspectives of change from public comments. We trust NOSB to best determine where the support should come from. QCS applauds the suggestion for future work (audio interference) for certifiers to

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compare accreditation findings, and agrees that more work is needed to address (audio interference) certification practices.

I see several down sides to universal templates, universally mandated templates will not be able to capture the diversity and complexity of all organic operations, and could limit continual improvement over time. That said, QCS supports collaboration and knowledge sharing to develop sources, to include certification in inspection processes and welcomes further clarification of the standards specifically for mass balance and traceability audit parameters.

A huge thanks to members of the NOSB for sharing your time, effort and hearts towards the common goal of robust and meaningful organic labeling, and we look forward to seeing all of you in person next week.

CHAIR POWELL-PALM: And we you Beth. Brian has a question for you.

MS. ROTA: Sure.

MEMBER CALDWELL: Yeah, thanks Beth. I've read and heard a few times that the point that crop acreage should be proprietary and there could be some disadvantage of that, of making that public. I don't understand what the problem with that is, and maybe you could explain that a little bit.

MS. ROTA: Well, I think that a business might consider that part of their business information, the specific production records that is available to the certifier, but that might not be information that they want to make available to everybody involved.

MEMBER CALDWELL: Well just as a follow-up to that, if that information could help, for instance, you know, other certifiers and buyers identify fraud, how is the value to the individual farmer of this proprietary information, which many, many farmers don't think is a special proprietary bit of information, how

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does that outweigh the importance of being able to identify fraud?

MS. ROTA: Yeah. I think that there's a lot of information when we just think about fraud in general, you know, whether it's personal tax information or, you know, all kinds of information that could be used across lots of industries that would be considered proprietary that could be used to identify fraud. I just don't think that that is the best methodology to get at it. I think there's other tools and resources that are going to be more targeted.

It's something I've seen sometimes in the past 15 years is sometimes there's one operation who's competing with another operation, and they'll file complaints to the certifier, and we'll investigate these complaints. We'll put a lot of time into it, and it turns out to just be, you know, competitive industries complaining about each other.

We don't want to open a door for

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policing, right, if one operation policing another. We do have mechanisms in place to oversee operations, and I think that certifiers can continue to work together and I think can facilitate more targeted, cross-certifier supply chain audits is the way to do it.

If we can make it part of the process, if there's funding available for it and facilitation available for it, and we are doing it way more than we're doing it now, that alone will detect and deter fraud, because any operation could be subject to that in a way that we're not seeing now. Right now, we have regulations that require a certain percentage of additional inspections, a certain percentage of sampling done by all certifiers.

But we don't have any requirement for cross-investigations for supply chain audits. I think that having those be part of the standards and having the resources to enable certifiers to do them and work together to do them could go a

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really long way in meeting these objectives.

MEMBER CALDWELL: Yeah, thank you very much.

CHAIR POWELL-PALM: Big applause for that idea, Beth, of more funding to help supply chain audits and cross-certifier cooperation. I think that is huge. One question I'd like to hear your thoughts on is really look at this idea of acres on certificates.

We already have quite a few certifiers doing it, and none of have reported that there's any problem. They haven't reported any mass loss of client trust or loss of competitive edge for their clients. To set the stage real quick, if I'm an inspector working with the broker, of which we're about to do a lot in the near future due to OE, and we're saying that this is (audio interference) buy from 10, 20 and right now we look at those farms and see that they say that they sell corn, for example.

Then we look at the bills of lading

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and add up that those can be reconciled. At no point right now is there a consistent flag to say how much should this farmer have been able to sell to this aggregator? There's no point where an inspector can say that this producer was only certified for ten acres, yet sold 50 truckloads of grain to this aggregator, or that this farmer's -- more likely the case this farmer's certificate was used by the aggregator as a cover to buy fraudulent conventional grain.

We've seen Randy Constant, we've seen the Cottonwood, Minnesota case, we've seen these big cases that are primarily in the grain space. So what is the tradeoff between transparency and the ability (audio interference) and raise red flags, especially on the inspector side, and engage in the sort of the more, the less defined proprietary business information?

MS. ROTA: I think those are really great questions. I think that you're on a bit of a slippery slope here, because when you're out

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doing an inspection, I've worked in all different parts of those sort of patient process, including inspections, and the role of inspector, especially as defined by the USDA organic regulations, is to verify the information that's in the operation's organic system plan, is to, you know, verify that prohibited substances aren't being used, right?

There's some specific objectives for what an inspection should cover, and you have access to all of that information for the operation that you are inspecting. But regulations aren't set up for inspectors to be verifying information of operations that are (audio interference) of operations they're inspecting. You're doing a mass balance or a traceability audit for the operation that you're inspecting, working for that certifier, whether yourself or an independent.

And sure, I think that there could be opportunities for inspectors to identify red

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flags, absolutely. But I don't think that that's the primary focus on an inspector, and again I think that there are other mechanisms that should be left to oversight in the whole supply chain, the certifiers cooperating with NOP and inspectors are a piece of that, that they should be limited to the operations they're inspecting.

CHAIR POWELL-PALM: A very interesting take. I super appreciate that. Any other questions? Thank you very much. Looking forward to seeing you in California. Next up we have Michael Croster, followed by Heather Spalding and then Ray Wowryk.

MR. CROSTER: Can you all hear me okay?

CHAIR POWELL-PALM: We can. Please go ahead.

MS. ARSENAULT: Michael, just hang on. It's Michelle, sorry. Can you just hang on one second, because I think you have slides do you not? There we go.

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MR. CROSTER: I do. I have two slides. Thanks, Michelle.

MS. ARSENAULT: Okay. It takes a minute to get them up on the screen. Thank you.

MR. CROSTER: I'm Mike Croster, the certification director at Crop Cooperative. We appreciate the work of the NOSB and the NOP to support organic agriculture, and thanks for the opportunity to speak. Let's start off with a question. Is this sanitizer compliant for the organic industry? After all, Vince Lombardi championship sanitizer has unheralded performance and is very popular in Wisconsin.

While you think, let me add that this product would be used without an intervening event, such as a water rinse. If you said this product is non-compliant because of the octanoic acid, you deserve a pat on the back. Although Vince Lombardi did win three NFL championships and 2 Super Bowl, he fumbled here for the organic market.

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National List no-rinse sanitizers include chlorine, hydrogen peroxide, peracetic acid, peroxyacetic acid and phosphoric acid. So how is the industry doing with dairy sanitizer compliance? It could be better. Let's look at some wash tags to get a better picture.

Next slide, please. Here are three wash tags we got from the Chaseburg Creamery in Chaseburg, Wisconsin. Each has different information about sanitizer on it. The tag over at the left does not list a sanitizer at all, so how would an intake specialist determine compliance of this material? Down here on the bottom, we have a wash tag that does list the sanitizer. It's call Synergex, and Synergex contains peroxyoctanoic acid. That's not on the National List, so this tanker cannot be used for organic production.

And finally on top we have a material called AFCCO 4325 that contains peroxyacetic acid and hydrogen peroxide. That's compliant. That

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tanker can be received, converted to organic dairy products and everything is good in the world.

Verifying sanitizer compliance in inbound tankers is needed and I'm asking for help. Certifiers could expand their role in sanitizer review. This includes checking wash tags at receiving, discussing sanitizer materials at inspection and asking for producers to determine sanitizer compliance.

Certifiers should resist the easy solution of allowing water rinses to remove prohibited deterius. These rinses can be antagonistic to label instructions and the pasteurized milk ordinance. The ACA should develop and follow best practices for operations that receive dairy tankers. Most sanitation events happen at outside facilities that are not described in organic system plans.

The organic industry should develop a universal method of documenting sanitizer

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compliance. Wash tags make the most sense, but other techniques could be used. There are economic losses due to tanker rejections and environmental hardships due to resanitation events of empty tankers, and today I'm asking for the industry to look for solutions, and I'm happy to address any questions.

CHAIR POWELL-PALM: Thank you for your comments. Wood has a question for you.

MEMBER TURNER: Michael, I don't have any -- I don't have a specific question for you today, but I just wanted to acknowledge this comment is a very concrete example, and a very great demonstration of the kind of feedback and we really need from the organic community on how to really advance some action on sanitizers.

So I just wanted to say I really appreciate this, and that would encourage other members of the community to offer the same type of feedback to us, because it's very -- this is a very useful format. So thank you.

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MR. CROSTER: Thank you.

CHAIR POWELL-PALM: Wood beat me to it, but I was just going to say the exact same thing. We've got something that we can actually do work with here, and the entire community can now hear this is maybe a question to add to NOSB, a question to add to the report form, something very useful. So thank you, Michael, for bringing this to our attention. Any other questions for Michael?

(No response.)

CHAIR POWELL-PALM: All right. Appreciate your time.

MR. CROSTER: Thank you.

CHAIR POWELL-PALM: Next up, we have Heather Spalding, followed by Ray Wowryk and then Jaydee Hanson. Heather, please go ahead.

MS. SPALDING: Good afternoon Chairman Powell-Palm and members of the NOSB. I'm Heather Spalding, deputy director of the Maine Organic Farmers and Gardeners Association,

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MOFGA. We appreciate the important progress that USDA has made with increasing support for organic farmers. It's really important to highlight progress when it happens, and I really feel that the NOSB forums and stakeholders have played a huge role in advancing so many essential programs and policies.

We're encouraged by the focus on increasing technical and financial support for black, indigenous and other farmers of color when they are seeking to engage in organic farming. We're encouraged about the prospects of finalizing the Strengthening Organic Enforcement rule and the proposed organic livestock and poultry standards, that we have flagged the need for important improvements to OLPS, including a three-year implementation time line.

We appreciate the organic and climate smart agriculture discussion document. Organic certification should automatically qualify a producer for climate smart programs through USDA,

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and we're encouraged by Secretary Vilsack's recognition of organic as a climate solution.

We hope the NOP will restore, will work to restore and enhance the organic cost share program, and advocate for the protection of organic farms from pesticide and genetic drift, and provide clear guidance on the prohibition of genetic engineering in organic agriculture. We continue to oppose hydroponic farming under the organic label.

In our written comments, we've provided a list of action items that could support current and prospective NOSB members and their service, and address the backlog of NOSB recommendations. We continue to urge caution around biodegradable, bio-based mulch film and we feel that the material should be delisted. Using a precautionary approach, the NOSB could consider a future petition for a safe petroleum-free product that fully biogrades in all environments.

We appreciate your work to address how

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the NOP safeguards impartiality in the delivery of services and oversight over accredited certifiers, and the recommendation that NOP revised the risk mitigation table and incorporate the revisions into their procedures.

Finally, I just want to mention again something I have mentioned the past several meetings, and it has to do with PFAS. Maine is doing a lot to address the horrible impacts on farm families across the state. This is a national problem and organic farms are not immune to it. Maine's Congressional delegation is introducing legislation that would provide a safety net for farmers across the country who find their livelihoods at risk from PFAS contamination.

We're communicating with FDA as well, urging the Department to develop safety standards for all foods, and we really encourage NOSB and all meeting attendees to engage in this national discussion. Thank you so much for your time and

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commitment.

CHAIR POWELL-PALM: Thank you for your comments, Heather. We really appreciate them. Any questions for Heather?

(No response.)

CHAIR POWELL-PALM: Thank you. I think one thing that I wanted to note about PFAS real quick, as we talk about the three pillars of organic with no GMOs, no irradiation and no sewage sludge, it seems incredibly -- with incredible foresight are written, that organics was going to be precluded from using sewage sludge as we found CMS. If there's anything specific you'd like the Board to think about or anything that falls under our authority in OFPA, please do let us know.

All right, thank you again. Next up we have Ray Wowryk, followed by Jaydee Hanson and then Mike Dill.

(Pause.)

CHAIR POWELL-PALM: Oh, there we go I

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think. Oh nothing yet actually. No sound yet. Nothing yet. Yeah, we'll come back to you. All right. Let's jump to Jaydee Hanson. Jaydee, if you're there and ready to go? All right, and you're muted.

MR. HANSON: Okay, and I think I'm unmuted now.

CHAIR POWELL-PALM: Good to go. The floor is yours.

MR. HANSON: Okay. Well good afternoon. The Center for Food Safety has been closely involved with the development of the comments of the National Organic Coalition, and we wish to endorse those comments. But we also wish to comment more on research related to alternatives to BPA.

We would urge the NOSB to treat all of the chemicals derived from bisphenols as chemicals that should be prohibited chemicals for organic production and organic food contact containers and wrappings. What we've seen is

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that there has been a regrettable substitute in a unit where companies say no BPA, but they've shifted to substitutes that are just bad. Likewise, PFAS and ortho-phthalates should also be treated as prohibited chemicals.

The National Organic Program already treats nanochemicals in this manner. It would mean that the manufacturer would have to individually petition NOSB to permit a particular chemical. Given that virtually all of these chemicals are endocrine-disrupting chemicals that can cause cancer and developmental disability, only those chemicals safe for food contact purposes should be permitted.

We have petitioned FDA to ban all of these chemicals for food contact purposes, but FDA is proceeding slowly. Still, FDA doesn't set the standards for organic foods or organic food contact substances. EPA fortunately is moving a little faster, which is very important because research just this week found that about 83

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percent of U.S. waterways are contaminated with PFAS.

USDA scientists are not specialists in these chemicals, so we do not expect rigorous research from the USDA on the thousands of chemicals in these three classes.

(Audio interference.)

MR. HANSON: Okay.

CHAIR POWELL-PALM: Go ahead.

MR. HANSON: The Center for Food Safety has worked with scientists from Defend Our Health, the Ecology Center and the Food Chemical Alliance that have been working on testing substances containing these chemicals, and we are going to be hosting with the National Organic Coalition and the Organic Trade Association a workshop on December 5th about how we can get rid of PFAS, ortho-phthalates and bisphenol, and help organic set a standard that people will want to follow.

So I'm happy to provide the committees

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of the NOSB with additional information to address this, and I think that's my time.

CHAIR POWELL-PALM: All right, thank you so much. Yes, if you'd like to submit information to Michelle, that would be great. Any questions for Jaydee from the Board?

(No response.)

CHAIR POWELL-PALM: All right. We appreciate your comments today. Thank you.

MR. HANSON: Okay thank you, and I hope you'll join us on December 5th.

CHAIR POWELL-PALM: Appreciate it. Ray, are you hooked up with audio yet?

MR. WOWRYK: I think I am. Can you hear me now?

CHAIR POWELL-PALM: Okay, fantastic, yes.

MR. WOWRYK: Thank you. I apologize. It was a difficult day for technology for me. I'm sorry for the delay. Good afternoon, everybody. Hello to the NOSB Board and those

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online. My name is Ray Wowryk. I am the director of Business Development for Nature Fresh Farms, a grower and marketer of greenhouse grown organic peppers, tomatoes and cucumbers, and soon to be strawberries, certified organic grower and handler of greenhouse vegetables since 2016, and in the conventional form we've been producing since 2000.

Farm production in Canada, as well as the U.S. in the state of Ohio, and some grower partners in Mexico. Over 45 years of experience within the produce industry. I've witnessed firsthand the growth of the organic fresh fruit and vegetable segment, and I'm commenting on behalf of the International Fresh Produce Association, of which I am a volunteer member.

I want to thank the NOSB for their hard work, and as mentioned earlier on our previous comments from our members, we represent well over 3,000 members within the IFPA organization. Several of them are not only

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conventional but they are organic growers as well. So they, there is a diversity there.

The organic segment of our industry represents over \$9 billion of organic production which is significant, and over 12 percent of all retail sales now are diverted towards organic sales. When consumers see organic or think organic when they walk into the produce or into any retail outlets, usually it's the fresh produce departments front and center, and that has been a big driver for the organic segment over the years.

The IFPA committee is apprised of a number of individuals that come from different segments of the industry, and I represent the grower. But I've been involved in all segments of the retail as well on the buy and sell side. A couple of topics of concern coming -- are not concern that I would like to raise of interest of support with the carbon dioxide. Our IFPA members strongly support the continued use of

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both -- both as an allergisen but disinfectant, sanitizer and soil amendment.

Carbon dioxide is essential for plant growth, especially in an indoor farming environments where you're dealing now with an enclosed segment from the outside. It's also used as an pH adjuster in irrigation and water sources, necessary to promote efficiency of nutrient uptake and it affects overall yield and the viability of indoor and/or outdoor (audio interference). Well, that's quick. I apologize.

(Simultaneous speaking.)

CHAIR POWELL-PALM: Flags fly. Thank you for your comment.

MR. WOWRYK: But you know, maybe just in short, you know, we do support the use of sticky traps for barriers, for pest control, and that is an important segment as well, that both indoor and outdoor farming in favor of using.

CHAIR POWELL-PALM: Thank you. Any questions from the Board?

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(No response.)

CHAIR POWELL-PALM: All right. We really appreciate your time today, Ray. Thank you.

MR. WOWRYK: All right, thank you.

CHAIR POWELL-PALM: Next up we have Mike Dill. After Mike will be David Epstein and Dan Langager. Mike, please go ahead.

MR. DILL: Sorry, I was just waiting for the slides to come up.

CHAIR POWELL-PALM: Oh yeah, thank you.

MR. DILL: My first time dealing with slides, so hopefully it goes well. Anyway, hi. My name is Mike Dill. I'm representing the Organic Producer Wholesalers Coalition, seven businesses that distribute fresh organic produce to customers across the United States and internationally.

My comments today are on the topics of minimum reporting requirements and acreage

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reporting. For the proposal on minimum reporting requirements, OPWC agrees with the CACS' two mentions and the document on climate smart agriculture supporting a universal OSP. As stated by the subcommittee in its climate document, a universal OSP will "help one seeking access to other programs administered by the USDA and to enter into climate smart and conservation programs more efficiently."

In addition, a universal OSP would provide a framework for consistent inspections and review of operations' OSPs. Similarly, we feel that the inspection report should be standardized to ensure that inspections near the elements of the universal OSP are conducted with consistency and reduce complexity for inspectors by requiring familiarity with only one single form.

OPWC asserts that the standardization of these two documents, the OSP and the inspection report, should be prioritized before

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focusing on audit tools. With regard to the CACS proposal on acreage reporting, OPWC strongly opposes the requirements to include harvestable acre by crop type on certificates for crop producers.

OPWC has always been supportive of anti fraud measures and has advocated in favor of almost all NOSB recommendations on that fraud, but not this one. If the NOSB votes to move forward with this proposal, we assert that an exemption to list harvestable acres by crop type be included for growers of fresh produce.

Next slide, please. Publicly sharing a growers harvest capacity might be a fraud prevention solution in other sectors, such as those that harvest crops all at once, but simply does not work for the complex cropping systems used to grow fresh produce, which is currently the largest sector in the organic trade.

We suggest taking this proposal back to Subcommittee for two reasons. First to

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consider the exemption for specialty crop producers or define an alternative approach, and second, to define what is meant by the term "crop type." For instance, on the slide are kale and kalette, the same crop type.

Next slide, please. Would a crop type then be defined by its species, its genus, its family, etcetera, or would mixed vegetables be a crop type as shown on this certificate? A clarity around what constitutes a crop type would allow stakeholders to properly evaluate how useful this proposal would be in fraud prevention.

The west side of this slide shows page one of a 56-page certificate for a diversified crop grower. Now some growers or some certifiers have mentioned that they already list crops and fields in acreage, and this example displays 715 parcels of mixed vegetables and grain across the 56 pages. Now imagine how long the cert would be if each of the mixed vegetable crops and their

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acreage were listed by field?

I'm left wondering how a produce buyer could ever reconcile hundreds of annual purchases from hundreds of suppliers against this level of data, in order to meet the CACS expectation that this certificate function as a fraud prevention measure. We ask that you take this back to the Subcommittee and find an alternative approach that works across all sectors. Sorry, and apologies for going over.

CHAIR POWELL-PALM: Not a worry, and thank you for your comments today. It sounds like maybe you were an inspector in a previous life or something. I really appreciate your comments. They're very germane to what we're asking about. Javier has a question for you. Please go ahead, Javier.

MEMBER ZAMORA: Thank you Mr. Dill. Thank you very much. I think one of my questions to you would be, you know, some of the companies that you're representing highlight the uniqueness

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of small growers in the area, in California. So and that's what makes these companies really successful.

So I think by letting people know acreage, the uniqueness of those growers make them successful I think, and that's my belief. But if we use a universal OSP, don't you think we will lose that?

MR. DILL: I don't think so at all. In fact, I think it's the opposite because I mean we all know the reality that some operations shop around to see which certifier might align with them best, which has the easiest application process in OSP.

So when I really think of, you know, what we're trying to achieve with continuous improvement and sound and sensible certification, is that why should one operation be asked 20 questions about their, you know, their process and another operation only be asked to demonstrate, you know, be asked one or two

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questions and demonstrate different, different materials to demonstrate compliance, sorry.

So I think that by going universal or having standardization of those forms is important, you know. It's important for the inspectors, and to answer Nate's question, yes I was an inspector and did hundreds of crop and handling inspection. The preparation for the inspections was probably for me the hardest part, and I had to navigate through, you know, people's OSPs which, even under the same certifier, are way different in what type of material or information is in there.

Now you extrapolate that by, you know, working for 20 different certifiers and you have to be familiar with their OSPs, their inspection report forms, how to even like preparation for an inspection is daunting, you know. When you're on the road, you don't have much time. You're sleep deprived.

So anything that -- I feel anything

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that we can do to level the playing field, make it easier on the inspectors who we are asking so much from, I think, is just a smart move, as opposed to focusing on, you know, a spreadsheet that has to be tailored to, you know, the 45,000 certified operations. It's going to have to work for each one of those and if not, then we haven't gained anything. We're just, you know, manipulating a form which is supposed to be a standard form, you know, like or an audit tool, like a spreadsheet or something for mass balance.

So I think there's more work in taking a shot and working towards a universal OSP, universal certificate just so that the trade can really and all the stakeholders can really know what we're doing. We can become experts in, you know, interpreting documentation and records and all that.

So but 70 certifiers, 45,000 certified operations and to try to, you know, make an audit tool that works for all of those, it's going to

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be difficult. I hope I answered your question.

CHAIR POWELL-PALM: Next up we have Logan. Logan, please go ahead.

MEMBER PETREY: Hi, thank you. So I completely changed my question just from all of that answering. But so I'm going to get off of the acres. I've got more of a question. I think that standardizing, making the procedure for me to report or for inspectors to report making that, that kind of checklist standardized, it would be helpful.

But I'm curious on the specialization of, you know, of inspector on certain crops. So an idea that I've always had is what if like if growers were able to help or write out like an SOP of growing organic broccoli in the Southeast, you know, actually specializing in that? When you're going to check a farm that has that produce, you know what to ask for because, you know, there are some things that are not normal like you need ice, you know. I mean there's this

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ice. Is this -- it's not packed out of the field and send the grocery store, you know. Things where people can fraudulently get around because the inspector's not familiar with the entire process, or like you hear growing grain in the Southeast. I'm sorry, you're not picking it at 15 percent. You're going to some dryer. Is that dryer on your list, you know?

So there, it just seems to me like yes, we do need some standardized things and then we also need some more specialized things to help these inspectors who are going all over the country.

How can you know, how do you know from a dairy, you know, a dairy in Tennessee to a produce farm in south Georgia, and know all of the things that you're supposed to do without some growers' inputs. It's like hey, you know, help with potential fraud with other people. This is what we have to do to produce this crop.

Anyway, so that's just been kind of on

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my mind, and I didn't know if you've ever thought about or if that, something like that would be helpful to say yeah, this is the procedures we're looking for for something like this.

MR. DILL: Yeah, wow. Yeah, I would love to like chat with you about this sometime because I know --

(Simultaneous speaking.)

MEMBER PETREY: Okay.

MR. DILL: Yeah, but I do have some thoughts, and you know, to have best practices, guides, you know, kind of resources that inspectors can use to understand processes would be super-helpful, you know. Should that be part of an OSP that, you know, is kind of someone just grabs the broccoli OSP and sticks it in, or a process and sticks it in their OSP? I'm not sure I would be in favor of that.

But I think it really comes down to helping the inspectors, giving them the tools, the information that they need, but also not

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putting them in a position where they're inspecting someone outside of their comfort zone or their expertise. I mean I did a lot of inspections, and ones that I would probably say I wasn't qualified for because, you know, we're looking, talking about miles and miles of tubing and, you know, transformations and all this stuff.

Early on in my career it was just, you know, I was blown away. What was really important was as an inspector, I asked the questions I needed to ask to understand. I didn't go in there with assumptions. I didn't go in there, you know, with this concept that okay, the broccoli's going to be iced, and then I get there and it's not iced.

So what do I do now? I, you know, I really lean on my experience, on my background, education to be able to talk about this process and say hey, you know, can you explain what's happening here? Tell me how this is compliant.

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So I think it's a mix of everything, but to include it into the actual OSP to save some time or maybe, you know, allow everyone to submit it. Yeah, I wouldn't support that but --

MEMBER PETREY: Yeah, I agree with you. I think more of a checklist to get, help an inspector know what, because they sell iceless broccoli. I mean they do, but most of it is iced, you know. So that's all they've got to say is iceless. Oh, okay. Anyway, just almost like a checklist to say hey, this is kind of what you're looking for. There are people that are trying to have a voice in those processes, that don't have a facility that's certified or anything like that.

So I agree with you on the OSP. It's more, yeah. So that can get technically difficult, so okay. Well thank you, Mike.

CHAIR POWELL-PALM: I don't want to say this as a blanket statement, but this is like one of the best info exchanges and idea sessions

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that I've seen at an NOSB meeting. So I see Kyla smiling there and I'm like everyone on certification is kind of thrilled by what Logan just asked and what Mike brought up. So thank you, Mike.

Kyla, I saw your hand up. Did you have something you wanted to throw on there?

MEMBER SMITH: Yeah. So again, just on the idea of what the universal OSP. Lots of comments, you know, had some concern or caution around it being too generic and then not being able to be as like site-specific.

And so I guess I'm just wondering, you feel like there's a path forward where there's like a base, like a crop operation, like a baseline but then modular components that could be plugged in depending on your specific type of operation or where you may be within the country or something like that, that could be a path forward so it's not just this one crop OSP that may not fully get us where we need to be? But

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could that be a concept that we work with?

MR. DILL: Oh absolutely, and I think I mean if we look at the landscape right now in how we've kind of compounded this issue, if you have 70 certifiers and they all have potentially a crop, livestock, a handler OSP. So they're already dealing with, you know, we have certain modular OSPs or different OSP forms to adapt to just the three basic, you know, different scopes of certification.

Now we talk about different cropping systems, whether your processed products versus just a marketer or broker. So absolutely I think modular OSPs are the, you know, are the way to go and in fact when I was working for a certifier, that was part my job was to build out the new OSP and make out all these modules, and it was hard to know where to start and stop.

So I totally get it. It's like how much are you going to ask about boiler additives when, you know, half the operations aren't going

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to have boiler additives. So if you could go into say an electronic form and we have all these different categories, you know, one standard, standard form, different categories and you can say yes, I use boiler additives.

So now I'm going to, you know, this part becomes applicable to me, or agro in containers. So this part is applicable to me. Whatever, you know, however we can break it down and just make it to where you're only completing the pages or the sections that apply to you.

I mean I speak from our own experience. When our certifier, I mean we've been certified, ODC has been certified since like 1990-something, and I wanted to use our certifier's new form and it was hard to do, because so many -- as a handler and only, you know, boxes in, boxes out and not much processing, there were only a few sections that really applied to me.

But there should have been way more.

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But the way the form was formatted, it really just didn't apply to us. So I totally get the issue, I think it's doable. But why have 70 certifiers each try to create their own one, you know, form for the different scopes and all the different processes when we could just have, you know, three, crops, livestock, handling and then build that out. I think it's -- I think it's a worthwhile, you know, move to try.

CHAIR POWELL-PALM: Brian, please go ahead.

MEMBER CALDWELL: Yeah, thanks for all your comments, Mike. I'm trying to make this quick because it's taking some time, but going back to the acreage, you know, on the, you know, the public disclosure of acreage. That really big farm that you kind of made that imaginary spreadsheet around or, you know, the slide from.

I mean they have, they have complicated spreadsheets that distill all that information, and I don't think we need to have

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acreage by field. I think we need total acreage. So I don't really see what the problem is here, and I'm sure that the decision about kalettes versus kale versus cauliflower can easily be fixed. So I'm really, I'm still struggling with what the resistance to some of this is.

MR. DILL: Okay. Well, so I don't want to say that this thing is dead in the water, because I think that it could have some legs, this proposal. It's just not going to work the same for produce as it would for grain. I think everyone can kind of agree with that, and I've heard it a lot in the comments today.

But that certificate wasn't make believe. That was an actual certificate. So 56 pages of just listing mixed vegetables. So what I was trying to demonstrate there is crop types, however, we define it, is going to -- is going to be how we decide if this works or not.

If I'm buying 30 different types of vegetables from this grower and I just know that

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they have, you know, 26,000 acres of mixed vegetables, I'm not going to be able to discern any information about fraud unless I buy more than, you know, whatever 26,000 acres' worth of whatever would be.

So really as a fraud tool, it's not - - it's too early for us to tell if it's going to be useful. All signs right now point to no, just because of how complex the supply chain is, how many different partners or customers these growers are working with, they sell wholesale, they sell restaurant, on site use, farm stand, all this. There's so many factors, and then the way that these certificates are built out and how they're different between certifiers, is some list crops, some list varieties, some list it by field versus just a full listing.

There are just so many different ways that this information is being portrayed, and so many certifiers saying we already do this. But what I showed is an example of what they're doing.

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And so if you tell me how I can buy 100 cases of say broccoli over a six month period, how am I going to be able to determine if they, you know, have sold more broccoli than what they were able to when it just says "mixed vegetables."

So I think the real key is, you know, honing in on crop type and really kind of defining this proposal more than just, you know, what it is right now. I think if we had some more information and justification to see, you know, to know what level we're going to, then we could actually make that assessment. But right now it's, you know, I'm left assuming what a crop type is and I guess I'm going to assume that it's somewhere in the middle.

Not kalettes, but maybe it's brassicas or maybe it is kale, and in that case, you know, this 56 page certificate is now going to be 156 pages if they list it out the way they have it right now which is, you know, their preference to list it out by field. So anyways, I think, I

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think more work needs to be done to understand if this is going to be acceptable or if it's actually going to lead somewhere for the produce industry.

MEMBER CALDWELL: All right, thanks. And of course we don't want to just tailor the whole program to what one farm might want to do. So yeah. But I appreciate that.

MR. DILL: Cool. May I put on my hat for --

CHAIR POWELL-PALM: That is -- give me that hat. That is so good. A quick question for you --

(Simultaneous speaking.)

CHAIR POWELL-PALM: I'll see you in California. A quick question for you though on this. So you're saying you want -- you have concerns about the definition of crop type, and the other component to there, if we send it back to Subcommittee, the other thing you wanted to be fixed or answered was?

MR. DILL: Oh my gosh. Where did we

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start this conversation at?

(Simultaneous speaking.)

MEMBER CALDWELL: Specialty crop exemption, specialty crop exemption.

MR. DILL: Specialty crop? Oh yes, the exemption for produce.

CHAIR POWELL-PALM: Okay. So I have a question on that one for you.

MR. DILL: Yes.

CHAIR POWELL-PALM: Is it, and I say this with all respect, is it a good look for produce saying don't look at us so close?

MR. DILL: Not at all. Not at all. So but the way this is presented is this is our proposal. This is what we want to do. We're going to go for it, and so I'm saying if you go for it, we want an exemption. I can't speak for grain and it's, you know, it's obvious from reading this that that was kind of the emphasis behind, you know, the proposal document, talking about aggregators and everything.

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So I can see how this might work for grain, and it might work even better for grain coming from, you know, a certain region or you know, and coming from a foreign country. But I want something that's going to work, well first of all that's proven to work and that's going to work for all sectors.

Because I'm really concerned about the burden that this is going to add for growers, for produce growers. So the benefit's going to come to grain. You may have, you know, the least amount of burden, and then the least amount of benefit and the untested benefit for fraud prevention would be on the growers of specialty crops, but they would have the highest burden.

So that's where I just, I can't get behind it and I'm not sure, you know, you adding the factor of not knowing what level we're going to dig down to on certificates. We don't know what SOE is going to change on certificates. There's a lot that's kind of coming that we're

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unsure of. It just doesn't seem like the right time and we're not, it's not fleshed out enough to work across all sectors.

CHAIR POWELL-PALM: Thank you. Amy, please go ahead.

MEMBER BRUCH: Yes. Just a quick, quick question, Mike. The information that you displayed with that very extensive certificate, just went to show that this information is available, right? Could you just comment on a live organization you believe that they are keeping track of how much production they are producing, their acres, their feet, their expenses, their inputs?

I mean is this information that's being collected by these operations already, or are you under the standpoint that they would have to start tracking new information that's where the burden comes in to be reported in this to their certifier? I'm just confused.

MR. DILL: Yeah. Well, the burden

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comes from kind of all it. I mean they are keeping records. They do know what they are growing and on what field. I don't know if they would have it down to the acreage or square foot level for each block. I'm thinking if you have 715 parcels and, you know, each one's 40 acres, maybe you know how much, you know, acreage is being grown on each one.

MEMBER BRUCH: This isn't necessarily for a block. This is just your operation, how much of what are you growing? So it sounds like --

(Simultaneous speaking.)

MR. DILL: Yeah. It's so dynamic for a grower it's going to change constantly. So that is our fear is that they're going to have to continuously report. If we want this data to be accurate and useful for people in the trade, it needs to be real time and they have to report it. And if they don't and an inspector finds out that, you know, you had three harvests of carrots out

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of Field B and you only reported two, now you're getting a non-compliance.

And so I'm thinking, you know, a non-integrity -- creating a system that's going to create the potential for more non-integrity based non-compliances is something we should avoid. But on top of this, when you're growing on 715 parcels like this one grower is and you make one change, you have to report that and you have to report it so that it reflects on the certificate under the assumption that a buyer's going to reconcile their purchases against that.

So I guess the whole, the whole thing, you know, it's a burden on several folks, you know, the buyers as well if we're going to actually do this to the point where, you know, I think folks are assuming that we need to act for this to be useful. I kind of took that in a different direction at the end, so I apologize.

But yes, the burden is definitely on the growers, especially the specialty crop folks,

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anyone who -- the more you grow and the more changes you have, the more of a burden it's going to be. The last thing is some certifiers charge like 50, 75 dollars per OSP update or certificate change, you know --

CHAIR POWELL-PALM: Time to be considered here. I do apologize for interrupting you Mike. I'm going to have to --

MR. DILL: I think I've had my time.

CHAIR POWELL-PALM: We've had an excellent conversation. Just to keep us cranking along, so thank you so much Mike. That was a lot of questions, and we really appreciate your contribution. Thank you very much.

MR. DILL: All right, well thank you very much. I really appreciate the time.

(Simultaneous speaking.)

CHAIR POWELL-PALM: Absolutely. Next up we have David Epstein, followed by Dan Langager and then Mark Kastel. David, the floor is yours.

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MR. EPSTEIN: Thank you, Nathan. Boy, following Mike is a real chore, I've got to tell you. So I'm Dave Epstein. I'm trained as an entomologist who worked for a couple of decades in organic research of tree fruits of Michigan state, and I'm currently serving as the Vice President for Scientific Affairs at the Northwest Horticultural Council.

The NHC represents tree fruit producers in the Pacific Northwest who account for 95 percent of all the fresh organic apples sold in this country. We have supplied written comments that are in-depth for all the materials and proposals currently under consideration by the Board, but for brevity's sake today I'm just speaking to sticky traps and coppers.

We support the relisting of sticky traps. They are the principle method for establishing when -- oh man, the phone always will ring when you're on the phone -- they are the principle -- my apologies for that. My phone

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was ringing and I have a bluetooth device and it just goes into my ear.

The NHC supports the relisting of sticky traps, the principle method for establishing when pests become active in the orchard, for establishing the size of the pest population and for initiating all the biological models that predict egg laying and when larvae emerge, so that we can best control, time control actions.

Monitoring sticky traps reduces reliance on pesticides, and know the pesticide applications that have to be made by taking the guess work out of decision-making as to when and if a pesticide is necessary. So without sticky traps, growers are making uninformed decisions on whether and when to initiate a control action, and right now there are no viable options to replace their use.

The other topic I want to discuss is coppers, which are critically important to our

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apple and pear producers for the prevention of fire blight. We use models to predict when infection may occur. It varies from year to year depending on conditions, weather conditions, what scion and rootstock you have planted, what the horticultural structure of the orchard is. The bottom line is coppers are not routinely used every year, but only when the threat of infection is high, and in bad years fire blight can absolutely devastate an orchard.

The worst we've had recently was in 2017, where 22 percent Bradley apple makers and 65 percent of pear acres in Washington had over \$9 million in losses, and hundreds of acres were pulled out. So the decision to delist would leave us with little to protect the trees. Fixed copper products average about 70 percent efficacy when used alone, compared with many other organic alternatives, which have much lower efficacy.

We agree that these materials must be used in a manner that minimizes accumulation in

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soil and water, and but we maintain that the monitoring forecasting systems routinely a low percentage of copper pride, and the infrequency of copper applications reduces the risk of copper build up in soil and water.

So the NHC supports the relisting of coppers for disease control. I apologize for the ringing in my ears that delayed my -- made me go over time. Thank you for hearing me.

CHAIR POWELL-PALM: Absolutely. Any questions for David?

(No response.)

CHAIR POWELL-PALM: All right, thank you David. Next up we have Dan Langager. Dan, please go ahead.

MR. LANGAGER: All right, thanks so much. My name is Dan Langager. I'm also with the Northwest Horticultural Council, representing growers, packers and shippers of organic apples, pears and cherries in Washington, Oregon and Idaho. As Dave said, we produce the

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majority of U.S. organic tree fruits.

I'm going to address the human capital technical support proposal before the CACS Subcommittee. The NHC disagrees with the CACS recommendation that the source of technical support come from within the USDA but from outside the AMS and NOP. Technical support should come from all agencies within USDA, including AMS, as well as sister federal agencies such as FDA and EPA.

It is essential for AMS staff to maintain historical knowledge of NOSB and NOP deliberations and decisions, questions on proposals related to pesticide regulatory policy, biotechnology and integrated pest management would greatly benefit from input from career scientists at USDA's Office of Pest Management Policy, OPMP. They have ten senior level scientists trained in these topics.

Staff at the Agricultural Research Service and the Economic Research Service should

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be consulted for the latest research on materials under sunset review, foreign sector performance and economic impacts to growers and world communities. Staff at EPA and FDA can be resources for consultations on chemical and food safety.

To properly vet the full scope of work the NOSB considers, technical support should be limited to such career scientists, but who could also receive and vet input from scientists at public land grant universities. This expertise should be routinely sought out and included. Building routine outreach to vetted experts into the NOSB evaluation process will benefit both Board members and stakeholders.

Under OFPA, the NOSB is given authority to convene technical advisory panels to consider specific issues. Unfortunately, not only is this outreach not routine, it rarely occurs. We recommend utilizing such technical advisory panels to assist the NOSB on difficult

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or contentious issues.

The NHC agrees with the CACS recommendation that technical staff should not be allowed to draft proposals or discussion documents, as that work must remain the responsibility of the individual NOSB members. Transparency of this entire process is critical to maintain trust in the Board's decisions.

The NOSB must avoid the influence of partisan organizations with biased agendas, and seek out vetted experts who understand the competing needs across the broad landscape of organic farming, as well as the impacts of regulatory actions in organic agriculture. NOSB decisions impact the livelihoods of many, and encompass scientific and economic implications for producers, consumers and rural communities.

In closing, I'd like to direct you to the Northwest Horticultural Council's extensive written comments. For more details on all the materials and proposals before the Board,

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the materials before the Handling and Crops Subcommittees that the NHC supports the relisting of, as my colleague Dave Epstein mentioned, mitigating fire blight with coppers and sticky traps for organic pest management.

CHAIR POWELL-PALM: Thank you very much for your comments, Dan. Any questions for Dan?

(No response.)

CHAIR POWELL-PALM: All right, appreciate your time today. Next up we have Mark Kastel, followed by Christy Badger and then Nicole Dehne. Mark, please go ahead.

MR. KASTEL: Thank you very much, Mr. Chairman. My name is Mark Kastel. I'm the executive director of Organic Eye. We are a tax-exempt public interest group based in La Farge, Wisconsin, and chartered by the IRS to do research and educational work. Hey, I'm losing my time and I just did my intro, so I hope we'll have a couple of extra seconds.

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The animal welfare rule is one of the largest betrayals I've witnessed in my 35 years of being involved in the organic farming movement. Who does it serve? It's not going to change the fact that almost all organic eggs in the market are produced by vertically integrated agro-business giants or by more moderate agro-businesses, depending on contract production, not family farmers.

Not only do ethical family farmers but chickens lose and consumers lose. Don't confuse access to pasture with chickens actually going outdoors. Based on my observations in visiting scores of operations, besides smaller family-scale farms virtually no chickens are outside now, and they won't be when this rule goes through.

What kind of animal welfare is proposed? One to two square feet indoors and outdoors? That's inhumane. Let's chop off the beaks of these birds, so that they don't injure

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each other due to the stress of confinement. No chickens are going to go outside because there's no food outside, there's no water outside, there's no shade out there. They can't get to the few small doors because they'd have to walk over thousands of other birds to get outside.

Furthermore, they're not going to walk over an expansive concrete and gravel area to get to a natural zone where they can actually exhibit their natural instinctive behaviors. And now, they will be afraid to go outside because they've never been outside. Unlike many smaller pullet growers who let their chickens out, the new rules allow up to 21 weeks of total confinement before the little doors ever get opened.

We would welcome inquiries from other organic community members who are assessing or reassessing their positions on this rule.

Conflict of interest. Suppose one of the largest multi-million dollar certifiers in the country certifies a multi-billion corporate

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agro-business. Besides for the lucrative certification fees, which include inspecting numerous contract growers, the corporations also handsomely contribute to the non-profits associated with the certifiers.

Both the certifier and agro-business are major contributors to the industry's largest lobby group, and the certifier lobbies the NOSB in support of their clients' use of materials. The certifier and corporation both have employee seats on the National Organic Standards Board debating without recusal issues that their clients have a financial interest in. But don't worry.

The NOP has mitigated any potential conflicts of interest by making sure that the certifier and non-profit that's receiving copious amounts of voluntary contributions are separate, separate on paper. In this scenario, over 80 employees of both the certifier and non-profit are both housed in the same offices or to the

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same --

CHAIR POWELL-PALM: Thank you Mark.

MR. KASTEL: Thank you for the opportunity.

CHAIR POWELL-PALM: Thank you very much for joining us today. Any questions from the Board?

(No response.)

CHAIR POWELL-PALM: All right. Next up we have Christy Badger, followed by Nicole Dehne and then Amy Simpson. Christy, please go ahead.

MS. BADGER: Good afternoon. Can you hear me okay?

CHAIR POWELL-PALM: We can, thank you.

MS. BADGER: Thank you. My name's Christy Badger, and today I'm commenting as an active, independent organic inspector and consumer. Thank you all for your tireless efforts in upholding the integrity of the National Organic Program. I've appreciated the

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robust discussion, shared insights and experiences and humility in display in listening to each other and your stakeholder groups.

A comment that stood out to me on reading the published materials was the following from you Nate, and it says "Consistency is the foundation of trust, and trust is the currency behind the organic seal." A few sentences later, you say "Consistency builds trust."

I have two main issues that I'd like to address regarding NOSB work, and I'd like to share my feedback from my experiences as an active organic inspector in the field. The first issue is that of consistent inclusiveness and accuracy of representation. I'm speaking of the need to include all voices in the summary of materials reviews, and to accurately represent all stakeholders who commented in previous discussions.

Let me provide an example of exactly what I'm talking about. In the published

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materials discussion on herbicides soap-based, it is noted "In 2017, the NOSB received several comments in favor of keeping soap-based herbicides on the National List." Two issues arise with this statement.

The first, there were also several comments noting that soap-based herbicides were not essential to organic production.

Second, there's no mention of the Spring 2020 comments that were received, 2022 comments that were received, which ranged from not essential and in support of delisting, essential and in support of relisting, as well as no survey results and a note from a materials review organization regarding the number of products that are only listed in this category with no further comment, in support or not.

A second example of this issue arises in the published materials for Polyoxin D zinc salt, with a discussion noting "Written and oral comments in 2022 were strongly in favor of

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retaining Polyoxin D zinc salt on the National List," with no mention of those that were not in favor, or the reasons given as to why they weren't in favor. It is my sincere request that all voices are consistently and accurately represented in the published materials. It is discouraging to think that all comments are not equally represented.

The second issue that I'd like to raise is the question of efficacy when reviewing materials. I remember a conversation with Dr. Hugh Karreman, who stated that "If it is just anecdotal evidence and a plethora of a product seen in the field, I don't think that counts too much.

"However, if seeing products consistently being used over and over, there will be a good reason to study the effectiveness of such treatments, as no dairy farmer will keep buying a product that shows no benefit whatsoever." And as another speaker said, well

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that went fast. Poor planning on my part.

CHAIR POWELL-PALM: Not at all. Thank you so much for that contribution. Any questions from the Board. I really appreciate your time today Christy.

MS. BADGER: Thank you.

CHAIR POWELL-PALM: We are experiencing some fantastic conversations today, and with a good conversation comes a little bit being pressed for time. So we're going to break for ten minutes now, and then we're going to come back at five to the hour, and give the Board just a chance to grab a drink of water and refresh.

So upon return from the break, we're going to start with Nicole Dehne, then Amy Simpson and Kelly Skoda.

(Whereupon at 3:45 p.m., the above-entitled matter went off the record and resumed at 3:54 p.m.)

CHAIR POWELL-PALM: Sorry, I'll start that again. A couple of seconds to get started,

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but we'll get -- first up will be Nicole Dehne, then Kelly Skoda and Todd Linsky. So we'll wait until about five minutes to give everyone a chance to get back.

(Pause.)

CHAIR POWELL-PALM: All right, Nicole. Go ahead.

MS. DEHNE: Right. Can you all hear me?

CHAIR POWELL-PALM: We can, thank you.

MS. DEHNE: All right. So thanks. My name is Nicole Dehne. I'm the certification director for Vermont Organic Farmers, LLC, and we are the certification program owned by NOFA of Vermont. We represent close to 800 organic producers only in the state of Vermont, and of course as always, I want to thank the NOSB for all of the hard work and time and effort you put in, and for the opportunity to give comment today on a couple of agenda items.

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So the first one I wanted to talk about is the modernization of the organic traceability infrastructure. We of course, as VOF, would comply with adding acreage to organic certificates to help address fraud, but we want to ensure, as many people have said, that the system works for small diversified producers.

So I just want to give kind of an example of what a typical veggie farm in Vermont would look like. Our producers might grow more than 71 different crops on about 50 acres of land. They're going to be primarily selling direct to consumers through a community-supported ag model, with perhaps a small amount of product being sold to a few restaurants, a few coops. They might have a farm stand.

Tallying the acreage of 71 different crops is going to add time and cost to the inspection and the certification, and is not necessarily going to result in less fraud as we see it, since the majority of the sales are going

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direct to consumers and they're not aggregated.

So in order for this requirement to work for our kind of producers, we really feel we need to be flexible about how small, diversified farms can meet the requirement. So we're proposing adding mixed vegetables to be an acceptable category, or another option would be to require acreage on certificates only for crops that are grown above a certain acreage, so maybe for example two acres or sold as a commodity in kind of that traditional sense, or crops that total above a certain value, for example over \$20,000.

So whatever solution we come up with, it needs to work for those small and diversified producers, who really are going to have a significant burden estimating a percent of the acreage for each of the crops that they grow annually, and that not are really going to be contributing to deferring, deterring fraud.

So the other piece I wanted to comment

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on is just the minimum reporting requirements. Again, very similarly using a one-size-fits-all approach to mass balance and traceability. Instead of using that, we really recommend identifying objectives and purpose, defining success, establishing baseline criteria for procedures to help improve consistency. We support the NOP creating templates that could be models, as long as they're not going to be required, at least not at first.

Because of our work with our producers, our small diversified, we've had to create policies for audits that address self-served farm stands, farmers markets and other kind of unique scenarios to small producers. Right now, we have six different mass balance templates that we use for crops, livestock, regional forage audit, a grain audit, livestock handling, processing, maple.

Don't forget about maple for us, and it's really -- we're finding that if you have

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relevant information on the audit template, it helps improve the final audit.

CHAIR POWELL-PALM: Thank you for that, and thank you for your comments. Any questions from the Board?

(No response.)

CHAIR POWELL-PALM: All right. Oh, sorry. Please go ahead.

MEMBER HUSEMAN: Can you reiterate your last sentence, Nicole. I missed it with the buzzer.

MS. DEHNE: I was saying that we, like as far as a one-size-fits-all template for audits, we have found that we need to be really specific about the type of production, and it's really helpful for all -- we do use templates, but we sort of tailor them towards the production type.

So our maple mass balance audit is asking very specific questions to lead the auditor, to lead the inspector down the road that

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is relevant for maple. So if we have one that's like too broad, we find that we don't get the information that we need.

MEMBER HUSEMAN: Thank you. I appreciate that.

CHAIR POWELL-PALM: Thank you, Nicole. I really appreciate your time today. Next up we have Kelly Skoda, followed by Todd Linsky and then Conor Mylroie, and I apologize. I'm an equal opportunity name butcher, so please forgive me. Kelly, please go ahead.

MS. SKODA: Yeah, good afternoon. I'm Kelly Skoda, a certification specialist at Crop Cooperative. Thank you for the opportunity to speak. My comment today is regarding casings from processed intestines. Crop Cooperative strongly supported the continued listing of casings on the National List.

The Organic Meat Company or OMC is a subsidiary of Crop Cooperative, and utilizes roughly 70,000 intestinal hard casings annually

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for bratwurst, Italian and Luganega sausages, which are branded as organic prairie and organic valley in the retail market. Natural casings are desired because of the shape, texture and snap they lend when used in traditional sausage-making.

While the organic hog industry is growing, organic hog casings are not yet available in the quantity needed, nor is the segregation, aggregation and infrastructure feasible yet to commercially supply them. According to the USDA's livestock slaughter summary, the conventional hog industry slaughtered 132 million hogs in the United States in 2020.

With no reliable data for the organic hog industry, Crops estimate is that 50,000 to 70,000 organic hogs will be butchered in 2022, with OMC delivering 20 percent of this total. Organic hog production is roughly .047 percent of the U.S. total production. Intestine sizes are

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not uniform within one animal among herds or throughout the population. During processing, intestines are selected, sized and assessed for quality, resulting in thousands of different SKUs.

Uniformity of a particular SKU is critical for running on high speed production and packaging equipment. OMC uses just one size of casings in three types of sausages. Our farmer-raised hogs produce variable intestine sizes, making these casings unfeasible to use. Small plants slaughter less than several hundred hogs per day, while some modern conventional processing facilities run several thousand hogs per day.

Small plants such as OMC's pork processor, do not have the infrastructure to stave, clean, sort and select intestines. If segregation were possible, it would take two to three weeks of organic production to accumulate just one barrel of intestines from organic hogs.

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While some companies own and operate the equipment for cleaning the casings at their plants, other sell their cleaned intestines to aggregators, who ship casings from several plants to overseas facilities for further processing.

Organic segregation at overseas facilities would be a significant challenge. It can anticipated that at some future date, enough organic hog casings will be slaughtered to aggregate and ship casings to a certified organic facility. However, it will likely take years of sector growth before organic casings are commercially available.

Crop Cooperative strongly supports the continued listings of casings on the National List. Thank you.

CHAIR POWELL-PALM: Thank you so much for your comments. Nice and clear. All right. Any other or any questions for Kelly?

(No response.)

CHAIR POWELL-PALM: All right. We

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appreciate your time. Thank you so much, Kelly.

MS. DEHNE: Thank you for the appreciation Nate. Thank you.

CHAIR POWELL-PALM: Next up we have Todd Linsky, followed by Conor Mylroie and then Erica Rohr Luke. Todd, the floor is yours.

MR. LINSKY: Thank you very much. I've spoken to you a bunch of times, but I've never followed hog casings before, so I appreciate it. Thank you very much and howdy everybody for this opportunity to share my thoughts.

I read the discussion document on organic and climate smart agriculture several times submitted by the Certification, Accreditation and Compliance Subcommittee. I was a little dumbfounded to discover that there's no mention of how water plays into climate smart ag, and I can't imagine that this is an oversight.

The urgency surrounding water is an oversight to anyone affected by its rationing,

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loss of crops, diminished home values, sinking land, and lack of drinking water in your community. In this paper, there's not even any mention at all about agriculture technology, not one notation of how certified organic greenhouse is living up to the principles of organic agriculture, setting the bar for water, one off land conservation and climate smart technology.

All certified organic food is valuable and should be viewed through the lens of possibilities, not exclusion. Food matters, people matters, the planet matters. We just figure out how, where this is going to come from and how we can provide a consistent climate-friendly supply. This constant ignoring of the issue, kicking it out of the club mind set is costing the organic industry market share.

This lack of vision will condemn us to even less market share in the future. It's time to stop the divide, making organic food for elite and some would argue for personal interest. To

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remain relevant, we must open our minds and heart to the inevitable changes ahead, that draft horses aren't coming back.

How are we going to feed the world organic produce when we seem to be so afraid of it? Ag is embracing technology and the next generation farmers are as well, greenhouses, aquaponics, hydroponics and other methods are all climate smart just like soil, but with differing attributes. Ask yourself why we were losing dirt farmers right and left and not replacing them? That is a question that we need to answer quickly.

The creators of this document, no matter that it's just a discussion document, in my opinion owe an apology to all the ignored certified organic operations that are currently working towards a climate smart future, having a vision of how we will feed the world with finite resources.

How have we lost the will to feed more people better food in less than four years? I'm

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also very concerned about one I'm not hearing the NOSB talking about, which is how we're going to feed 9.5 billion organic food by 2050. It's time to include all forms of certified organic farming and technology, end the divisive cycle that's being perpetuated.

If you're not motivated to find potential ways to feed organic food to the future generations that will quickly add up, again to 9.5 billion folks, then I have to ask who are we serving? Thank you very much for your time and consideration on this topic. I really do appreciate it, and I would like for us to continue to raise the bar on organic technology, just like we did on soil so long ago. I appreciate it.

CHAIR POWELL-PALM: Thank you for your comment, Todd. Any questions for Todd?

(No response.)

CHAIR POWELL-PALM: One thing I would like to ask Todd, do you understand the difference between a discussion document and a

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proposal?

MR. LINSKY: Yeah, absolutely. But I think if you're going to have a discussion --

CHAIR POWELL-PALM: This is exactly what ---

(Simultaneous speaking.)

CHAIR POWELL-PALM: Hang on here. We want folks like you telling us what we missed, what we need to add. So I was surprised when you said "apology." It's sort of a bucket to capture all the ideas. So I'm excited to add water and technology to that.

MR. LINSKY: Yeah absolutely, and I appreciate that. To answer your question, yes I do know the difference. But I think when you read a document that's about discussion and you leave off two major aspects of discussion, it starts to sway given where the conversation has been going for a long time. You know, it is what it is, but we're going to have to find a way to feed the world, and if we're not working at it

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together to feed them organic food, it just puzzles me. So yes, I appreciate your clarity and I'm well aware of what it is.

CHAIR POWELL-PALM: Excellent yes, and we appreciate your input. So we're going to keep on this, because climate change is the topic of the day. Thank you for your comment, and thank you for your contribution to the community.

MR. LINSKY: Thanks.

CHAIR POWELL-PALM: All right. Conor Mylroie, and apologies if I'm getting that wrong. Erica Rohr Luke and then Tahir Awan. Conor, please go ahead.

MS. MYLROIE: Thank you for the opportunity for me to comment at the NOSB meeting. My name is Conor Mylroie. You did great attempts at pronunciations. I have heard so much, so that's all right. I'm speaking today on behalf of ProFarm Group, formerly named Marrone Bio Innovations.

ProFarm Group develops, manufactures

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-- apologies -- develops and manufactures effective and environmentally responsible microbial and plant extract products for integrated pest management, as well as fertilizing materials and soil amendments.

Today, I would like to speak to you in support of the continued use of micronutrients, specifically soluble boron products and the sulfates carbonate oxides or silicates of zinc, copper, iron, manganese, selenium and cobalt.

To go over each micronutrient briefly and some of the benefits to plant biology, boron is an essential nutrient for plant development. It's vital for the cell wall of the plant. Zinc is an important part of several enzymes and proteins crucial to plant development. Copper is essential for plants and chlorophyll in seed production. Iron is essential for the plant to synthesize DNA, transfer of energy and for respiration and photosynthesis.

Manganese is essential for the

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photolytic process in general. Selenium is known to moderate the uptake of these other essential nutrients of the plant to maintain balance, and cobalt is an integral component of nitrogen fixation by legumes. These micronutrients have many more effects on plant processes. Deficiencies of these can cause irreversible crop damage and loss. There are areas of the U.S. that the soil does not have the natural background of these micronutrients to support plant development properly.

The United States is a very varied place, and because drought conditions can increase, decrease -- my apologies -- the availability of micronutrients to plants. Allowing these micronutrients to remain on the National List allows growers to correct these nutrient deficiencies. This will become more and more important with climate change, as more agricultural areas of the United States experience persistent drought conditions.

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As was stated here before and I want to echo, having the ability to correct nutrient deficiencies in organic production is critical to creating strong, healthy resilient soils. My colleague Erica Rohr Luke, who is speaking directly after me, will continue to speak on how these micronutrients are necessary to the production of agriculture products and consistent with the organic crop production.

I thank the Board for your time and consideration of our comments. As someone who is new here, it has been delightful to watch and to learn today.

CHAIR POWELL-PALM: Well, we're very pleased with your presence, and thank you for joining us today. Brian has a question for you.

MS. MYLROIE: Uh-huh.

MEMBER CALDWELL: Yeah thanks, Conor. Just a quick question. Is there a research or development being done at your company for natural sources of these micronutrients. I think

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everybody agrees they're really important, but the space on the National List is for synthetic micronutrients. I'm just wondering if there's potential in the future for non-synthetic sources?

MS. MYLROIE: I think I will defer that one to Erica, who knows more about what's going on on the development side of our company.

CHAIR POWELL-PALM: All right. Any other questions for Conor Mylroie.

MS. MYLROIE: Mylroie.

CHAIR POWELL-PALM: Mylroie, sorry.

MS. MYLROIE: I understand. The only reason I know how to say it is because I was raised with it.

CHAIR POWELL-PALM: Apologies again, and thank you for joining us.

MS. MYLROIE: Thank you for having me.

CHAIR POWELL-PALM: I'm going to move on to Erica Rohr Luke, followed by Tahir Awan and then Kate Mendenhall. Erica, please go ahead.

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MS. LUKE: Hi, I'm actually really shocked that you got my maiden name correct. I've had a lifetime of where I don't quite recognize that. So thank you. I'd like to thank you for this opportunity to comment at this fall meeting. Thank you very much for all the work that you all do, of your tenure on the Board. We really appreciate you all.

My name is Erica Rohr Luke. As said, I'm also speaking today on behalf of ProFarm Group, formerly named Marrone Bio Innovations, and as Conor mentioned, I'll be continuing their comments in support of the continued use of micronutrients in organic production, and also try to swing back around to Brian's comment as well, question.

So as Conor mentioned, these micronutrients are necessary to the production of agricultural products, and as Brian very well mentioned, there are some that can be derived from natural minerals, but that need very little

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processing. But there are some that are synthetically derived.

However, all of these micronutrients are needed only in very small amounts, and use of them is consistent with the principles of organic agriculture, and its aim to increase soil health and fertility. The use of these nutrients is limited to providing it only in the case of and only in sufficient quantity correct soil deficiencies, and this is something that's carefully determined and monitored by the soil analysis required by these same NOP regulations for the applications to be permissible.

On a final note, unrelated to sunseting these micronutrients, I did want to take a moment to acknowledge the again many years of thoughtful work by this Board and previous members of the Board, as culminated in the ANPR published by AMS with regard to alternatives to EPA List 3 and 4 inerts. We think it's a really important step forward, and we're very eager to

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work with NOSB and USDA on a new paradigm.

And then to just come back around to Brian's question, I will also have to lob that softball and take your question down. I have your name and your question, and I will connect with our R&D team and I can get back to you. So just email Michelle Arsenault?

CHAIR POWELL-PALM: Yes, that sounds -- that would be great.

MS. LUKE: Are there any other questions?

CHAIR POWELL-PALM: Any other questions from the Board?

(No response.)

CHAIR POWELL-PALM: All right. I really appreciate your time today and for joining us (audio interference). All right. Next up we have Tahir Awan. Are they online? We're not seeing him in the (audio interference). We'll come back if so. Let's move on to Kate Mendenhall, followed by Dana Perls and then

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Malaika Elias. Kate, the floor is yours.

MS. MENDENHALL: Great, thank you NOSB members for the opportunity to speak before you today. My name is Kate Mendenhall. I'm the executive director of the Organic Farmers Association. OFA represents a strong national voice for domestic certified organic farmers. Today I'll be addressing compliance, accreditation and certification topics.

Regarding the proposal for NOSB technical support, we have spoken to this point before and support research assistance for NOSB members. We have concerns with these assistance being USDA employees for both the potential conflict of interest and pervasive lack of organic knowledge within USDA.

The Board functions well currently, and research assistance should not interfere but support individual members' research needs as directed by the Board member. We also urge the NOP to consider expanding the approved

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reimbursable expenses to help farmers on the Board cover costs they incur to participate in the meetings, such as cost of hired help for their farm while performing Board duties.

Regarding fraud prevention, OFA appreciates the Board's work on deterring fraud. It continually ranks as a high priority for farmers. We support the Subcommittee's proposal requiring acreage reporting and their recommendations to the NOP regarding small, diversified growers.

The reporting should count for succession planting where total acres per crop may exceed total farm acres. Organic paperwork is already burdensome for farmers, so streamlining this requirement and making sure it aligns with farms using paper records is important.

For traceability requirements, we ask that different marketing structures of various commodities, tracing sales data for commodity

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corn, that you consider the different marketing structures for various commodities. Tracing sales data for commodity corn is very different obviously from tracing kale data for highly perishable wholesale market vegetables with many buyers.

In addition to oversight of certifiers, NOP must provide clear guidance when there's a discrepancy or questions on how organic standards should be interpreted. Any guidance should be transparent and distributed to all accredited certifiers. Regarding standardized forms, we encourage a pilot project focusing on areas of high fraud risk like grains, to identify how it affects certifiers, inspectors and farmers. We support exploring common forms for consistency and encourage collaboration with certifiers to identify the best existing models for replication and trial, as well as assessing what forms farmers are currently using.

Common forms do have the positive

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ability to create more consistency among certifiers, and expand the opportunity for translation.

Finally, I'd like to support more Board and NOP attention to racial equity within the organic community, and efforts to actively address barriers to organic certification and success. While organic certification is undeniably rigid or is understandably rigid as a regulatory system and at times that is incredibly important, at times prioritizing our humanity and our commitment to the principles of care and fairness is equally if not more important.

Understanding our cultural differences, barriers to entry in agriculture and additional societal weight of people of color unfairly carry, it is important to expand who gets and stays certified organic. As forms are created and systems (audio interference), ensuring the racial equity lens that is applied must be a top priority. Thank you.

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CHAIR POWELL-PALM: Thank you for your comments. Any questions for Kate? I just want to say how much I love this idea of translatability with universal forms, Kate. So thank you for bringing that up. That's great. Appreciate your time today. Next up we have Dana Perls, followed by Malaika Elias and then Jane Sooby. So Dana, if you would go ahead.

MS. PERLS: My name is Dana Perls. I'm the Food and Technology Senior Manager with Friends of the Earth. Thank you for this opportunity to provide comments to the NOSB about the Materials Subcommittee's research priorities.

Friends of the Earth first of all supports the recommendation of the National Organic Coalition about the NOP's need to improve its research and guidelines related to genetic engineering. We also want to encourage the NOP to commit to the following. First, to provide the necessary financial and labor resources, to

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research and develop precautionary standards regarding contamination from genetically engineered plant material distributed via compost.

We really need more information about how transgenic DNA impacts the microbial ecology of a compost pile, and if the trait expressions of certain genetically engineered DNA are going to persist in the environment, including in the compost pile.

Secondly, there's a lot of uncertainty regarding how public germ plasm collections that house at risk crops are impacted by the transgenic content. So this also needs to be thoroughly researched. Thirdly, I want to recommend that we develop and implement methods to assess the genetic integrity of crops that are at risk of contamination from transgenic DNA, and this has been a big problem for a lot of farmers.

So the NOSB should quantify the current state of integrity for organic and

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conventionally produced non-GMO seed.

Fourth, we want to encourage the NOSB to evaluate the effectiveness of current prevention strategies to keep genetically engineered material from contaminating organic crops, and develop precautionary rules to improve the integrity of organic. And lastly, to develop and implement new technologies as well as tests and methodologies to differentiate organic crop production from convention production in order to detect and deter fraud.

So Friends of the Earth really supports the improvement and updates to the organic standards, which will help preserve the integrity of organic food in farming, particularly as genetic engineering technologies change and may impact organics. So thank you for your consideration of these comments.

CHAIR POWELL-PALM: Thank you very much for joining us and providing those comments. Mindee has a question for you.

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VICE CHAIR JEFFERY: Thank you, Dana. I really appreciate your relentless pursuit of advocacy and education around the emergence of biotechnology including agriculture. I know that you have a lot of exposure globally to how regulations are dealing with the rapid proliferation of biotechnology.

I am concerned about the recent executive order for advancing biotechnology, especially in the absence of USDA level support for the NOSB's work on excluded methods. I'm hoping you can offer examples or reflections on how organic moves forward, where it's succeeding internationally at excluding methods from organic systems?

MS. PERLS: Okay, thank you for your question. I think it's an important one. Biden's executive order is pretty unfortunate and does put a lot of money and attention into increasing funding and advocacy for genetic engineering technologies, amongst others.

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The executive order shouldn't directly affect organic standards. However, it's going to be very important given those facts, advocacy for biotechnology, that the NOSB really recommends it not only to preserve its funding but actually to advocate for increased funding for research and advocacy work. The difference between the USDA standards for genetic engineering and definitions is very different from that of the National Organic Standards Program, and it will be really critical to work hard to protect those resources.

I think that otherwise, the difference in money could be a problem, and I think also in the context of the money being put into climate smart agriculture, it will be really important for the NOSB to advocate that actually organic is one of the most important appropriate technologies, and organic is actually the most climate smart form of agriculture that there is, as opposed to what a lot of the conventional ag

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will argue, which is genetically engineered, drought tolerant.

That won't, that won't fit within the organic standards, so that organic needs to be actually promoted as what's climate smart ag. In terms of your question with international, I think the NOSB has done a good job trying to keep up with international standards, in particular with Europe. But again, there's a constant push to erode the precautionary approach.

So the NOSB should continue to follow the Codex Alimentarius, and also keep up the evolving definitions and different types of genetic engineering technologies, to make sure that we're not slipping. At this point, I would say that the European standards are some of the highest.

So it will be important for the Board to continue to track those definitions and excluded methods as well. Thanks for your question. Does that answer your question or any

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follow-ups?

VICE CHAIR JEFFERY: It's great. I know that we're going to keep talking about it. I appreciate your vast exposure on the subject. Thank you for coming to our meeting today.

MS. PERLS: Thanks for your question.

CHAIR POWELL-PALM: We have another question for you from Dilip. Dilip, please go ahead.

MEMBER NANDWANI: Hi Dana. Thank you for your comment. A very quick question. You have brought very interesting information, use of microbes in compost, which is, you know, getting a lot of interest and attention here in U.S. also and the growers.

So you mentioned about how it can affect genetically modified bacteria or fungus or any other microorganisms, you know, as in microbes can affect the compost pile and for their use in organic crop production.

So the quick question I have are where

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you can guide us or tell me where I can find or do you know the source where you found this information, whether it is in a published or unpublished, any source of information on it? Thank you.

MS. PERLS: Yeah, thank you for the question. I think most of what I can send you and where I try to source as much information as possible is some of the peer-reviewed journals that are coming out with -- the peer-reviewed academic studies that are looking at the impact of genetically engineered microorganisms or crops, and their persistence in the soil, the impacts on different insects, the impacts on other crops.

So there's an increasing number of research happening that looks at the unintended impacts of new genetic engineering technologies, in particular gene editing. There's also some studies coming out with a focus on soil. There's a report that we are finishing up at Friends of

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the Earth looking at all of the different academic research on genetically engineered microbes, and also the impact on genetically engineered crops on the soil.

So it's an evolving set of reports and academic research that I would be happy to share with you. And again, this is an area that I think really needs a lot of research from the NOSB, and that's an area for more funding to go into this sort of research. So that, you know, if a farmer is using compost that may have crops that were genetically engineered in the compost pile, that that could affect their crops and pass along the DNA.

So thank you for your question. I'd be happy to share some of those sources with you, as well as suggest how the NOSB might dive into that set of research.

MEMBER NANDWANI: Sure. I know Friends of Earth, in fact 2001 in Belgium I attended my first conference, and some of the

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sources. So do you think that some of the publications are posted on their website or is in general, in general articles?

MS. PERLS: Yeah. No, there are some reports particularly around gene edited crops and the academic review, the review of the academic literature that's out there, and we're going to be publishing at the very beginning of the year a new report that surveys the literature on genetically engineered microbes and soil.

And so I can get you, I can get you a report for that separately, but it hasn't been posted yet. So you'll get that hot off the press.

MEMBER NANDWANI: Thank you.

MS. PERLS: Thank you for your question.

CHAIR POWELL-PALM: Any other questions from the Board?

(No response.)

CHAIR POWELL-PALM: All right, Dana.

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Thank you so much for your time today.

MS. PERLS: Thank you.

CHAIR POWELL-PALM: Next up we have Malaika Elias, followed by Jane Sooby and then Emily Musgrave.

MS. ELIAS: Yeah, good afternoon. My name is Malaika Elias, and I'm a food and technology campaigner with Friends of the Earth. I want to say thank you for this opportunity to provide comments to the NOSB about the Material Subcommittee's research priorities. I would though like to briefly turn my attention to the Handling Committee.

The NOSB recommendation to revise and propose alternatives for BPA is important, but I believe insufficient. Some classes of chemicals like PFAS, ortho-phthalates and bisphenols are toxic endocrine destructors and should be excluded from organic. BPA, PFAS and ortho-phthalates are found in organic food supplies through packaging and production, including in

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machinery, and PFAS have been shown to cause endocrine and immune dysfunction, while ortho-phthalates have been associated with reproductive, developmental and endocrine-related health effects.

Alternative to PFAS and ortho-phthalates, including untreated paper and other chemical-free packaging, and the cessation of manufacturing or selling ortho-phthalate laden equipment for organic food production must be thoroughly researched and shared with the organic community to you.

We also suggest a much deeper dive into research around plastic alternatives more broadly. Additionally, the use of any chemical that falls within these three chemical classes should require a specific petition for chemical before it may be considered for use in a specific organic product.

This would be the same process as that which is used for other synthetic handling

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materials, and would allow for a transparent discussion evaluating the chemical with the best available science and data before it's permitted, rather than discussing materials after they've been allowed.

And just to quickly reiterate what my colleague Dana just said, in light of the recent USDA announcement about funding for climate smart agriculture projects, we also urge the NOP to advocate for organic agriculture as climate smart agriculture.

While the Biden administration is right to focus on mitigating climate change, many of the projects recently announced as receiving funding as part of the \$2.8 billion for climate smart commodities will only funnel tens of millions of taxpayers to some of the most egregious climate offenders, including corporations like JBS and ADM.

It's now more important than ever that the USDA and NOSB promote organic agriculture as

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truly climate smart ag, and not false solutions proposed by the biotech industry. So in conclusion, Friends of the Earth supports improvements and updates to the organic standards, which will help preserve the integrity of organic food and farming, and that's it. Thank you so much for integration of these comments.

CHAIR POWELL-PALM: Thank you so much for making them. Any questions?

(No response.)

CHAIR POWELL-PALM: All right, thank you very much. Next up we have Jane Sooby, followed by Emily Musgrave and then Jackie DeWinter. Jane, please go ahead.

MS. SOOBY: Thank you so much and good afternoon everybody. I'm Jane Sooby with California Certified Organic Farmers or CCOF. We represent over 4,000 certified organic farms, ranches, dairies, food manufacturers and processor-handlers throughout North America.

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It's heartening that the National Organic Standards Board and the National Organic Program are in conversation about the role of organic in climate smart agriculture, as the concept takes hold that agricultural producers should be rewarded and incentivized for growing crops and livestock in a manner that minimizes impact on the atmosphere and the environment.

The science is clear. Organic agriculture is climate smart, with numerous studies showing that organic farming sequesters carbon, reduces fossil fuel energy use and reduces greenhouse gas emissions. CCOF has summarized a lot of these data in our 2019 publication "Roadmap to an Organic California Benefits Report.

It's right there in the federal organic standards, which require that all organic producers manage plant and animal materials to maintain or improve soil organic matter content in a manner that does not contribute to

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contamination of crops, soil or water, and also they are required to manage crop nutrients and soil fertility through rotations, cover crops and the application of plants and animal materials, the very definition of climate smart practices.

We think that organic certification should be accepted as sufficient proof that a farm is climate smart for certified organic products to also bear the climate smart label. Certified organic operations should be acknowledged as early adopters of climate smart practices, including practices that reduce use of fossil fuel derived inputs.

This will reward existing certified organic farmers and incentivize more producers to transition to certified organic production. We really appreciate that the Compliance, Accreditation and Certification Subcommittee and the National Organic Program are working hard to address this vital issue. Thank you.

CHAIR POWELL-PALM: Thank you so much

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for your comments. We have question from Logan for you.

MEMBER PETREY: Thank you. Question about the organic transitioning and, you know, the initiative that we have and trying to get more acres organic. Do you see there being a problem down the road as far as the markets, or do you think those will be able to grow? Because sometimes I want to say I can grow as much as you need. It's just the sales side and the marketing side that really can be a bottleneck for growers and with a lot of acres coming on board quickly.

But do you see that on the other side? I know you handle a lot in the industry all throughout the entire industry?

MS. SOOBY: Yeah. Well, thank you for that question, Logan and that's a really important question that comes up here in California too, because we also have an organic transition program that we're developing here in the state. And we view a really crucial

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component of all of these transition programs as building out market support and creating more market opportunities.

Oftentimes, that will mean like creating more opportunities for farmers to consolidate their, you know, smaller producers to consolidate their product, so that they can bring it to larger buyers. So there's a lot of different strategies that we can pursue, and we do think that, you know, that is a crucial part of the transition strategy.

We also now that, you know, in general for most crops, there is greater demand in the United States than there is domestic production. So there is that aspect as well.

MEMBER PETREY: Great, thank you for your answer.

CHAIR POWELL-PALM: Amy, please go ahead.

MEMBER BRUCH: Sure, thanks Nate. Thanks Jane for your oral comments here and all

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the written comments CCOF provided us. I just have a quick question for you on acres on certificates. I know that's your current practice and I was just curious. How long has CCOF been doing this, and then what was the main driver in starting this practice on your certificates?

MS. SOOBY: Amy, I will have to ask our certification staff and get back to you on those two questions. So I'll make a note of those and follow up with you.

MEMBER BRUCH: Okay. Thank you, Jane. Appreciate it.

CHAIR POWELL-PALM: Thank you Jane for your time and contributions.

MS. SOOBY: Thank you so much, and if I may have one moment to invite everybody who's going to be in Sacramento for the NOSB meeting, CCOF is hosting a reception on Wednesday evening in Sacramento from 4:00 to 6:00 p.m. That's Wednesday, October 26th and for more information

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contact me. Everybody is invited. Thanks.

CHAIR POWELL-PALM: Fantastic. Thank you for that. Next up we have Emily Musgrave, followed by Jackie DeMinter and Tite Colin. Emily, please go ahead.

MS. MUSGRAVE: Great. Can you hear me okay?

CHAIR POWELL-PALM: We can, thank you.

MS. MUSGRAVE: Great. Good afternoon. My name is Emily Musgrave. I'm the Organic Regulatory Manager at Driscoll's. As always, I would like to thank the NOSB for their commitment to protect the integrity of the organic program, and uphold the vital regulatory processes of the NOP.

My comments focus on the continued allowance of the following materials: biodegradable, bio-based mulch film, elemental sulfur, Polyoxin D zinc salt and micronutrients. Additionally, I am a voluntary member of

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International Fresh Produce Association's (IFPA) Organics Committee, and Driscoll supports the comments made by IFPA.

Driscoll's supports the continued listing of biodegradable, bio-based mulch films on the National List. Driscoll's advocates for keeping BBMFs on the National List as there are still not many widely available ways to recycle this type of field plastic. Driscoll's, our growers and our very consumers are cognizant of the amount of plastic use throughout the agricultural industry, and believe there are innovative ways organic growers can reduce their plastic usage such as biodegradable, bio-based mulch films.

The current use of plastic mulch in organic agriculture is not sustainable because of the amount of waste it produces. After talking with over 50 recycling and technology companies over the past few years around the United States, it is our understanding that very little to none

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of the plastic is being recycled due to the dirt contamination of the plastic.

Standard polyethylene plastic mulch is critical for the success of organic berry growers. Not relisting biodegradable, bio-based mulch would be a step backwards for innovation in the organic industry, and would force organic growers to continue sending vast amounts of plastic mulch to landfills.

Consumer expect that the organic label means growers are being environmental stewards of their land and farming in the most sustainable way possible. Driscoll's urges the Board not to go backwards on the innovation front, and to give the organic growers the option to continue using biodegradable, bio-based mulches in their operations.

Driscoll's supports the continued listing of elemental sulfur for use in organic production on the National List. Elemental sulfur is a critical amendment for organic

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strawberry growers to decrease pH and alkaline soils and control powdery mildew. Dusting sulfur is preferred over wettable sulfur, particularly when environmental pressures of powdery mildew is high because it gets more thorough coverage during application.

Driscoll's supports the continued relisting of Polyoxin D zinc salt on the National List, as it is an extremely effective tool to control botrytis in strawberry, blueberry and raspberry crops. Driscoll's advocates for the relisting of all micronutrient products up to re-review on the National List. All the micronutrient products up for sunset review are critical tools for organic growers.

I thank the National Organic Standards Board for your service and for consideration of my comments.

CHAIR POWELL-PALM: Thank you so much. We have a question for you from Dilip.

MEMBER NANDWANI: Thanks Emily for

your wonderful talks and comments. I really appreciate this. A quick question on biodegradable mulch. You mentioned that you also work internationally, so I'm wondering, you know, biodegradable mulch here in U.S. is still in infancy and a lot of research is being done and it's not yet still very commercially, you know, available and popular among the growers.

So I'm wondering what can you tell us a little bit about how much use or what is the status of use of this biodegradable mulch internationally? I don't know, could be mostly in Europe maybe, European countries would be, I don't know, less in Asia. What can you tell us a little bit about them? Thank you.

MS. MUSGRAVE: That is a really good question, and I mostly work with our growers here in the U.S., definitely in Mexico as well. But I have to get back to you. We do have a global R&D team, so I know that I think there's definitely work and research on that. But let

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me talk to our global R&D team, because that's a great question and I'll get back to you.

MEMBER NANDWANI: Sure.

MS. MUSGRAVE: I also do want to mention a lot of our conventional growers before biodegradable, bio-based mulch when it had the previous restriction, the 100 percent bio-based that manufacturers couldn't meet, a lot of our conventional growers who also had organic were trialing the biodegradable, bio-based mulches on their conventional fields.

So I know there's a lot of interest and they've been -- but I'd be very interested to find out about globally what kind of research is being done in other countries. So I'll get back to you.

MEMBER NANDWANI: Thank you.

MS. MUSGRAVE: You're welcome.

CHAIR POWELL-PALM: Amy, please go ahead.

MEMBER BRUCH: Sure, thank you.

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Emily, thanks for your participation today. You mentioned in the written comments and also I heard them in your oral comments about, you know, the BBMF giving growers the option to continue using this. So we've heard from other commenters that really this is more aspirational. But are you indicating that there are products that meet the definition that your growers are using at this point in time, the organic growers?

MS. MUSGRAVE: No, and in fact I anticipated that question coming, so I should have -- apologies. I should, I can find out. I am not 100 percent certain if any of our current organic growers were using it. I know conventional growers were trialing it before, but I can also find out if any of our current growers are using any of the BBMF methods available now and get back to you.

MEMBER BRUCH: Okay, thank you.

MS. MUSGRAVE: Great question.

CHAIR POWELL-PALM: Logan, please go

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ahead.

MEMBER PETREY: I just remembered Driscoll's are strawberries, so I kind of answered my own question because I was thinking, you know, with blacks like in your picture and blueberries, you probably wouldn't be using the biodegradable, bio-based mulch. That would be great, right?

You kind of want that more permanent, but it's strawberries and for the other things, yeah. You would be using a lot. There's a lot of plastic use in Driscoll's for that, and that is one -- for your organic growers, that is a one crop use. Rip up, go back again the following year; correct?

MS. MUSGRAVE: Oh, a lot of plastic, and that's something else, right? Even though every year, as part of the organic regulations, they are removing all of that plastic, right? And they do their very best, but oftentimes there's a little bit that somehow gets, you know,

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overlooked. And so that's the type of things they would never want to see, right, polyethylene plastic going directly into the soil, and so that's the tough one there.

MEMBER PETREY: So you're a huge user of like as a company. I know you have contract growers and things. I understand that. If a plastic company were to be interested in innovation, it seems like you guys would probably be a good -- not necessarily partner, but you know, offer that, the growers and kind of that research to be done. Has that been done at all? Have people reached out to you guys as a company?

MS. MUSGRAVE: I think that has been, and it's more and more starting, but yeah absolutely. I think the companies have been reaching out to us, and I think we'd really be happy to trial things, because clearly more research needs to be done, and since we're, you know, big users of plastic mulch and it's necessary, I think that -- I mean I think they

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would welcome that and also, you know, to further help innovate this and continue their research, I would say absolutely.

So if there's any manufacturers out there that, you know, want to get in touch with us, I'd be happy to get you in touch with our R&D teams and learning folks to get some trials, absolutely.

MEMBER PETREY: As a huge plastic user, you guys are for some kind of alternative, getting there and getting them. Okay.

MS. MUSGRAVE: Absolutely, yeah. Absolutely.

CHAIR POWELL-PALM: Mindee, please go ahead.

VICE CHAIR JEFFERY: Thank you. Thank you, Emily. Do you know if any of your growers are working on biological and cultural methods as opposed to plastics or synthetics?

MS. MUSGRAVE: That's a good question. I think for sure growers have tried

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it. The efficacy has just not been there unfortunately. But it's a good question and I can dig into it further, but from what I know and if you look at strawberries in Salinas Valley, it's pretty standard, organic and conventional, to use the plastic mulch, and I think there's a reason for that.

I think that other materials haven't proved really, the efficacy just really hasn't been there. But it's a very, it's a good thought and I can see how much, you know, we've tried on that. But in general, I don't know that it just holds up the same way that polyethylene plastic does, so good question.

CHAIR POWELL-PALM: Any other questions for Emily from the Board? Emily, just to reiterate, and this is a question I think we all have. We don't, I don't think I know of any examples of actual products, meaning the 80 or the 100 percent BBMF definition. If you do have any brands or specific materials that you would

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share with us, that would be great.

MS. MUSGRAVE: Okay. I'll follow up with our folks that have been doing some trials, and see if we, if we know of any.

CHAIR POWELL-PALM: Thank you so much. Appreciate your comments today.

MS. MUSGRAVE: Thank you.

CHAIR POWELL-PALM: Next up we've got Jackie DeMinter, followed by Tite Colin, and then Joanna Mirenda. Jackie, please go ahead.

MS. DeMINTER: Good afternoon. My name is Jackie DeMinter. I am the certification policy at MOSA. Thank you for the opportunity to comment. MOSA certifies around 2,000 organic operations throughout the U.S., including over 1,750 with crops, 700 with livestock and 325 handlers.

I am commenting today on the CACS acreage reporting proposal and the minimum reporting requirements discussion document. The CACS recommends that NOP require certifiers to

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list a certified operations harvested acres by crop type and total acres on organic certificates, proposing that this change would help prevent fraud.

While we support preventing fraud wherever possible, we have several concerns. Taxonomy differs among certifiers. Acreage reported on certificates could be misleading or inaccurate; double crop reporting presents a challenge, and making acreage and cropping data public could overshare information confidential to farmers. Information reported to the integrity database must be specific to be valuable, and we note that most information currently is reported in the Other category.

In practice, crops may not be sold in the year they were grown, presenting a concern if crops represented on a certificate must be supported by an acreage amount, and may imply fraud where there is none. Stored crops are often sold in wait and see scenarios, where an

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operation's current certificate reflects last year's harvest, but this year's crop is already being marketed.

MOSA collects annual crop acreage and anticipated yields on a form called the certified organic product sheet. We encourage NOSB to take this same approach. The dated acreage and crop-specific information could be presented to buyers on request. This addendum to the certificate approach does not differ with how processed products are often represented, or with how mixed crops are verified.

Generic language is used on certificates with a separate addendum listing specific products for crops. We do not believe that this proposal will reduce overall fraud.

Moving on to the minimum reporting requirements discussion document, certifiers try to improve audits for crop acreage, yield and sales. Form templates could be part of the Learning Center forces or developed by ACA

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working groups. ACA has several ones that facilitate standardized information collection and uniform decision-making, including dry matter intake verification and enforcement, and natural flavors verification.

We encourage the NOP to remain actively engaged in reviewing ACA best practice documents, and encourage cooperative development of universal template documents to achieve consistency.

In closing, please also consider our written comments on potassium hydroxide. We're happy to answer any questions you may have and thank you so much for your work on these important topics.

CHAIR POWELL-PALM: Thank you for your comment. So Amy has a question for you.

MEMBER BRUCH: Yeah. Jackie, thanks for your participation today. I really appreciate it. Just a quick question on your addendum, your certified crop addendum. How are

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you handling double crop acres on that, because you mentioned that would be a challenge if we were reporting that on a certificate. So I'm just curious on your addendum, how is that reflected?

MS. DeMINTER: We reflect it on the same line item essentially, that the acreage attached to both of the crops are double-cropped, so it's clear that the same acreage is used to grow those two or more crops.

MEMBER BRUCH: Okay, thank you.

CHAIR POWELL-PALM: I have one quick question for you, Jackie. I appreciate all of the concerns you've raised. I think they're all really well founded. In thinking about taking your COPS, your C-O-P-S document and essentially in a very similar way having that be the addendum of acres on certificates, do you --

I guess do you see any trouble with that, as inspectors are required to do audits and do complete audits, they may be looking several

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years back and that's normal practice. We have the right to look five years back if necessary. Sort of putting this in one bucket, do you have any other ideas of ways that inspectors can be better equipped to raise red flags as far as establishing whether or not something seems like overselling or overproduction?

MS. DeMINTER: I think standardized audit documents, maybe not standardized but template audit documents where we collect information or attach information from a set of information would be helpful, you know, for overall reporting on that. We agree that you should as inspectors be looking back for multiple years and into last year and previous years for a complete audit on a crop sale.

Oftentimes when those crops are stored, reviewers between -- or excuse me, relationships between reviewers and inspectors is really extremely important, and we do need to develop that risk assessment guidance, you know,

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get a more robust set of risk assessment standards available for certifiers and inspectors to gather that risk and where that risk is so they can correctly pinpoint it.

CHAIR POWELL-PALM: All right. Well, really appreciate all of the information, both written and oral today. Dilip has a question for you.

MEMBER NANDWANI: Thanks, Jackie. Very quick just to follow up kind of you answered partially for Nate's question, what are your thoughts on, you know, the split organic production dollar gross they have and operations they have, you know, mixed production like conventional as well as organic?

So what do you think in that perspective how, you know, we can look into that from the point, split or parallel production, you know sometimes they call it, so yeah.

MS. DeMINTER: We actually require our farmers to report all of their conventional

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acres, and we record the conventional acres in a manner on that COPS form that I was mentioning. That way, it is a risk factor identified on operations and we can tell where there is that split and/or parallel production. We really want to give a careful eye to operations that maintain non-organic production of any sort on their operations.

MEMBER NANDWANI: Thank you.

MS. DeMINTER: I think it should be part of the reporting requirements and part of the audit that certifiers are doing.

MEMBER NANDWANI: Right, thank you.

CHAIR POWELL-PALM: All right. Any other questions for Jackie?

(No response.)

CHAIR POWELL-PALM: Thanks so much for your comments. Next up we have Tite Colin, followed by Joanna Mirenda, and we're closing out today with Laura Holm. So Tite, please go ahead.

MS. ARSENAULT: We don't see him on

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the list with us, Nate.

CHAIR POWELL-PALM: Okay, we'll move right on. Joanna Mirenda, please go ahead.

MS. MIRENDA: Good afternoon, how's the audio?

CHAIR POWELL-PALM: Good. I'm wondering if you and Mindee and I have all color-coordinated our shirts today, or if that's just a life issue?

MS. MIRENDA: Yes. It is October, break out the plaid.

CHAIR POWELL-PALM: Right.

MS. MIRENDA: Okay. Well good afternoon, everyone. I'm Jo Mirenda, Form Policy Director for the Organic Trade Association. OTA is the membership business association for organic agriculture and products in the United States. I need to see where my timer is. Okay, there you are. Thanks. OTA is the leading voice for promoting and protecting the organic trade in the United States, representing organic

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businesses across all 50 states, all sectors of food, feed and fiber, and all stages of the value chain from growers to retail.

My other colleagues will be speaking on other topics, and for now I will address risk mitigation and biodegradable mulch. OTA supports the proposal for revising the NOP risk mitigation table, and especially support broadening the assessment of possible risks of favoritism, undue influence and risks related to certifiers within state departments of agriculture.

Biodegradable, bio-based mulch film, which is under sunset review for crops, OTA supports the continued listing of biodegradable mulch on the National List. It is a critical step to allow time to implement the NOSB's Fall 2021 rulemaking recommendation to amend the definition of biodegradable mulch, and it's just added to the Office of Management and Budget's Spring 2022 Unified Agenda of Regulatory Actions.

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This is an important indicator of regulatory progress, so don't stop now. Additional time is needed for USDA to publish the proposed rule, take public comments and complete the rulemaking process. The recommendation advances a regulatory solution for allowing this material as an alternative to non-recyclable plastic, which you've been working on since 2015.

Delisting at this sunset review is premature and would disrupt this rulemaking process after so many years. Other downsides of delisting biodegradable mulch at this time. One is that it would hinder the momentum on research and development of allowable products that would comply with the NOSB's Fall 2021 recommendation.

Manufacturers indicated in the public record that materials meeting that annotation could be made in the near future, so delisting this material would eliminate their motivation to continue developing products for the organic sector.

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Second, USDA's OREI grant program has awarded funding to the Organic Center to hold a conference next spring specifically on the topic of biodegradable mulch and other plastic alternatives in organic agriculture, and you've included this as a topic on your research priority list. So delisting this material would deter the much-needed prioritization and funding of research on biodegradable mulches that are safe, NOP-compliant and available to the organic community.

So in closing, the listing of biodegradable mulch presents an opportunity to encourage development of alternative plastic materials, and for these reasons please relist.

CHAIR POWELL-PALM: Thank you so much for your comments. Do we have any questions for Jo from the Board?

(No response.)

CHAIR POWELL-PALM: I have a question for you, Jo. Oh no, Mindee's going to beat me

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to it. Mindee, please go ahead.

VICE CHAIR JEFFERY: No, thanks. I was just curious if you see like if we're looking down in the future and we're not sure we know what the impacts on the soil are of these materials, and we find out later. Do you see the risk is worth it in the sense of continuing our research, and looking for more development? That's kind of the trajectory I'm looking for.

MS. MIRENDA: I think relisting allows the opportunity for the research to proceed. For example, this conference in the spring, the Organic Confluences listed by the Organic Center will bring together scientists, manufacturers and producers to discuss the latest in organic, I'm sorry, in biodegradable mulch research, as well as discussing alternatives.

So you've been asking about the non-synthetic alternatives. This is the place to have the robust discussions over the course of multiple days with scientists in the room as well

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as growers. So the worry is that delisting this material would remove their motivation and incentive to continue the discussion and research that is really greatly needed.

Plus, you know, the rulemaking process, you all need -- since you can't do annotation changes at sunset, you have to be prepared for parallel efforts of amending annotations, letting that rulemaking process happen, while relisting at sunset. So otherwise, you are eliminating the opportunity to see through the regulatory solution you just put on the table last fall.

CHAIR POWELL-PALM: Amy, please go ahead.

MEMBER BRUCH: Sure. Thanks, Nate. So I remember a previous meeting that there was this question to you about National List items, so I want to follow suit on that. Do you know, is there currently any National List items that are not real products? For example,

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biodegradable, bio-based mulch that we're reviewing is not currently in circulation. It's aspirational.

So I'm just wondering is there a precedent on the National List for something such as this to have occurred before?

MS. MIRENDA: I would say this is a pretty unique instance. The only comparable example would be something like -- or at least I can think off the top of my head would be something like oil-free nitrogen on 605, which has an annotation that is obsolete because that manufacturing process doesn't exist anymore, and innovation has eliminated the need for that type of residue. So, but no. I think biodegradable mulch is certainly a unique example.

MEMBER BRUCH: Okay, thank you. I appreciate that.

CHAIR POWELL-PALM: Okay. I could ask my question now. On, so over the past few years, quite a bit of Board time has gone into

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BBMF. A lot of smart people putting a lot of good work into it, and it doesn't seem to have really yielded anything. So the question I would have for you is one, are we doing something wrong? Like should we just say wait for someone to petition their material on, instead of trying to have this goal post to come through?

Or is there something we can be thinking about? Obviously, you know, eliminating plastic, this is a great goal post, but it doesn't seem to be effective. So seven years on, lots of Board hours and nothing to show for it. What are your thoughts?

MS. MIRENDA: Well, I would give yourselves some more credit. A lot of great work has been done. There's been four technical reports, an expert panel and years and years of public commentary, and this remains a topic of considerable public attention and in the regulatory lifetime, seven years is really fast.

So just since the recommendation from

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last fall was passed, it's just now getting onto the USDA's regulatory agenda. So I would give yourselves and the farmers interested and wanting some other options, to see this through as best you can.

CHAIR POWELL-PALM: Thank you, I appreciate that. All right. Any other questions for Jo? All right, thank you Jo. Last today is Laura Holm.

MS. HOLM: Good afternoon. My name is Laura Holm, and I'm the Government Affairs Associate of the Organic Trade Association. I became involved in organics when my family began transition in 2002. I was a laborer at Holm Girls Dairy for over ten years, while I worked to educate consumers and buyers on organic agriculture through Organic Valley's Farmers and Marketing Program.

I have labored on a goat dairy and a vegetable CSA. I have 16 years' volunteer experience with Wisconsin 4H, and I'm in my final

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year of law school. Thank you for the opportunity to provide comments on organic and climate smart agriculture. You have OTA's written comments with our full support and some additions to the CAC Subcommittee discussion document on organic and climate smart agriculture.

Fundamentally, we know that organic is a climate smart farming system due to its foundational focus on soil health through continuous regeneration of organic materials. In our comments, we have provided additional examples of existing data that support the link between organic practices and climate mitigation, and we have pointed to research USDA should prioritize.

Of note, long-term studies of scale are needed to determine the most effective carbon sequestration techniques in organic systems. Such research can evaluate the relative impacts of different organic management practices on soil

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health outcomes, and identify which practices are most efficient and effective, depending on each farm's unique circumstance.

Right now, organic research is too general to tailor to every soil type, crop type or region of operation. Increased data collection is needed to open the door for organic farmers to receive market recognition for their hard work to preserve their ecosystems. We need a climate impact model that can accurately predict the benefits of the most complex organic system plans.

USDA should fund more life cycle analyses of organic farms, similar to the dairy LCA collaboration between Organic Valley and UW-Madison published in the *Journal of Cleaner Production*. Organic farms should be recognized by USDA for the greenhouse gas emissions they prevent by opting out of fossil fuel-based fertilizers.

USDA should provide technical

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assistance and funding for any farmer wishing to implement a measure of the benefits of adapting multi-paddock grazing, which is modeled after indigenous livestock management practices and necessary for effective pasture management.

Finally, organic farmers need culturally relevant technical assistance to achieve certification expert organic agronomy advisors who are fluent in languages other than English, particularly Spanish and Mung, should be supported by USDA to ensure all farmers practicing organic management have access to certification.

There's a saying among farmers if they don't farm to live, they live to farm. In my experience, organic farmers don't mitigate climate change for a price premium; they do it for love of the land and USDA should empower this work to continue. Thank you.

CHAIR POWELL-PALM: Well thank you so much for those comments. I really appreciate

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that. Any questions for Laura from the Board?

(No response.)

CHAIR POWELL-PALM: I'm just reflecting on your statement, Laura, so I don't have one that's popping to mind immediately, but I really appreciate everything you just said, as I think the rest of the Board does as well. Thank you for your time today and your comments.

MS. HOLM: Thank you so much.

CHAIR POWELL-PALM: All right. And with that folks, we are done with Day 1 of Public Comments. Thank you, thank you everybody. Shout out to the team, shout out to everyone who participated. This was really lovely.

MS. TUCKER: And Nate, shout out to you. That was very well facilitated. Thank you so much.

CHAIR POWELL-PALM: Thank you, appreciate that. It's an honor to serve. Well, we're going to do it again folks on Thursday, same time, same place, and please let

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us know for those who have -- who the Board requested follow-up, please send that data, and we are gearing up to head to California.

MS. ARSENAULT: Perfect timing, Nate.

(Simultaneous speaking.)

MS. ARSENAULT: We're losing you a little, Nate. You got a little frozen there, but perfect timing at the end of the webinar.

CHAIR POWELL-PALM: We made it!

MS. ARSENAULT: There, that's better.

CHAIR POWELL-PALM: All right. Any last questions from the Board?

(No response.)

CHAIR POWELL-PALM: All right, great. Well thank you everybody, and six minutes over, but we did pretty good on time all things considered, so thanks everyone for hanging in there. All right. See you Thursday.

(Whereupon, the above-entitled matter went off the record at 5:06 p.m.)

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THURSDAY
OCTOBER 20, 2022

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The Board met via Video
Teleconference, at 12:00 p.m. EDT, Nathaniel
Powell-Palm, Chair, presiding.

BOARD MEMBERS PRESENT

- NATE POWELL-PALM, Chair
- MINDEE JEFFREY, Vice Chair
- KYLA SMITH, Secretary
- AMY BRUCH
- BRIAN CALDWELL
- GERARD D'AMORE
- CAROLYN DIMITRI
- LIZ GRAZNAK
- RICK GREENWOOD
- KIMBERLY HUSEMAN
- ALLISON JOHNSON
- DILIP NANDWANI
- LOGAN PETREY
- WOOD TURNER
- JAVIER ZAMORA

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NOP STAFF PRESENT

MICHELLE ARSENAULT, Advisory Board Specialist

JARED CLARK, National List Manager

DAVID GLASGOW, NOP Associate Deputy
Administrator

ERIN HEALY, Division Director Standards

ANDREA HOLM, Materials Specialist

DEVON PATTILLO, Agricultural Marketing
Specialist

JENNIFER TUCKER, NOP, Deputy Administrator

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

12:00 p.m.

MS. ARSENAULT: So welcome, everybody, back to day 2 of the NOSB public comment webinar, or welcome to Thursday, or welcome back if you were with us on Tuesday. I'm going to run through some administrative housekeeping stuff before we get started.

So we ask that you please stay on mute to minimize background noise, and you can keep your camera off for bandwidth issues. You'll find those two buttons: the mute button -- your mic button and your video camera button on the left-hand side of your Zoom task bar. For some people it might be on the top; some people on the bottom. If you hover over your Zoom window, it should appear for you.

The chat is enabled and you'll find the chat button in the center of your Zoom task bar. You can chat with each other, relay technical difficulties to NOP, but chats are not

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part of the public record and are not a public comment and we won't be answering technical questions in the chat box. The Board members aren't interacting via the chat either.

Closed captioning is available in Zoom. If you click the button sort of in the middle to the right; it says CC, it's the live transcript, you can change your own personal view, you can see it if you want, not see it if you don't want. You can also change the font size if you need it bigger or smaller.

Next to that you'll see the reactions button which has a raise hand feature. That feature is only going to be used today by the Board members when they -- it comes time for them to ask questions. So we ask that you don't use the raise hand feature. All commenters signed up in advance and Nate will call on them as they're -- call on them in turn.

You can customize your own view in Zoom and rearrange what you see on your personal

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screen. If you go to the upper right corner to the view button you can toggle between gallery view and speaker view. We're going to spotlight the speaker timer for everyone, so that should remain on your screen no matter what view you're using. And we usually spotlight the person who's speaking and intermittently the Board Chair or Board members who are asking questions.

If you have any technical problems, you can call -- sorry, email support.zoom.us and they're pretty responsive and should get you all set up quick. You can also log out of the Zoom meeting and log back in, which fixes a multitude of problems sometimes.

The webinar again is being recorded. We do have a transcript -- a transcriptionist with us. The transcript will be available a couple of weeks after the conclusion of the Board meeting next week.

So, speakers, please make sure that your name displayed on your video title is

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correct so that we can locate you when it's your turn to speak. If you're dialing in just on the phone, we may have to locate you via the phone number, so hopefully the phone number that you provided us is the one you're calling in from. If we can't find you, we may chat in and ask you to respond and let us know that you're on the line with us so we can find you.

Do please stay on mute until it's your turn to comment. When Nate calls your name, you can un-mute yourself and turn your camera on if you want. It's optional. You don't have to be on camera. And again, both the mic and the camera icons are on the left side of your Zoom task bar. It's also in your -- next to your name in the participant list you should see a more button. You can also un-mute yourself from that area as well. If you're on the phone only and you don't have a mute button on your phone, you can touch *6 and that toggles between muting and un-muting.

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Now I'm going to turn the mic over to Jennifer Tucker, the National Organic Program deputy administrator, to reconvene us from our recess on Tuesday. Jenny?

MS. TUCKER: All righty. Welcome back, everybody, for round 2.

And, Michelle, thank you for the overview as usual.

I am out here in actually what is right now a nice day in Yakima, Washington. So I'm out visiting some tree fruit folks and so -- and getting used to life on the West Coast and having to add three hours to everything. So it is good to see you all.

And so again my name is Jennifer Tucker. I'm the deputy administrator of the National Organic Program. I want to again welcome all of our National Organic Standards Board members and our audience today.

As I mentioned on Tuesday, this is our first experiment in returning to a hybrid

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meeting. We're finishing up public comments today and then we're going to do an in-person meeting, which we are hoping to broadcast in a live stream from Sacramento, California next week. So look forward to that experiment together.

And so on Tuesday I shared some things that I'm grateful for, and so for folks who were not on the phone on Tuesday I would like to just repeat that because I think it is worth the reflection together as we enter our next stage of the process.

So I continue to be grateful that we really did already have a lot of years of experience in online comments before COVID hit, and that made it so the last three years of meetings we were able to move to that purely online version. I know we are very eager and anxious to see each other in person again and I want to celebrate the work we did together online.

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That is particularly true when we talk about this particular Board has worked so well together without actually many of them meeting in person. In fact when we get together next week, I think only one person will have been sitting at the front of the room on the Board that had been at a meeting before. And so that is special. And the fact that this team has built such comradery despite that virtual environment is really a tribute to their dedication.

I am also grateful for this community and your continued engagement on tough issues, many of which have spanned a long time and that continue to have twists and turns. And you've continued to stay with it and we appreciate that.

And I'm grateful for the team at the National Organic Program that continues to tirelessly work to bring us together and to uphold and honor the process and the work that comes out of these meetings.

Thank you to our public commenters

here today for engaging in the process and for the audience that is holding the space for those folks.

I do want to pause again for virtual applause to acknowledge the moment to thank all of you and to thank our team. So we applaud by doing two hands into the screen. Next week we will actually hear ourselves do that, so I think that will be a special moment.

This meeting, like all other meetings of the National Organic Standards Board, is run based on the Federal Advisory Committee Act and the Board's Policy and Procedure Manual.

Meeting access information for all meeting segments is on the NOSB meeting page on the USDA website. As Michelle mentioned, transcripts will be posted once they're completed. I will act as the designated federal officer for all meeting segments, but Nate Powell-Palm, the Board Chair, will take the helm for this session.

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As I noted at the start of Tuesday and previous meetings, in an open transparent process mutual respect is critical. We ask you in advance to avoid personal attacks and disparagement. Please engage with grace both when you speak into the mic and when you chat into the chat box.

To close, again I want to thank the National Organic Program team. It is again an amazing team that I am privileged to work with. So Michelle Arsenault, who just does amazing work to make this entire process happen. People across USDA contact Michelle to ask well, we hear your meetings go really well; how do you do that? It is known as a topnotch advisory board.

Jared Clark, Andrea Holm, Devon Patillo, Dave Glasgow and our standards director Erin Healy. So big round of applause for all of you. Thank you so much.

I'm going to now hand the mic back to Michelle who will do the roll call and look

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forward to your comments from here. Thank you so much.

MS. ARSENAULT: Thank you, Jenny. Always inspiring. Thank you.

All right. Nate Powell-Palm?

CHAIR POWELL-PALM: Present. Excited for the day.

MS. ARSENAULT: Mindee Jeffrey?

VICE CHAIR JEFFREY: Morning.

MS. ARSENAULT: Good morning.

Kyla Smith?

MEMBER SMITH: I'm here. Hello, everybody.

MS. ARSENAULT: Hello, Kyla.

Amy Bruch?

MEMBER BRUCH: Good morning. Present.

MS. ARSENAULT: Good morning, Amy.

Brian Caldwell?

MEMBER CALDWELL: Yes, present.

MS. ARSENAULT: Hello, Brian.

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Carolyn Dimitri?

Oh, Jerry, I skipped over you alphabetically. Carolyn -- I'm going to go over to Carolyn. Carolyn Dimitri?

Carolyn's on the phone with us. Give her a second to figure out muting and un-muting.

All right. I'm going go -- Jerry D'Amore?

MEMBER D'AMORE: Good morning. I'm here.

MS. ARSENAULT: Good morning, Jerry.

I'll come back to Carolyn. She's having trouble un-muting.

Rick Greenwood?

MEMBER GREENWOOD: I'm here.

MS. ARSENAULT: Hello, sir.

Kim Huseman?

MEMBER HUSEMAN: Hello. I'm here.

MS. ARSENAULT: Hi, Kim.

Allison Johnson?

MEMBER JOHNSON: Good morning.

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Present.

MS. ARSENAULT: Hello, Allison.

Dilip Nandwani?

MEMBER NANDWANI: Good morning.

Present.

MS. ARSENAULT: Good morning, Dilip.

Logan Petrey?

MEMBER PETREY: Hi, I'm present.

Thank you.

MS. ARSENAULT: Hi, Logan.

Wood Turner?

MEMBER TURNER: Good morning. Good
afternoon.

MS. ARSENAULT: Good
morning/afternoon.

And, Javier Zamora?

MEMBER ZAMORA: Buenos dias. Good
morning all of you. I am here.

MS. ARSENAULT: Good morning.

Okay. I'm going to go back to
Carolyn.

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Carolyn, are you able to un-mute yourself?

MEMBER CALDWELL: She's texted no, but I'm here.

MS. ARSENAULT: Okay. Try *6 on your phone because I can see your phone and it does not have a red slash through it.

And I'm going to -- Liz Graznak had a bit of a family emergency and she's going to be joining us just a little bit late. So she's going to call in shortly.

So, all right. Nate?

CHAIR POWELL-PALM: All right. Welcome back, folks. Another exciting day.

I just wanted to give a shout out to everyone who commented on Tuesday. It was a really nice session and I think that we are all embracing in a big way that this is something that's exciting. We're really honored to be part of this group and hear from you all and really excited that all of you are stepping up and

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telling us what is so great about organic? Why is this is a community and an industry worth fighting for? So thank you for bringing your ideas and your inspiration on Tuesday and excited to hear more today.

A little bit of a reminder on our Policy and Procedures Manual about public comments. All speakers will be recognized because they signed up during the registration period. Persons must give their names and affiliations for the record at the beginning of their public comment. Proxy speakers are not permitted.

Individuals providing public comment shall refrain from making any personal attacks or remarks that might impugn the character of any other individual.

Members of the public are asked to define clearly and succinctly the issues they wish to present before the Board. This will give us NOSB members a comprehensive understanding of

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the speaker's concerns.

I'll call on the speakers in the order of the schedule and will announce the next person or two so they can prepare. Please remember to state your name and affiliation and then we're going to start the timer.

Board members will indicate to me if they have any questions and I'll call on them. Only NOSB members are allowed to ask questions.

So with that, any opening --

MS. ARSENAULT: Nate?

CHAIR POWELL-PALM: Oh, yes?

MS. ARSENAULT: Nate, can I test the timer to make sure you guys can all hear it?

CHAIR POWELL-PALM: Yes, please.

MS. ARSENAULT: Thank you. All right. (Timer sounds.)

CHAIR POWELL-PALM: Music to our ears.

MS. ARSENAULT: All right. Thank you.

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CHAIR POWELL-PALM: Sounding good.
Thank you.

Any opening questions from the Board
before we get started?

All right. Our first speaker today
is going to be Angela Wartes followed by Garth
Kahl and then Amy van Saun.

Angela, if you're there, the floor is
yours.

MS. WARTES: Can everybody hear me?

CHAIR POWELL-PALM: We can, thank
you. Please go ahead.

MS. WARTES: Oh, good. Reporting
from Croatia. Hello.

CHAIR POWELL-PALM: Hello.

MS. WARTES: My name is Angela Wartes.
I'm the board president for Organic Integrity
Cooperative Guild. I want to thank the members
of the NOSB for their voluntary time and
commitment to this process and for the
opportunity to give oral comments today. My

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comments are specific to the proposals in the Compliance Accreditation Certification Subcommittee.

I want to share with you how the lack of acreage and crop information on NOP organic certificates impacts the broader industry of fiber commodity trading.

I mostly work in the natural fiber space with clients certified to the Global Organic Textile Standard. All certified GOTS goods must contain certified organic natural fibers ranging from 70 to 95 percent to qualify for their label; examples being organic cotton, wool, fiberflax, hemp, et cetera.

Much of the organic cotton crop in the United States is destined to be traded under the GOTS or Textile Exchange standards each year. These private standards present external pressures to the NOP certificate system and ask for more detailed information on farm acreage, crop rotation, expected yields, climate impacts,

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et cetera, before the farmer can sell them to their certified supply chain.

We are at a disadvantage when a clear acreage number is not included on an organic certificate. We need to connect the field with the crop, and the crop to the acreage, and the acreage to the expected yield. These standards are working toward tracking an entire year's crop of cotton and every single buyer involved as a transparency tool to fight fraud.

The certification world is moving forward to fight fraud and we need to join them. Acreage reporting is long overdue when all other -- when most other countries have already implemented these measures and are currently importing their organic NOP-certified products into the United States.

Inspectors need access to this information to be able to do our job more effectively. Spot checks comparing acreage to expected yield will become a common assignment in

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inspector work orders. I feel the NOP needs to make the acreage and crop information available to the public via the Organic Integrity Database and not only for certifiers; i.e., the Open Government Data Act of 2018 would be a good start.

I support -- also support any attempt to assist NOSB members with their administrative burden and help them better serve the industry for their full five years of voluntary time and hope that we can move any kind of assistance forward for them with the proposal at hand. Thank you for your time today.

CHAIR POWELL-PALM: And thank you for your comments, both oral and written. Appreciate it. Any questions for Angela?

I have one quick question for you. Oh, sorry. Please go ahead, Amy.

MEMBER BRUCH: Oh, sorry. Go ahead, Nate, and then I'll follow.

CHAIR POWELL-PALM: Okay. My question for you, Angela, was my understanding is

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the Organic Integrity Cooperative Guild as well as your other work in the certification industry -- you have a lot of experience in the actual inspection side. So if we think about this crops on certificates question, which is the proposal before CACS, when you're actually at an inspection do you think it's feasible that an inspector would be able to learn of the suppliers for a given operation and then look them up in the OID if this information was behind a firewall, or do you think it would be too cumbersome and we wouldn't actually have -- the inspector wouldn't get it done, rather than just looking at the certificates which are right there, hard copy presented to the inspector? Which do you think would be a better tool for fighting fraud?

MS. WARTES: I feel like I use the OID all the time. I'm on vacation right now so I'm not on that site every day, but I'm probably there three times a day. And I am -- and I can say

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without a doubt that I don't think that I've ever been on an inspection where every single certificate was accurate, current, had the listed product on it of the supplier, had the correct address, was the correct company. I mean, anything you could imagine can be out there at an inspection that requires an inspector to take a deeper dive into what the -- what's really happening in the supply chain.

And the OID is the -- is a phenomenal tool for that. And it means that you in real time can assess what is happening. And so I feel like it -- I would use it extensively to determine whether or not the crop yield of maybe a hay farm was accurate to how many acres they actually have in production that year. I mean, it's -- yes, I think it's just a no-brainer at this point. We just -- we really need to combine all these tools into one accessible spot.

CHAIR POWELL-PALM: Thank you.

Amy, please go ahead.

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MEMBER BRUCH: Certainly, Nate.

And thank you, Angela, for your time here today and making that work, calling in from Croatia. I really appreciate your information. That was really interesting. I know that you provided information about different international countries are actually performing this practice as well as Mexico. It was an interesting tie that you said the GOTS standards are requesting this information. It's almost a disadvantage that the NOP is not doing this currently as a consistent standard. I thought that was interesting.

Can you just touch one more time on the importance of just this piece of information and how it can become very beneficial in investigating fraudulent activities?

MS. WARTES: Well, it's -- most of those private standards are looking at a mass balance system where they take the entire yield of a whole crop, like an entire cotton crop of

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the United States or the entire crop -- cotton crop of a province in India and follow it through the first time it goes to the gin from the field and then is processed, and then how many bales subsequently are produced from the ginning activity, and then where it's warehoused, and then who buys it, and every step throughout the entire way until it ends up as a tampon or a shirt or a mattress.

And in that they're showing, okay, this amount of cotton is available to the market and this many buyers were involved. Oh, but there's -- no, there's more buyers than there was cotton or there's more -- you know, and that same way -- because cotton's really easy to fraudulently present in the industry because it looks exactly the same as the conventional counterparts. So there has to be a lot of transparent mechanisms and tools built into the whole system to make sure that the cotton that you're getting in your shirt actually is organic

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from a field in Texas and not from a conventional source.

So they've been looking at this for a long time because of Pima and Upland cotton varieties and the price premium you get for long staple cotton versus the Upland short staple. And so the cotton world is aware of these fraudulent activities from the very beginning. So organic's just another level to it, you know? Yeah. So it's going to become imperative to participate in these tools. Yeah.

MEMBER BRUCH: Absolutely. Well thank you for providing that extra information.

CHAIR POWELL-PALM: Brian has a question for you, Angela.

MEMBER CALDWELL: Yes, thanks, Angela. Just a quick one. I probably should know these, but I don't know what GOTS and OID stand for. I've never been an inspector. And it would be nice if all the speakers would say what an acronym is before they use it if it's

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something that's maybe not totally obvious.
Thanks a lot.

MS. WARTES: Absolutely. No, absolutely. For sure. It's -- the Global Organic Textile Standard is GOTS. And it's the -- it basically takes the organic cotton from the gin level and puts it into an apparel or home furnishing or hygiene system and keeps its organic status throughout. It's not part of the NOP and it's outside the scope of the NOP obviously, but at the gin level is where GOTS begins.

And then the OID is of course the Organic Integrity Database.

CHAIR POWELL-PALM: Thank you for that, Brian. And I'll try to do better at whipping these acronyms.

MS. WARTES: Good reminder.

CHAIR POWELL-PALM: Yes. Thank you so much for your comments, Angela, we really appreciate them.

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MS. WARTES: All right. We're going to go have dinner. Thanks. Bye.

CHAIR POWELL-PALM: All right.

Next up we have Garth Kahl followed by Amy van Saun and then Julia Barton.

Garth, please go ahead.

MR. KAHL: Hi, Garth Kahl, Common Treasury Farm, Independent Organic Services and Organic Integrity Cooperative Guild.

Dear NOSB members and NOP staff, my name is Garth Kahl and I wear many organic hats including among others a certified grower in Stockton for over 30 years, inspector and consultant. Thank you for the opportunity to comment and as always thanks for your service.

In that vein I want to strongly voice my support for the proposal regarding NOSB technical support. This has been a problem for years and it's time you got some help. You already have my written comments, particularly on the discussion documents addressing minimum

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reporting requirements and the acreage reporting proposal. As a long-term member and trainer with IOIA my views align with theirs on these subjects.

With respect to certificates, acreage needs to be on certificates just as many NOP certifiers and other international standards already require. This information is already publicly available through a variety of online and public records requests. Just do it. It's an easy blow to strike for organic integrity.

With respect to the minimum reporting requirements, along with IOIA I am very hesitant about requiring standard trace back and mass balance reporting forms, but am all in favor of the Accredited Certifiers Association and IOIA, the Independent Organic Inspectors Association, working together with the program to create best practices in fostering continuing education for inspectors on these. Don't create a square form that's expected to fit into the variously

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designed round holes that inspectors encounter on the myriad operations covered by NOP certification.

Most importantly I want to impress upon each and every one of you the benefits that organic producers and consumers have seen from a stable regulatory environment and encourage each and every one of you to keep an eye on that with maintaining -- particularly maintaining all sunset materials and especially maintaining the current practice, which certifiers are implementing and overseeing perfectly well, of treating ion exchange membranes just like the food contact services they are while universally requiring recharge materials to be on the National List. The current approach isn't broken and it doesn't need fixing.

I recently had the opportunity to spend nearly two weeks in the UK. As always, I tried to purchase all the food I needed as organic. Imagine my surprise that, at least in

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the larger supermarket chains, there were very few organic offerings beyond teas, milk, and occasionally contrast -- or occasionally yogurt. Contrast this with the U.S. where I can go to any Safeway, Kroger, or even Walmart in the most rural town and find at least a smattering of organic fresh vegetables, cheese, cereal, bread, not to mentioned processed frozen food. Indeed the selection in the UK chain stores was less than when I visited last year.

My point here is don't muck up the current organic market which is the envy of the world. Resist the urge to meddle. The act of removing substances from the National List should be viewed at best as a necessary evil rather than some warped badge of organic purity. Thank you all for your time and service.

CHAIR POWELL-PALM: And thank you so much for your comments, Garth, both written and oral.

Any questions from the Board? Let's

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start off with Amy. Please go ahead.

MEMBER BRUCH: Sure. Thank you, Nate.

Garth, thank you for your participation today and your contributions to written comments with Angela. Your comments on acres are very clear, appreciate that, your written comments. I'm going to go straight to your second topic that you discussed with our discussion document on standardization of forms, minimum reporting requirements.

My question as a farmer to an inspector such as yourself would be -- there's real clarity I feel like and consistency on the front end side of things with what documents we need to produce for seeds such as seed tags, seed search forms, affidavits from our suppliers, but on the back end not necessarily thinking of a standardized form. But would you be in agreement that minimum reporting standards for bills of lading and some of the transactional type

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materials would be equally as important so we can tie in acres with some of the transactions that take place? So not necessarily a standardized form, but maybe more we need these nuts and bolts definitely from every operation?

MR. KAHL: Yes, I mean, I think that -- let's step back on that. I think there's always --

MEMBER BRUCH: Okay.

MR. KAHL: -- a need to make it clearer for producers. What is the inspector going to look for? What does an audit trail look like? What does a mass balance or what does a trace back exercise look like? What does a mass balance exercise look like? My -- and the IOIA's opposition to a standard reporting form is that an operation that sells -- that produces 500 square feet of vegetables and sells it at farmer's markets or as microgreens is going to have vastly different trace back and mass balance parameters and items to look at than a grain

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operation or a hay operation. They're just -- they're different.

In terms of the universal bill of lading, we discussed this with the IOIA. I'm not sure -- having seen thousands of different forms of bills of lading out there I'm not sure that you as a farmer want to go to all the different entities that handle your product or handle your incoming product if you're buying it in and say your bill of lading must meet these criteria. I'm not sure if even the USDA has the authority to mandate bills of lading, that they have to have certain things.

I think that there's definitely -- I've seen instances where hay producers or hay buyers; dairies for example, have issues where the bills of lading that they receive -- the inspector isn't happy with that or there's something lacking. I think there's room for better training.

I think -- and a way to make it easier

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for the producer while still maintaining that integrity and still maintaining the ability to verify mass balance; i.e., volume moving through the system and traceability, is to train inspectors to say here's the various situations or examples of the kind of situations you might encounter.

So hay -- a dairy, they're going to be buying hay. These are the kinds of documents. They may not be -- the information may not all be represented on the bill of lading, but it might be represented on the combination of the bill of lading and the weight ticket, or the bill of lading, the weight ticket, and the invoice.

And so the trick is to better educate inspectors so they don't write you a non-compliance because your bill of lading doesn't have all the required information and yet at the same time are able to look at all the documents on the table and say oh, yes, I can do a trace back with this or yes, I can do a mass balance

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with this.

I mean, this is the thing: we need flexibility because your operation is different than my operations, is different than Brian's operation, and it's -- so we need to have the flexibility for inspectors to be able to perform thorough mass balance and trace back exercises on each operation and not be kind of confined by a particular form.

MEMBER BRUCH: Okay. Thank you, Garth. I appreciate your answer there.

CHAIR POWELL-PALM: Kyla, please go ahead.

MEMBER SMITH: Hey, Garth. I'm going to switch gears to ion exchange. I really appreciated your written comments. I thought they were clear and easy to follow.

My question that I've been asking on this topic is obviously we have a definition of processing aid and ingredient in the regulations and we keep getting maybe hung up on some of

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these -- on resins and whether or not they meet those definitions or not. And then there's also the FDA definition of food contact substance.

And so do you -- would you think it helpful as we move towards proposal stage for the Board to propose our own definition of food contact substance? Would that help us or not?

MR. KAHL: I think it would. I think it's kind of unfortunate, you know, the FDA kind of did a flip-flop. I mean they had a previous statement or policy that yes, these were food contact substances. Then we went back and asked them again and they're like well, maybe; maybe not. Yes, I think it would be very helpful. I think that we kind of need to define it for ourselves. And I think that it is a food contact substance.

As I said in my written comments, if we start looking at this and requiring this listed, then there's a myriad of other substances that contact food in a processing environment.

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And do we really want to be going down that road? That's my big concern is the disruption that this would cause for industry, for processors, and at the end of the day for consumers. I mean, if -- you know, believe me, if my stepmother cannot get her agave syrup organically, she's going to be very upset.

MEMBER SMITH: Thank you.

CHAIR POWELL-PALM: I have a question for you, Garth. And before I actually ask my question just want to disclose for the record that I am a member of the Organic Integrity Cooperative Guild. Just for the record.

Could you speak to this sort of unclear question about leakage of resins and is this a concern or is this unfounded?

MR. KAHL: Well, so actually I -- my primary source of information for ion exchange membranes of course is Gwendolyn Wyard, who taught me everything I know about ion exchange membranes back in the early 2000s. So but in

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speaking with her it appears that -- and I'd refer you to my written comments on this -- it appears that this idea of leakage comes specifically from a widely circulated document called Ion Exchange for Dummies.

CHAIR POWELL-PALM: Like the paper-bound book for dummies?

MR. KAHL: Yes. No, and it's a great document. And actually I referenced it in my written comments. It's a great document. And it was -- it's -- you know, even it's useful for me to review. It's like yes, this is how it works.

So some people hear this idea of leakage and they think, oh my gosh, these little pieces of plastic beads -- and that's what they are. They actually kind of look like the beads inside a stuffed beanbag chair. If you've ever had a stuffed beanbag chair that opened and ripped, they look like little polyacrylic beads. And so people hear leakage and they're like, oh

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my gosh, these little resins of plastic are going floating into our organic food supply. This is really scary.

What they talk about in terms of leakage is -- what this document references when they talk about leakage is -- so the ion exchange membrane is transferring ions. Let's say it's going -- juice is going through it and the undesirable ions maybe the color, things like that that are bound to color, are binding on the membrane. They're interchanging with the recharge materials on the membrane, they're interchanging with the fluid.

Once these -- once this membrane starts to get full it doesn't let -- it's kind of like the filter in your car, right? So if your fuel filter gets too full, maybe some dirt goes by it at -- or comes off of it and goes and clogs your fuel injector. The same kind of thing happens. When the ion exchange membranes get super saturated, they then start releasing part

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of the trapped ions that they had previously filtered out.

So the filter just gets clogged and then it starts passing filtered -- filtrate, the stuff that should have been filtered out. It starts passing it. It's not leaking pieces of plastic. It's not leaking the chemicals that are in the ion exchange membrane. It's leaking the material that was filtered out. So there's again no breach of organic integrity. But people hear this word leaking, it sounds really concerning, and so some of the public comments focused on this leaking as if this was a threat to organic integrity.

CHAIR POWELL-PALM: Really appreciate that clarification. Yes. So it's filtrate. It's just the stuff we're trying to get out, we're not getting out, but it's not the plastic breaking down, not the resins breaking down. Thank you for that.

MR. KAHL: That is the -- that is my

interpretation looking at organic -- Ion Exchange for Dummies. If you look at the diagram there; and again, see my written comments, it's pretty clear what that -- what they're talking about is filtrate going back into the solution.

CHAIR POWELL-PALM: Given the hours that have gone into this project I think we need a copy of this book and we all need to sign it for posterity.

(Laughter.)

CHAIR POWELL-PALM: So if you can make that happen, that would be great, in Sacramento.

MR. KAHL: See my public --

CHAIR POWELL-PALM: But thank you --

MR. KAHL: -- comments. It's there -- it's actually just -- it's available on the internet. You can download it. And I've included the link on my public comment.

CHAIR POWELL-PALM: Awesome. We appreciate that. And thank you for your comments today.

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MR. KAHL: Thank you.

CHAIR POWELL-PALM: Next up we have Amy van Saun followed by Julia Barton and then Lisa DeVetter.

Amy, please go ahead.

MS. VAN SAUN: Thank you. I'm Amy van Saun. I'm a senior attorney with the Center for Food Safety. I want to thank the NOSB members for your service and -- to organic.

CFS, as you may know, has over 1 million members nationwide. We've been champions of the organic label and a major pillar of our work for all of our over 20 years has been to ensure the integrity of the USDA organic label.

I personally got to spend four years litigating to reinstate the organic livestock and poultry practices rules after the last administration withdrew it. And now we have the proposed new rule, Organic Livestock and Poultry Standards, OLPS. That would be -- that's going

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to be the focus of my comments today.

Center for Food Safety is happy to see that USDA once again agrees that it has full authority under the Organic Foods Production Act to set standards for the humane living conditions of organically-raised animals. Further, there is a clear failure of the organic market here to ensure that organic animal products consistently meet consumer expectations of humane treatment of those animals. Organic should of course be the gold standard and the fact that farmers and eaters alike must rely on third-party animal welfare certifications needs to be corrected.

So we think that OLPS is a major step forward, but as we commented in 2016, it should be clarified to ensure that there is meaningful access for all poultry and humane living conditions for all organic livestock.

We have some specific requests there to -- that will be of course detailed in more detailed comments that we'll be submitting to

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USDA, but here are some major things I wanted to highlight.

We think USDA should require better than 50 percent concrete for outdoor spaces for all birds because outdoor space is so important. Having soil with real vegetation on it is important for chickens and other poultry to engage in their natural behaviors. We also think there should be more room per bird. We saw that the USDA chose the low end of NOSB's recommended range. We believe that should be at the high end and that there should be set a minimum number of doors to ensure that birds can and will access their outdoor spaces.

We also believe that USDA should remove the definition of soil as this was not vetted or recommended by the NOSB, nor is it required for the rules themselves, and should also define maximal vegetation.

We believe USDA should add breed restrictions to ensure that organic birds will

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thrive and limit daily growth rate. And as we detailed in our 2016 comments, pigs are notoriously absent from this rule and we believe there should be spacing and outdoor requirements for them as well.

I see that my time is running up, so I'll be brief, but the rest of this is in our detailed comments. We think that especially the rule has been too long and so long in the works that farmers need to be benefitting from that level playing field immediately, so the implementation time must be shorter than 5 or 15 years, and CFS promotes 3 years for broilers and egg-laying hens' outdoor space. Thank you so much for your consideration.

CHAIR POWELL-PALM: Thank you for the detailed comments. We really appreciate them as well as your work on this issue. It's exciting times. We're almost there. So we can do this right. And getting across the finish line is in no small part to the folks who have fought so

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hard for the last four years to make this happen.
Any questions for Amy?

Amy, would you remind us when the public comment period closes?

MS. VAN SAUN: I believe that's November 10th when the comment period closes.

CHAIR POWELL-PALM: I think you're right.

(Simultaneous speaking.)

CHAIR POWELL-PALM: So everything -- Oh, sorry. Go ahead.

MS. VAN SAUN: I said it was either the 10th or 11th. It's not in front of me. I think November 10th. We got an extension which is helpful to really make sure our comments go into the detail that will hopefully be helpful to USDA to make those clarifications.

CHAIR POWELL-PALM: Yes. So everybody on the call, I want to make sure everybody knows that you can still comment on OLPS and make your voice heard.

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Thank you for that reminder and for your comments today, Amy. Appreciate it.

Next up we have Julia Barton followed by Lisa DeVetter and then Bryce Irlbeck.

Julia, please go ahead.

MS. BARTON: Hi, Nate. Can you hear me? Yes, we're good?

MS. ARSENAULT: Yes, we can hear you.

MS. BARTON: Thank you.

Good afternoon, everyone. My name is Julia Barton with the Ohio Ecological Food and Farm Association. Thank you for your facilitation of this online forum and for your service.

Today I'd like to highlight input on three topics. First, field and greenhouse container production. OEFFA is part of a working group of certification, education, and policy organizations who agree that soil is the foundation of organic agriculture and who strive to achieve consistency in our organizational

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policies and certification decisions. We urge the NOSB to activate the latent agenda item field and greenhouse container production and to lead our community in a discussion of this essential topic.

Further, because aeroponic, hydroponic, and crops grown to maturity in containers do not comply with OFPA and because there is significant inconsistency in the way these forms of production are being handled by --

CHAIR POWELL-PALM: Maybe turn off your video, Julia.

MS. BARTON: Okay.

CHAIR POWELL-PALM: It's breaking up a bit.

MS. BARTON: Rural internet, folks. Is that better?

CHAIR POWELL-PALM: Yes. Yes, absolutely.

MS. BARTON: I'll keep rolling.

CHAIR POWELL-PALM: It is. Please go

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ahead.

MS. BARTON: In short, on that topic we urge the Board please to call for a moratorium on the certification of new operations in this category until we can utilize our existing NOSB and rulemaking process to move forward with greater consistency.

Secondly, on the acreage reporting proposal, we agree with the subcommittee's recommendation that NOP require certifiers to list a certified operation's acres by crop type on organic certificates, and we would be happy to add total organic acres. As a community we need to come to consensus regarding the granularity of details and reporting double cropping and small-scale production. We think that's doable and we look forward to it.

Regarding the discussion document Oversight Improvements to Deter Fraud: Minimum Reporting Requirements, we support the concept of this discussion document and we might differ a

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bit when it comes to the details. Specifically, we support a universal bill of lading. This is a specific document used in a specific way at a very busy time of year. A standardized form in this case we think has a good chance of reducing fraud. We support it.

We do not on the other hand support standardization of everything, and specifically we have concerns about a universal OSB. Culturally, organic is known for transparency and willingness to share information. OEFFA farmers regularly help bring new transitioning farmers into the fold and mentor one another regarding production practices and record keeping.

Similarly, many certifiers and organic educational organizations offer record keeping templates, both in print and digital forms, for not just their operators, but for all organic operators to use should they choose. We're supportive of this type of crowd-sourced cooperative effort and we know it benefits

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organic producers, handlers, inspectors, and certifiers.

That said, the need to use any given form exclusively reaches beyond the requirements of record keeping in OFPA and could cause both confusion and inefficiencies for operations or types of audit which don't fit the form in question. Let's not fall into the standardization-is-always-more-efficient trap and rather learn from our experience in agriculture that diversity is not only navigable but also positive and beneficial. Thank you for your time.

CHAIR POWELL-PALM: Thank you for your comments. Any questions for Julia?

I have a question for you -- oh, please. Sorry, Amy, for that delay. Go ahead.

MEMBER BRUCH: Oh, no problem, Nate. I had trouble finding my raise hand button.

Okay. Hi, Julia. Thank you for your time today and for your written comments as well.

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Two questions, first one is going to be a real quick one. How long has OEFFA been displaying acres on certificates?

MS. BARTON: Since I can remember. I've been at OEFFA 10 years, so at least 10 years. Let's put it that way.

MEMBER BRUCH: Yes. Okay. Appreciate that. That was longer than I was anticipating. Okay. Wonderful. Thank you for that.

And then secondarily, it's a combination question from maybe your comments from last semester, written as well as this current comment period. I remember last semester you had mentioned that some of the common non-compliances that farmers have are with record keeping. And so potentially one of the benefits from having a little bit more standardization or the minimum reporting requirements is a benefit to farmers so they know what -- how they can form their record keeping system to the expectations

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of compliance as well.

So if we're getting maybe -- I know you're somewhat in favor of the current proposal, but a little concerned with standardization. Do you have any additional ideas that can help farmers, outside of just training, reduce the number of non-compliances for record keeping if we're not going down the standardization or identifying some of these core components?

MS. BARTON: Sure. And are you thinking that -- I mean, I wasn't entirely sure from the framing of the document. Are you thinking that a non-compliance for record keeping is inherently a bad thing because it's like too picky or are you thinking maybe it's being overly regulated in the record -- like what are you thinking about that just so I can answer appropriately?

MEMBER BRUCH: Okay. And that's a good question because it is interpretation. I guess from a farmer point of view -- and I've

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helped other fellow farmers transition to organic, and one of the barriers is record keeping and just understanding the requirements. So I guess my interpretation of the written comment that you provided last semester was more or less that there was just a non-understanding from the farmer point of view of the expectations of the records. And maybe I interpreted that wrong.

MS. BARTON: No, I think I understand what you're saying. And jump in here, Nate, if you want to --

CHAIR POWELL-PALM: Yes, if I could couch this just a little bit.

MEMBER BRUCH: Sure.

CHAIR POWELL-PALM: So in thinking about the non-compliances that are not fraud-based -- so we're not worried that something non-organic was sold, but rather that the harvest date wasn't written down or there's a missing component that results in it. So to beef up our

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fraud efforts, anti-fraud efforts, versus that 50 percent of non-compliances that may not have necessarily a real basis in fraud but are just inconsistent record keeping that results in a non-compliance, time and resources on both farmers and certifiers being spent.

MS. BARTON: Okay. Sure. So like how do we zero in on the really important record keeping non-compliances and let the ones that don't matter so much go by the wayside?

CHAIR POWELL-PALM: Or just if they were standardized possibly make them less likely to be poorly kept.

MEMBER BRUCH: Mm-hmm.

MS. BARTON: So I think we have a lot of really good options out there already. Like I heard the discussion on Tuesday about the modular OSP. There's a whole bunch of certifiers who have a whole bunch of record keeping templates that are out there. I've worked in the arena of transition support over the last eight

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years and we share those various templates and ideas with producers when they're going through transition. And they can choose to engage with educational support services as much or as little as they want to, but we know for sure that we need more educational support while people are transitioning. And I don't just mean in the 36 months of transition. I mean, you know, probably a good five years before certification and a good five years after certification is like the real transition period.

And people need help. I don't think they need to be overly regulated during that period of time. I think they need help during that time to really kind of get their feet under them and get the support that they need to be successful organic operators. And record keeping, as much as we don't all love it as organic operators, I'm one, too -- like we don't love it, but it has to be done, right? Like it's part of the accountability measures that are

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built into the program. And we sign up for the program, so we sign up for the record keeping.

But standardization I think is a slippery slope because we have so many different types of learners, we have so many different types of brains. And in my experience we think standardization is going to be helpful, but it often doesn't achieve the outcomes that we're seeking. So that's a concern that I have and that OEFFA has in terms of that suggestion.

MEMBER SMITH: Nate, I don't mean to skip the line, but can I just --

CHAIR POWELL-PALM: Go ahead.

MEMBER SMITH: -- like say something directly --

CHAIR POWELL-PALM: Go ahead.

MEMBER SMITH: -- about that? I think -- I don't want to put words in your mouth, Julia, but I think what you're saying, or what I hear you saying and interpreting is like the template is only as good as the person using the

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template. So you could have the best frickin' template in the whole world and if they don't use it or they forget to put one piece of information on there, we're still going to end up with the non-compliances because it's people. So that's what I heard.

MS. BARTON: Yes, that's not exactly what -- where I was coming from, but you have a point there, too. I mean, we're working with people and people are people, like Kyla said. And we see soup to nuts on these OSPs. We see soup to nuts in terms of record keeping. But what we really try to do at OEFFA is meet the producer where they are. If they've given us something that we can turn into something that's auditable, we take it, right?

Like think about DMI. Think about when somebody's worked with a nutritionist and you get pieces and parts on different -- different pieces of documents, but you know DMI well enough you can put it together and you can

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see that this person is meeting the standard. Like it does require a high level of understanding on the part of the reviewer and the inspector. Like we're talking about high levels of professionalism here.

But I think we can achieve that. I don't think we necessarily need to -- I don't think we need to try to square-peg-round-hole this. I think we can kind of use the -- use what we know. Like we know diversity. We know outside-the-box thinking. Like that's what we're made of in this movement. So use our strengths, play to our strengths and don't try to be standardized whatever.

CHAIR POWELL-PALM: I'm going to jump to Kim for a question for you.

MS. BARTON: Yes, ma'am?

MEMBER HUSEMAN: Hi Julia. The past day and a little bit here so far today I think there's been some great conversation as we talk about acres on certificates. And OEFFA has been

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doing this for quite some time. In your 10 years that you've been there do you know -- do you keep records of how many operations were decertified or caught with fraud based off of having this information on the certificate?

MS. BARTON: We definitely keep records of operations we certify who are, you know, certified, revoked, denied, suspended. Yes, we do. There aren't that many revocations in a year. There aren't that many denials in a year. It's generally small numbers.

What I think -- you know, non-compliances would be something else we also track, but might be closer to getting at what you're getting at. Like because folks do have the opportunity to correct, right? So --

MEMBER HUSEMAN: Right. So it's the okay, we've noticed this. You've got time to get this in order and corrected?

MS. BARTON: Yes.

MEMBER HUSEMAN: Okay. From a --

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percentage-wise how many do you end up actually decertifying?

MS. BARTON: It would be a very small percent, but I don't have that off the top of my head.

MEMBER HUSEMAN: Yes. No, no, no.

MS. BARTON: We can get you --

(Simultaneous speaking.)

MEMBER HUSEMAN: Yes, I'm just curious. I appreciate the answer. Thank you.

MS. BARTON: Yes, ma'am.

CHAIR POWELL-PALM: And, Julia, if I understand it right, that's an NOP data point that we can get as well. The revocations are part of that dashboard reporting.

So we can definitely get that to you, Kim. Thank you, Julia.

MS. BARTON: Thank you.

CHAIR POWELL-PALM: Thank you so much.

MS. BARTON: Thank you.

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CHAIR POWELL-PALM: We really appreciate your time.

MS. BARTON: Same.

CHAIR POWELL-PALM: All right. Next up we have Lisa DeVetter followed by Bryce Irlbeck and then Leslie Touzeau.

Lisa, please go ahead.

MS. DEVETTER: Thank you.

Michelle, I had -- I sent some slides. Were you going to screen share them? Great.

Well, thank you so much. Just let me know when you're ready.

CHAIR POWELL-PALM: We're ready.

MS. DEVETTER: Well, good day to you all. I'm Lisa DeVetter. I'm an associate professor with the Department of Horticulture at Washington State University and I'm here to present a little bit of information about soil-biodegradable plastic mulches as they're being considered for use in organic agriculture.

Next slide, please? So first I just

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want to provide a definition and give some overview about what soil-biodegradable plastic mulches are, or BDMs, because I think there are some common misconceptions.

So BDMs, they must meet standards for biodegradation, and those standards are there to ensure the quality and integrity for their utilization in agriculture. And the ones that researchers utilize is the European Standard 17033. This requires that the materials achieve 90 percent or greater in-soil biodegradation within two years or less. Now this means it excludes oxos and photodegradables which are sometimes erroneously sold as biodegradable mulches.

I also want to talk a little bit about the composition of BDMs because in 2014 when BDMs were added to the list of allowed substances it required that BDMs be 100 percent bio-based in their constituency.

So by mass 75 to 95 percent of BDMs

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are feedstock ingredients and then the remainder are additives. And these are required and they're added for processing the material and for the performance in the field. They can include anything from plasticizers, lubricants to UV stabilizers.

Now going back to the feedstocks, they may be bio-based. They may also be derived from fossil fuels, but what we see commercially is that they are a blend of the two. There are no 100-percent bio-based BDMS that are available. It is more along the lines of 20 to 50 percent, up to 60 percent in Europe.

And the other thing that I think is a common misconception is the relationship between bio-based content and in-soil biodegradation. There is no correlation between these two, so just because you have higher bio-based content it doesn't mean it's going to biodegrade in soils better.

Next slide, please? So I'm a

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researcher. I wanted to highlight what is known about BDMs from my perspective as well as the perspective of other researchers that I collaborate with. Some of those papers were referenced in the written comments that were submitted.

So to date what we've learned about BDMs is that they maintain crop performance relative to traditional non-degradable polyethylene mulch. They have no negative impact on soil health. And this is through monitoring physical, chemical, and biological soil variables within a two to four-year period. And they've been shown to be economically viable in most farming systems and contacts.

Now research is continuing on. We're still curious to look at their longer-term health effects on soils in some of these legacy sites that have had continuous application of BDMs, but from my perspective they are an opportunity to reduce plastic waste generation in agriculture,

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including organic agriculture.

Recycling is another opportunity, but that might not be technically or economically feasible across all farms and with the technology at the time. And there is a precedent for their use in Europe such as the Italian Organic Farming Association. Thank you for your time.

CHAIR POWELL-PALM: And thank you for your comments. Do we have questions from the Board for Lisa?

Let's see. Brian, please go ahead.

MEMBER CALDWELL: Yes, so, Lisa, thanks very much. I think that the learning curve on these mulches is involved and long, but what I -- a couple of questions. One is -- the first one is when we talk about bio-based, I think that -- especially when I was in the -- you know, last year or two learning about this, that seemed sort of synonymous with natural, but it's totally not, right? In other words, a substance that -- a material that's an input into the processing to

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create these mulches could be coming from corn, but it's synthesized and it could have all kinds of different chemical groups added to it. And that's one reason of course that it might not degrade quickly. Am I interpreting that right?

MS. DeVETTER: A lot of the biodegradation depends on the polymer nature and then how it gets blended as a final film product. So, there's the feedstock itself, and that, again, could be biobased.

Usually, it's a blend and there's its inherent biodegradation, and then there's the actual film and it's added with the other additives, and how that biodegrades, and those are other interacting factors in addition to what's happening in the field.

But there are some biobased materials that are produced from GM organisms, so they're not necessarily natural per se, like directly extracted from, say, corn or potatoes. I hope that answers your question.

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MEMBER CALDWELL: Well, just, I guess just to be maybe clear about it, if it's biobased, it doesn't mean it's nonsynthetic, right?

MS. DeVETTER: Well, if it's biobased, yes, correct, it doesn't necessarily mean it's non-synthetic.

MEMBER CALDWELL: Right, in other words, a feedstock for an industrial process could be from a biological source, a plant source of whatever, but the final product essentially can be a synthetic material.

I think that, at least for me, that was one of the kind of hangups that I had in trying to understand all of this, is that it sort of seemed like oh, well, if it's biobased, it's sort of inherently natural, but I don't think that that's really the case. Am I right on that?

MS. DeVETTER: Yeah, it's hard for me to kind of understand what natural is in this context too, but pretty much everything, whether it be biobased or not, there is some level of

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processing that has to happen to it essentially.

MEMBER CALDWELL: When you say everything, you mean everything involved in these mulches, not everything in the world?

MS. DeVETTER: Yes, in these mulches. Absolutely.

MEMBER CALDWELL: Okay, so my second question is when I was reading some of the research that I was trying to determine the biodegradation rates, what I found was that they were actually looking for identifiable pieces of the mulch that they could recover from the soil. But that's really a way, inaccurate way of trying to figure out how much is actually remaining there because a lot of it could not be visually identifiable but could still be there. Is that right?

MS. DeVETTER: Yes, so right now where the science is is that we're looking at visible fragments in the soil, both on the surface or within the soil. In some of the new research

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that's going to be underway in the next four years, we're going to be looking at it at a much more, you know, finer resolution.

Because we're only able to see what we can see, and so we're not necessarily yet able to see, or the research to date hasn't been able to show what happens with those smaller fragments that are not able to be visualized.

MEMBER CALDWELL: Right, and so there might be better methods of using different carbon isotopes or something like that to actually track what has been evolved from, you know, a biodegradable mulch as it's, you know, degrading. That would seem to be a more accurate assessment. Is that right?

MS. DeVETTER: Yes, and that's where -- you know, I'm privy to this knowledge, so within the next four years, that's what is going to be looked at, not necessarily the carbon isotopes, but looking more at the carbon within the mulch material and tracking that, and trying

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to better understand what is the fate and residence time of the materials in these mediums.

MEMBER CALDWELL: Good, great, but we're not there yet?

MS. DeVETTER: Correct.

MEMBER CALDWELL: Okay, thank you very much. I really appreciate that.

MS. DeVETTER: Thanks, Brian.

CHAIR POWELL-PALM: Next up, we have Dilip. Please, go ahead.

MEMBER NANDWANI: Thanks, Lisa, for your comments, and it's a very interesting discussion and partly you have answered with Brian. I just wanted to very quickly ask you if you have any information about how long these biodegradable materials, so far, companies have been using and how long they stay in the soil or how much time they may take to degrade? Thank you.

MS. DeVETTER: Sure, thank you for your question. So, right now what we're seeing

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is really dependent on the soil and the environment, a lot of it temperature driven.

Right now in northwestern Washington, four to six years is about what it would take to biodegrade in the soil based on our current methods of assessment. In more warmer climate areas, it could be two to three years.

MEMBER NANDWANI: So, that applies to bio as well as non-bio products? Because mostly it is bio, but --

MS. DeVETTER: Okay, oh, biobased versus non-biobased?

MEMBER NANDWANI: Correct.

MS. DeVETTER: We haven't been able to study that because we're looking at commercial products, and all of the commercial products that meet the standards are a blend of bio and non-biobased feedstock ingredients.

MEMBER NANDWANI: Thank you.

CHAIR POWELL-PALM: Logan, please go ahead.

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MEMBER PETREY: Hi, thank you for the comments, both written and oral. So, when you stated in one of the slides, it was talking about soil health, that you haven't seen any impact, can you describe that? What are you -- Brian was going into, you know, the visual identification of things.

I was just, you know, expecting that there are more parameters that are measured when you're, you know, claiming soil health is whatever that is.

It's a hard thing to identify. I mean, that's something we all chase, but can you kind of explain the soil health studies and that, you're not -- you haven't been seeing any decline necessarily?

MS. DeVETTER: Sure, absolutely. So, this work has been primarily led by Dr. Markus Flury, who is a soil scientist here at Washington State University, and so some of the biological components have been earthworm counts, carbon,

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excuse me, respiration in the soil, then they looked at physical components such as aggregate stability.

I'd have to go back because there's a number of various variables that they're monitoring as part of their soil quality index, and then chemical components like carbon, nitrogen, et cetera.

And what they've seen is no change due to biodegradable mulch. What they do see though are changes based on season, so season has a larger effect than just actually the addition of the biodegradable mulch after. They've looked at it up to four years with continuous or annual BDM application.

MEMBER PETREY: Okay, and then so a lot of the maybe concern or the focus has not necessarily shifted from the soil health, but it's gone into human health and, you know, the plastics, and what may be left behind, and whether this is getting in food and stuff like

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that. Has any of that been looked at or even in comparison with the polyethylene mulch that we have? Has that been of interest in research?

MS. DeVETTER: Yeah, if there's a lot of interest right now, I haven't seen publications come out, both on the PE or the non-degradable and the BDMs in terms of, you know, what happens if it's ingested and what happens if it moves through the food chain.

You know, we do know, at least for plastic particles in laboratory-based studies, that plants are able to take it up, so there is some risk for bioaccumulation and ingestion, but we don't know what for the biodegradable materials.

MEMBER PETREY: Okay, and so when you're doing, when the research is conducted, you're using polyethylene mulch as maybe a control or you have both bare ground, polyethylene mulch, and then the biodegradables as well, testing all of those side by side or --

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MS. DeVETTER: Yeah, it depends on the experiment, but in general, we will have polyethylene as a control --

MEMBER PETREY: Okay.

MS. DeVETTER: -- with the biodegradables.

MEMBER PETREY: Okay.

MS. DeVETTER: Usually, we're not having bare ground as a control.

MEMBER PETREY: And you don't have any other, because it's come up as alternatives, you know, as far as more of your biode -- I would assume maybe like a biocover, like a cover crop? That hasn't been looked at in the trial as well, correct?

MS. DeVETTER: Not any of -- well, it depends. So, we are starting to look at biobased hydromulches. This is work in collaboration with Dr. Gretta Graham.

Again, this would be made out of one-hundred percent recycled materials like recycled

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paper, plus an organic approved tackifier, so that's just started. We've got one year of data, but no living materials.

MEMBER PETREY: No living materials that have been terminated or sewn and then planted into to try and make that a mulch?

MS. DeVETTER: Yeah, none yet. For a lot of the systems we're working in, we have challenges, like if we have living materials, slugs are our big challenge up here in northwestern Washington, and then also there's concern about competition with the crop --

MEMBER PETREY: Oh, yeah, sure. And then my last question, thank you for your time, is, okay, so you all are conducting research and who is really driving that research there? Is it organic industries or conventional industries? Who is really wanting that to continue or at least funding, not necessarily funding, I don't need that information, but who really is driving that research?

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Because there is, you know, the idea of if we delist this biodegradable biobased mulch film from, you know, the listing that it currently is, is that going to stifle or stall, you know, research ongoing of this right now?

MS. DeVETTER: Yeah, so the research primarily has been driven by both, you know, conventional and organic stakeholders, and the funding has come from, for plastic BDMS, has been coming from, you know, specialty crop agriculture programs, and then the organic alternatives have been coming through USDA OREI.

MEMBER PETREY: Okay, thank you, appreciate it.

MS. DeVETTER: Yeah, thank you.

CHAIR POWELL-PALM: Javier, please go ahead.

MEMBER ZAMORA: Thank you, Nate. Well, Lisa, it's a pleasure to see you and thank you for taking the time to elaborate and give us some information on the research that you guys

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have been doing.

For the record, I want to say that I have participated as a grower in some of this research that is happening, and it's very helpful for growers in our central coast to really understand how things are working, and we are not there yet.

I think there is a lot more research that has to be done before we can fully make a decision that the amounts, whether it's biodegradable plastic or conventional mulch is doing harm to our soil health.

But my question to you, based on the research that you guys have done for the last six years, is do you think that the plastic conventional mulch that has been left behind in the soil, it's creating a more harmful issue for the soil than what biodegradable mulch would do?

And then the second question is do you think the U.S., it's the forces behind, whether economical or whatever it is, are prohibiting us

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growers to do things that other countries like Italy and some European countries already implemented and using some of these biodegradable mulches? But in my personal opinion, I think it would just be the best thing to do for our soil health, but, yeah.

MS. DeVETTER: Well, thanks, Javier, for your participation on the board, as well as some of the trials as we explore these materials.

So, the first question, you know, do I think, yes, well, polyethylene, there are risks to utilizing polyethylene in agriculture. My colleague, Dr. Seeta Sistla at Cal Poly, she's observed fields where they have over 200,000 pieces of plastic remaining on top of the surface of the field, just on the surface, and so, you know, there's very likely more within the soil as well and that is known to be released into waterways and then there's concerns about soil health there.

Risk is really hard for me to comment

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on confidently. Because I'm a researcher, I like to make statements based on data, but, you know, to me, BDMs, there's a really good opportunity that it would be less harmful than our current practices of polyethylene because even when it's removed from the field, there's still fragments that remain even after hand cleaning.

With the biodegradable products, we're using feedstocks that do biodegrade. Based on laboratory tests, they're showing good indicators in field tests that they're biodegrading and not causing harm to the crop as well.

But I still, you know, this is very self-serving. I still think there's a need for more research to better understand any other longer-term effects on the soil so we know.

I do want to comment though that some of the standards, they do look at ecotoxicity effects. So, I think, you know, the feedstock ingredients themselves, they do have a very high

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probability of being safe in a soil environment to the biological community.

And then your second question, it's hard for me to comment on that as well, but, you know, given that BDMs are used in other European countries like Italy and France, you know, it does seem like there is potential inhibition to limit organic growers' ability to cut back on their polyethylene mulch use by using an alternative.

But again, I'm a researcher and I look at it as is -- there is still some science left to be explored as well. So, I just want to present the science and what we know. I think it's worth considering in organic agriculture because I do, again, think that they do represent a good opportunity.

MEMBER ZAMORA: Thank you very much.

MS. DeVETTER: Thank you.

CHAIR POWELL-PALM: Thank you so much for your comments. Sorry to pile on with all of

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the questions, but we're really curious and we appreciate your expertise, so thank you.

MS. DeVETTER: Thank you.

CHAIR POWELL-PALM: Next up, we have Bryce Irlbeck, followed by Leslie Touzeau and then Tim Cada. Bryce, please go ahead. Oh, we can't hear you, Bryce, or at least I can't hear you. Can anyone else hear him?

MS. ARSENAULT: I cannot. You don't look muted, Bryce, but one of your mics is not working.

CHAIR POWELL-PALM: If you want to call in, Bryce, we could jump to the next person.

MS. ARSENAULT: So, Bryce, if you have access to the chat, okay, the numbers are at the top of the chat.

CHAIR POWELL-PALM: All right, let's go onto Leslie Touzeau and then we'll come back to you, Bryce. Leslie, if you're there?

MS. TOUZEAU: I am. Can you hear me okay?

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CHAIR POWELL-PALM: We can. Please go ahead.

MS. TOUZEAU: All right, good afternoon or good morning to the Board members. My name is Leslie Touzeau and I am the material review manager for Quality Certification Services. Thank you for this opportunity to provide comments and thank you for the tireless work you do for the organic community.

QCS certifies approximately 1,000 organic operations and today I'd like to focus on a few topics that are of particular interest to our clients in our organization.

First, on carbon dioxide, QCS has not received any feedback or requests from our growers about their need for carbon dioxide as a pH adjuster. However, since synthetic carbon dioxide is approved at 205.605 as an organic process made, we would not oppose its addition to 205.601(a).

We appreciate the crop subcommittee

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recognizing the need to properly evaluate carbon dioxide as a potential addition to 206.601(j) as a plant unit.

As we have indicated in past comments, we would support the addition of carbon dioxide at 205.601(j) and we urge the crop subcommittee to continue to evaluate carbon dioxide for this use as petitioned. We look forward to submitting comments when a proposal is developed.

Next, QCS agrees with the handling subcommittee's proposal that ion exchange recharge materials must be included on the National List as approved processing aids. This is consistent with QCS's current policy.

As for resins using the ion exchange process, our current policy allows resins that are FDA approved through contact substances, and we do not require the resin to be on the National List.

However, we understand the importance of consistency and we recognize the need for

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clear definitions and definitive understanding of resin degradation. We hope the Board can utilize the comments from stakeholders to provide an informed recommendation to the NOP about how we should review these substances to maintain consistency between certifiers moving forward.

Finally, QCS supports the continued listing of biodegradable biobased mulch film at 205.601. We have heard from numerous QCS clients that they want an alternative to polyethylene plastic mulches and QCS has submitted comments in support of revising the BDMF annotation to the seemingly attainable goal of 80 percent biobased content.

We understand that the listing as written allows for a product that has not come to market, but given the challenges that organic growers face finding effective weed control and the prevalent use of polyethylene single-use plastic mulches, we believe that this unique case warrants continued discussion, all while keeping

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the door open for future product development and acknowledging the many hours of work and research that have already gone into evaluating biodegradable biobased mulch films that led to the 2021 recommendation.

The renewal of this listing would allow the necessary time for the 2021 annotation recommendation to proceed through the steps of rulemaking, and progress on the manufacturing of 80 percent biobased biodegradable mulch could be reevaluated at the next five-year sunset review.

We are concerned that if BDMF is removed from the National List at this time, this will hinder innovation by manufacturers as they will be less likely to put money towards R&D for products that have no market. Thank you.

CHAIR POWELL-PALM: Thank you. Questions for Leslie from the Board? Kyla, please go ahead.

MEMBER SMITH: Thanks, Leslie. I'll ask the question that I'm asking. Do you think

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it would be helpful for the Board to propose a definition of food contact substance? Would that aid in us making determinations on resins outside of the definitions of processing aids?

MS. TOUZEAU: Yeah, I do. I think that, you know, like I said in the comments, for us as a certifier, the most important thing is consistency across certifiers in terms of how we're reviewing these materials, and so it seems like the FDA hasn't given us that kind of clarity that we were seeking.

And so, if that is something that the NOSB is interested in taking up, coming up with the definition that would aid in the review of these materials, then, yes, I think we would be in support of that.

CHAIR POWELL-PALM: Any other questions for Leslie? I have sort of a general question, Leslie. On resins, they -- it's my understanding that they are reviewed as food contact surfaces by certifiers now, so they do

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get reviewed and they do get listed on OSPs. Is that correct?

MS. TOUZEAU: Yes, on OSPs, but they're not reviewed as a National List material.

CHAIR POWELL-PALM: Correct, yes, all right, thank you so much, appreciate your comments today.

MS. TOUZEAU: Thank you all.

CHAIR POWELL-PALM: All right, take care. Next up, let's jump back to Bryce. Bryce, are you there?

MR. IRLBECK: Nate, can you hear me?

CHAIR POWELL-PALM: Yes, we can, loud and clear. Please, go ahead.

MR. IRLBECK: Perfect. So, good afternoon, everybody. My name is Bryce Irlbeck and I work in a couple different processes of the organic industry, number one, as a producer of corn, soybeans, alfalfa, and small grains in the Midwest, number two, as a consultant, so we do tens of thousands of acres of organics, 20 to 50

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certifications a year across the country, and then most recently, we got into the food processing, organic food processing side.

So, I have a wide range of what we do on the organic side and I wanted to speak about two aspects today that could provide improvements in the system in both integrity and efficiency in the organic certification process.

And so, those two topics are strengthening the integrity of the United States in a broad organic certification. One of the things that came up this year that was kind of frustrating as we go to sell our grain, we have buyers that didn't have ships full of organic grain coming off the coast, and now they do and don't want to buy our grain.

And so, I'm not saying it was not organic, but it is a little disturbing that they didn't have them two months ago knowing they were going to come in and now they have ships full of organic grain.

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And through putting this, the acres on the certification, the second part is looking at standardizing the audit process for a couple of reasons that I will outline below.

So, I want to circle back to that first point and look at strengthening the integrity of organic products through adding acres to the certificate.

Going through this with the multiple certifications I do a year, we already provide this data. It's a simple process that's already captured by all of the certifiers I work with.

The growers already put it in their system plan, and so it's not going to provide any extra work for the growers that they're not already doing, and very nominal work for the certifiers to provide this.

And to do this, I think it allows two important points to look at. When an end user is purchasing grain, they have all of the information to make a good purchase and hopefully

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understand that this guy, this individual that is growing crops has this amount of crops available or they don't.

And then I think the most important thing is that we're starting at step one leading to a better path of capturing data to improve the integrity of organic, and this could be step one that could lead to more steps as we go down the path of implementing technology into providing that information to certifiers that they don't have to go dig through records and all that stuff, that in the future, probably ten, 15 years down the road, that we will get to.

So, the second part I want to talk about is standardizing the audit process. And so, I work with multiple different certifiers and I work with the grower helping them put together their paperwork, put together the process to get certified and keep that documentation, very large farms and very small farms.

And so, it is very time consuming and

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difficult when working with certifiers, not only doing the paperwork, but just understanding actually what they want.

And so, I think -- and I'll stop there, but just the overall process, the audit process is not actually the paperwork. It's just understanding what the certifiers actually want and it changes year in and year out, so standardizing that process could be a huge help to farmers.

CHAIR POWELL-PALM: All right, thank you so much for your comments. Questions from the Board for Bryce? I have a question for you, Bryce. And I want to make sure Amy doesn't have one because I know I always speak before -- oh, Logan has one. Go ahead, Logan.

MEMBER PETREY: You weren't late. I was late to get up. Anyway, so thank you. So, we are hearing a lot, you know, a lot of different opinions about the acres and standardizing things, and we hear more frequently from grain

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farmers, yes, we want standardization. We want help. We need help. There's a lot of -- you know, the market could potentially be flooded with -- and it's hurting your industry.

And then you hear from the veg and specialty crops like we can't standardize. It is so diverse. And so, I don't want each one of those types of, you know, industries to hinder each other.

We need to address something on both sides, but does that -- do you get aggravated when you may hear some specialty crop people say no, we can't do it? We can't handle it? You know, but you're saying it's easy on our side, it is. We need something for ourselves.

So, there may be something that we do have to split, you know, with the types of growing. I do both grain and veg and I understand the differences between the two of them, but from what I'm hearing, you guys want something, and standardizing it and getting it

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done is needed.

MR. IRLBECK: And so, I think there's different levels of standardization, and from my point as a grain farmer, answering different questions from different certifiers is not the issues. That's fine. That's easy.

Getting feed tags, doing all of that stuff, there's a little nuance that each certifier has and they change each year, that we did noncompliances for not knowing what they haven't told us.

And so, it's not that you have to get strict and have the same questions, the same answers, the same everything on it. It's we need to know which products are available or not.

We need to know, all right, we need a feed tag and a non-GMO statement, not, you know, some other part of it. So, I think standardization is taken to the exactly 100 percent when 50 percent will probably solve a lot of the problem.

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MEMBER PETREY: I understand, okay, so, and you don't have to answer this question, but why are we swapping certifiers so often? I can't imagine the headache of swapping.

MR. IRLBECK: So, we're not swapping certifiers. I work with a bunch of different farmers that choose their own certifier.

MEMBER PETREY: Okay.

MR. IRLBECK: And so, I might have ten, 15 farmers --

MEMBER PETREY: I got you.

MR. IRLBECK: -- that work with one certifier and ten, 15 that work with another one.

MEMBER PETREY: I see, okay. No, that makes sense. Thank you.

CHAIR POWELL-PALM: Other questions for Bryce from the Board? So, Bryce, with this proposal putting acres on certificates, it does ultimately result in more disclosure from the farmer, the farmers putting it on the certificates for their buyers to see, for their

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inspectors to see how many of each, how many acres of each crop are grown. Do you feel like it's worth, that disclosure and transparency is worth the potential to fight fraud?

MR. IRLBECK: So, I think there's the possibility that the purchasers of these end users could use that data to effectively purchase your grain for cheaper, but I think if you have the data throughout the entire system, it will benefit everybody in that system equally.

So, what that buyer has bought and moved would be data that we'd have to understand and have as a farmer, as well as what's flowing into the country through the multiple different entities that they flow into.

So, yes, it could cause an issue with them having more knowledge than the farmer of sales and things like that, but I think if you have all of the information through the chain, it will equal itself out.

CHAIR POWELL-PALM: All right, so

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standardization across the board.

MR. IRLBECK: Yes.

CHAIR POWELL-PALM: Really appreciate your comments and thanks for working with us on the tech today.

MR. IRLBECK: Thank you.

CHAIR POWELL-PALM: All right, next up, we have Tim Cada, followed by Brett Blaser and then Bill Wolf. Tim, the floor is yours.

MS. ARSENAULT: Nate, Tim is on the phone with us only.

CHAIR POWELL-PALM: Okay.

MS. ARSENAULT: Tim, if you're having trouble unmuting your line, you can try *6. I see your phone -- I see a red slash through your phone still, so maybe he's having trouble unmuting. There we go. No, no, maybe not. It doesn't look like he's -- oh, there we go.

MR. CADA: Good, can you hear me now?

CHAIR POWELL-PALM: Yes, we can. Please go ahead.

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MR. CADA: Okay, my name is Tim Cada from Clarkson, Nebraska. I've been farming organically for, this is my 29th year we're starting, and thank you, guys, for everything you do.

We need to have certs that have acres listed on them. If your cert says you're 100 percent organic, that means nothing. If you're a conventional farmer with organic ground, you can't be 100 percent. It seems like an easy way to cheat, and I'm talking from things that I've heard of.

If you were listed as 50 percent, what does that mean and how is that enforced? Integrity is 95 percent of the organic process, but money can change that pretty easy sometimes.

I believe we could have what we grow listed on our database. It's already listed on our database, but the acres would be a good thing. Good buyers may be looking for a product that we grow.

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As growers, we are on that database -
- sorry, I'm sitting on the side of the road. I
stopped for this.

CHAIR POWELL-PALM: All good.

MR. CADA: It wouldn't take much to
add our acres of crops on a standardized cert.
Standardized means everybody uses the same form
cert. We should also have standardized paperwork
between certifiers, different certifiers and
inspectors.

I've had inspectors on my farm that
only have to do it for certifier A, but not
certifier B. We need to have less interpretation
of organic rules. We have certifiers that use
their opinion of the rules.

While I know of instances where
supposed organic farmers use a herbicide such as
AXXE as an organic groundup in the field, it is
restricted, I believe, but it has been broadcast
as a burndown before planting and the certifier
says that's okay. You cannot use that.

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We have seed dealers that tell farmers how to do things such as last year. If you wait to buy your organic soybean seed, we're going to be out, and then you can use, buy cheaper, the same feed cheaper in a conventional source as the organic seed will be gone. Yeah, you can buy your seed much cheaper by buying non-organic.

There's too much indiscrepancy in our rules. It's truly frustrating. I sometimes see people getting away with murder, for lack of another way to put it. I know we have problems with certifiers in the U.S. How can we trust some of our certified product that comes from overseas?

I believe our inspectors are trying, but there does need to be better training. I have seen inspectors walk into bean fields hit by dicamba, easy to see, but they had no clue.

I have been told by inspectors there's a lot of money to be made as an inspector. I have seen inspectors go through my paperwork

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until their time allotment for me is over and they can't wait to get off of my farm to go onto the next.

Lastly, the organic payment by USDA to help with the certification costs is kind of silly. As a rural crop farmer or rancher, the cost of being certified is minor compared to what our real problems are.

Right now, I believe one of our biggest problems is dicamba drift. It should be outlawed within five miles of certified organic crops. It is disgusting that this product is even available for use in our conventional fields, and that's all I have to say.

CHAIR POWELL-PALM: Thank you, Tim. There was a lot in there, so I'm sure we have --

MR. CADA: I'm sorry.

CHAIR POWELL-PALM: No, no, all good things. I was trying to keep track of the different subjects, so sorry if we missed anything. Any questions for Tim from the Board?

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I'll tackle the first one that's most germane to our work at hand. Just to clarify, Tim, you feel like it's worthwhile to have acres on certificates, and as a producer, that sits well with your concern about transparency versus privacy?

MR. CADA: Correct, there should be no privacy in this. If you're getting certified, it should be open for everybody to see.

CHAIR POWELL-PALM: And could --

MR. CADA: MCIA used to do that. I don't know if they still do. And I think one cert did it at one time. I can't say for sure. Right now, they just say if you're 100 percent organic or not.

CHAIR POWELL-PALM: All right, could you speak just a little bit to the scale of your operation, how many different crops you grow?

MR. CADA: Blue corn this year, soybeans. We've grown sunflowers. We grow a couple different kinds of wheat sometimes. We

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farm about 600 acres and ranch about the same.

CHAIR POWELL-PALM: All right, super helpful. Well, thank you, Tim, and thank you for all of that information, and thanks for making time to phone in today. We really appreciate it.

MR. CADA: Hey, thank you, guys. Take care.

CHAIR POWELL-PALM: Take care. Next up, we have Brett Blaser, followed by Bill Wolf, and then Mark King. Brett, if you're there?

MR. BLASER: Can you hear me?

CHAIR POWELL-PALM: Yes, we can. Please go ahead.

MR. BLASER: Okay, all right, sorry about that. All right, so my name is Brett Blaser. I am a senior merchant with the Scoular Company. I work at a non-GMO and organic cleaning facility in Illinois.

And the one thing I do want to talk about here today is the strengthening and the integrity of the organic certification for the

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organic farmer.

I mean, I basically want to echo what Bryce and Tim were saying, that I think it's very important to have the crop type and the acres on the certificate, and some have it, some don't.

But one example and one reason why I think that is super important is last year, we had a guy that had 100 acres contracted with us, because all of our contracts are acre contracts. He had 100 acres contracted with us.

In his area, they average about 50 bushels to acre, so in theory, that contract should have been 5,000 bushels. He tried contracting 8,500 bushels.

On his organic certificate, it did say that he has 100 acres of soybeans, amongst blue corn, white corn, whatever else it was on the contract, or on the certificate. I can't remember right now. But it did say he had 100 acres of soybeans and he's trying to contract 85 bushels to acre which is not -- there's no way he

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could have gotten that.

So, we red-flagged that right away, questioned him about it, and in the end, he did not contract those acres with us. So, in my eyes, we caught the bird before it even became a problem.

Another example that we just had here recently this year, now that the organic prices have gone, you know, crazy, through the roof, is we've had people come to us that we haven't had contracts before trying to, you know, trying to sell us bushels.

Okay, what we do here, we have to have the organic certificate before we even contract the acres, so that's what we do. Send us your updated organic certificates, then we can contract the acres and give you the price that we agreed upon.

A guy this past year was going to contract for 2,000 bushels with us, asked for his certificate, never got his certificate, trying to

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track him down to get his certificate.

Finally, he sends us the certificate. It doesn't say anything about what crops were on that certificate, so we questioned it. Again, did not contract the acres with us, did not contract the bushels with us.

So, in my eyes, I think if you have the acres, if you have the crops type and what -- how many acres that crop type has certified, to answer one of the questions you had, Bryce, yes, I do think that it will help fraud and help, you know -- it won't eliminate it completely, I don't think, but it definitely will impact that and help the less fraudulent attempts, so to speak, so that is all I have here for today.

CHAIR POWELL-PALM: Thank you. We definitely have some questions for you. So, Logan, please go ahead?

MEMBER PETREY: Hi, thank you for calling in. I really mainly want to applaud you and your company. I've worked with you guys

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before. I've had some contracts.

And there's also we had an issue with a broker and you guys contacted us, that was using, you know, claiming to be us, and I just again want to applaud your company for really watching out on the fraud side of things, and if there are other people who contract that may not be doing that kind of work.

And so, I definitely heard that you need, you know, you need more information on that and we do want to help you guys out, because if you guys are looking to protect yourselves and protect the industry, then that speaks highly of you guys. So, again, I just wanted to applaud you and your company. Thank you.

MR. BLASER: Yes, no, thank you. I mean, we take a lot of pride in it too, and really it's something that, I mean, I don't understand why people wouldn't want to be all about it. Because in my eyes, if you're not for it, you're kind of red-flagging yourself. I mean, maybe

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not.

Maybe I'm thinking about it too harsh, but I just feel like if you're not for putting the acres and you're not for putting what type of crops is on said acres, then, yeah, you're red-flagging yourself.

CHAIR POWELL-PALM: We have another question for you from Kim.

MEMBER HUSEMAN: Hi, Brett. Thank you for your comments today. It's really, really appreciated. My question to you is, and help me out here a little bit, so you said that you're at one of your facilities, is that correct?

MR. BLASER: Correct.

MEMBER HUSEMAN: Which facility are you at?

MR. BLASER: It's Andres, Illinois. It's a town of literally like 14 people, so if you --

MEMBER HUSEMAN: Got you.

MR. BLASER: If you happen to look it

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up, Peotone, Illinois is kind of the closest quote-unquote big town, I guess.

MEMBER HUSEMAN: Okay, are there other organic non-GMO elevators in your area that compete for bushels that you're sourcing today?

MR. BLASER: So, we do have, I mean, DeLong is near us. They do some non-GMOs. CGB does some non-GMOs near us. As far as organic and everything that we do here at my particular plant is food grade based, so we don't do any feed grade. It's all food grade.

MEMBER HUSEMAN: Okay.

MR. BLASER: I know we have some, I don't know, about an hour, hour and a half away that's feed grade organics, but in our area, I would say that we are, I think we are on the only food grade based organic cleaning facility.

MEMBER HUSEMAN: As an end user, when I look at acres on certificates, I think that, that's great, but I don't want to -- how do you handle, I guess, could a farmer contract with you

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what would look like to be reasonable acres and then contract with a competitor the same amount of acres? How do you aggregate that from an end user standpoint or an elevator standpoint? What would be your thoughts around that?

MR. BLASER: Well, from our standpoint, like right, yeah, right as soon as we have a contract agreement, a price agreement for those acres, and then we get the certificate and we make sure that it's matching up with what we're buying, and we understand too that there's some places that you're going to get 20, 30 bushels to the acre and some places you are going to get 50 or 60 bushels an acre, so we do take that into consideration, but once everything kind of matches up and we check the organic integrity database --

MEMBER HUSEMAN: Yeah.

MR. BLASER: -- we immediately send them their contract and we verbally call them and say the contract's on the way. We sent you your

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e-signature contract. Please sign it. Then once we get it signed back and if we got the signed contract, we check the certificates. If that's good, then we get the ball rolling and we get the beans rolling in.

MEMBER HUSEMAN: And you're contracting by acres, not by -- by whatever the production is on that land, not just by bushels or tons, correct?

MR. BLASER: Currently, correct. That might be changing. I don't know if that's for sure. We might be going to bushels, but currently, yes, we are doing acre contracts --

MEMBER HUSEMAN: Okay.

MR. BLASER: -- so full production on those acres.

MEMBER HUSEMAN: Got you. That's very helpful. Again, thank you. I really appreciate your time today, Brett.

MR. BLASER: No problem. Thank you.

CHAIR POWELL-PALM: Thank you for the

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real-world example, Brett. That is -- and I encourage everyone to bring more of those. That is really helpful to illuminate, you know, what is actually going on out there.

So, as Logan said, thank you for your company's effort to fight fraud. It's a huge part of the piece and we appreciate you making the time to comment today.

MR. BLASER: No problem. Thank you for having me.

CHAIR POWELL-PALM: Take care. Next up, we have Bill Wolf, followed by Mark King, and then Robert Rankin. After that, we have three more commenters, Adam Warthesen, Mark Lipson, and Jo Ann Baumgartner, and then we'll break. So, Bill Wolf, please go ahead.

MR. WOLF: Wow, great comments I'm hearing and great questions, tough act to follow, but I'll try. I'm Bill Wolf with Second Star Farm and Wolf and Associates. I'm an organic farmer, entrepreneur, and consultant. For

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decades, I've worked to increase organic acreage and improve land stewardship.

The topics you tackle are more complex and diverse than any other FAC, federal advisory committee. I thank each of you for this amazing work and believe you need more support. Slide two, please?

Organic has grown exponentially, but infrastructure has not kept up. We submitted a range of written and oral comments, including ways to address this growth. Today, I'll talk about two topics. Slide three, please?

The need for you to receive professional support that can make NOSB more effective. You volunteer, sometimes nearly full time, to study highly technical issues and make decisions that impact the work of farmers, handlers, and regulators around the globe.

As an advisory board, you make difficult decisions, but should not be required to be the experts on everything, and certainly

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shouldn't be expected to spend valuable volunteer time on operational processes.

There are four areas where expert support is needed to help you, one, verify facts and ensure accurate and complete information, two, finalize and accurately reflect the content of oral and written public comments, three, draft your recommendations and regulatory language so that they are truly actionable and enforceable and can be accepted and implemented, finally, track and summarize the history of decisions with the hope of avoiding past errors.

As a case in point, slide four? We request that you renew mulch films. Further, I ask that you work toward allowing it as originally petitioned. It's been ten years since the NOSB voted that this material met the criteria of OFPA, but unworkable annotations were added to essentially prohibit its use.

I've personally trialed and observed these mulch films and they do biodegrade. In

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2012, at the NOSB, staff and NOP staff visited fields where it was in use on a formerly organic farm. Slide five, please?

Earthworms are our de facto mascot of organic agriculture. I've brought earthworms to many NOSB meetings, but these virtual wigglers will have to suffice. When you vote, please consider what would be good for them. Slide six?

Applying all of these principles, we have submitted comments on numerous topics, some listed here. Please review them when you have time. Slide seven?

Thank you truly for this opportunity to comment.

CHAIR POWELL-PALM: Thank you, Bill. Questions from the Board? As always, Bill, we really appreciate your time, both written and oral comments, so thank you very much.

MR. WOLF: You got it, thanks.

CHAIR POWELL-PALM: Take care. Next up, we've got Mark King, followed by Robert

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Rankin and then Adam Warthesen. I think Mark King is going to have slides.

MR. KING: Good afternoon, everyone. Thank you for your continued dedication in developing and maintaining organic standards. Can everyone hear me okay?

CHAIR POWELL-PALM: We can. Please go ahead.

MR. KING: Thank you, Nate. My name is Mark King. I'm the organic program manager at Upward Farms. Upward Farms is a controlled environment, ecological farming, and aquaculture company located in Brooklyn, New York.

We support the crops subcommittee consideration to recommend that carbon dioxide be added to section 205.601(j) as a plant or soil amendment. Next slide, please?

This slide is simply a brief history of CEA. I was surprised to realize that it's been around since Roman times. So, TA and greenhouse production is not new or experimental.

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Supplemental lighting was first used in the late 1800s, and more recently, about 25 years ago, commercial scale lettuce production was implemented at Cornell University in 1999. Next slide, please?

This slide depicts essentially that CO2 is safe. It's considered to be minimally toxic by inhalation. The OSHA permissible exposure limit for an eight-hour period is 5,000 PPM. An operation like Upward Farms would typically utilize somewhere between 600 and 1,000 PPM, so well below the safety threshold recognized by OSHA. Next slide, please?

This is a graphical depiction of yield increase for soybeans and wheat in controlled environments. So, when you look above ambient levels of roughly 400 parts per million, you can see that there is a significant increase up to around 600, and then it flattens out to 800.

Horticultural experts that I've spoken to in the last year or so have really

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indicated that in any environment, controlled included, that CO2 is just one of many variables, and I'm sure your crop production experts on the Board are aware of that.

So, other variables would be, you know, light or temperature, humidity, things that we're all very familiar with. Next slide, please?

This is a graphical depiction of enrichment and what CO2 enrichment has on growth impact, so again, above normal air or ambient temperatures, around 400, you do see a measurable increase up to 600. This is, again, measurable, but not necessarily like in super crop status, if you will.

There is variability as you know in both the natural world and in controlled environments for CO2 levels in any particular production area. Some of those are similar in that regard. Next slide, please?

At Upward Farms, we get up every --

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let me finish this slide. We get every day thinking about how we can utilize natural resources in a response and somewhat circular or even regenerative fashion.

So, we want to be good stewards of the operation. And we've estimated that we can redirect roughly a third of the CO2 needs for our crop production system from our aquaculture operation.

For the remainder of the plant needs to be healthy and happy, we've contacted nearly 30 organizations and what we've learned is the non-synthetic supply chain is extremely limited, and for those who are capturing non-synthetic CO2, most of them are utilizing it internally and are not interested in partnerships with an outside operation. Those would be like through manufacturers.

So, anyway, thank you for your time today, and if there are any questions now, I'd be glad to take them, and I'll also be attending the

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NOSB meeting in Sacramento and we could discuss further there too, so.

CHAIR POWELL-PALM: Fantastic. Thank you so much for your presentation. Logan has a question for you.

MEMBER PETREY: Thank you, Mark, and thank you for your comments and information that you have given me.

So, yeah, I think most people are in agreeance that we're working with a product that is relatively safe, and I think you're aware that we are postponing the ruling for J into -- you know, we're actually requesting a TR to fully understand that to use as a crop input or sole amendment, but I've got a couple questions on that topic.

Do you think that there should be a limit to how much is used or, you know, regulated at the measure the parts per million that's currently, that would be present for you to be able to use CO2? I'm just trying to understand

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that.

I have never grown in a controlled environment, and so I've never been able to use this, and so I'm trying to understand it as a farmer, that input and how to use it properly.

MR. KING: Yeah, that's a great question. Thank you, Logan. I think that that's a question not only in understanding controlled environment agriculture, but then understanding the process as well relative to the NOSB, and the program, and enforcement of restriction that might be placed on a certain section of the regulation.

So, my opinion is, based on my experience and what I've seen, is that a controlled environment operation, including greenhouses, is not going to utilize any substance that would be detrimental to the health of the plant, the people, the environment, and the like.

Therefore, given the science behind

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this, and you see the thresholds of 800 parts per million to 1,000 really being the maximum threshold that could keep a plant happy if you will, I can't imagine that an operation would exceed that, I guess, is what I'm saying to you.

So, I don't know, given all of the variables in regulating and, you know, enforcing the standards for organic agriculture, that this is one where you would want to put that limit on there --

MEMBER PETREY: Okay.

MR. KING: -- knowing that, you know, operations, they're smart. They employ smart people.

MEMBER PETREY: Yeah.

MR. KING: You know, they're probably not going to exceed that. Does that make sense?

MEMBER PETREY: You're right. I don't know that we can because all operations are different. You know, I kind of want to say that for nitrogen too, like if you just keep adding

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it, it would be happier and happier, right, but we understand, yeah, as a farmer, we are responsible for the longevity of our growing system and we have a self-interest in that too, to keep that in check.

And this is an input that is different than other inputs such as, you know, like fungicides or any pesticides. They have EPA regulations on them that must be followed, and so this is more of an input that would be more nutritional or that -- I mean, I can't call it a nutrient, but anyway, so it's kind of falling into that category. Okay, well, thank you, Mark, appreciate it.

MR. KING: Yeah, thank you for your question.

CHAIR POWELL-PALM: Any other questions for Mark from the Board? All right, appreciate it, Mark. Thank you.

All right, folks, we are two minutes -- eight minutes to the hour. Let's take a

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break. Let's come back at five after the hour just for easy remembering. It's about a 13-minute break and we will see you five minutes after the hour.

Right after the break, we're going to start with Robert Rankin, followed by Adam Warthesen, and then Mark Lipson.

(Whereupon, the above-entitled matter went off the record at 1:52 p.m. and resumed at 2:05 p.m.)

CHAIR POWELL-PALM: All right. So first up, we've got Robert Rankin followed by Adam Warthesen and then Mark Lipson. Robert, please go ahead.

MR. RANKIN: Good afternoon. Robert Rankin, Executive Director, International Food Additives Council. IFAC is an association representing manufacturers and users of food ingredients including a number of substances permitted for use in organic handling.

IFAC strongly supports subcommittee's

recommendations to relist carbon dioxide and sodium phosphates at 205.605(b) as well as pectin at 205.606. These ingredients are used in alignment with organic principles and are essential to organic food production. As noted in the subcommittee materials, carbon dioxide has been demonstrated to be essential to organic food production.

And IFAC is not aware of commercially available organic alternatives that can perform the certain technical functions such as beverage carbonation in those products. Sodium phosphates also remain essential. In response to the subcommittee's question about alternatives, sodium phosphates perform critical functions in organic dairy foods including stabilization, emulsification, and pH buffering while other ingredients such as citrates may be used in some applications. They cannot replace the quantity of applications or quality of technical functions as phosphates.

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Regarding the question about potential health impacts of phosphates, I'd like to again highlight a new publication sponsored by IFAC that looks at potential associations between phosphorous related biomarkers and health status and mortality in individuals enrolled in the National Health and Nutrition Examination Survey. The article which was published in April of this year found no meaningful associations between phosphorous intake and negative health outcomes in the general population.

In fact, the authors found a higher dietary phosphorous intake was associated with increased mineral bone content and bone density and a decreased risk of high blood pressure. The researchers did find an association between phosphorous intake and an increased risk of reducing levels of HDL or good cholesterol. But overall, this new data supports previous determinations that phosphates remain safe ingredients. I'd like to remind the Board of

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IFAC's request to expand the annotation for sodium phosphates to include processed meat and poultry products.

Sodium phosphates may be used as a sequestrant which prevents oxidation, preserves product quality, and helps make meat plumper and juicier. We believe this addition would provide additional value to the organic community and encourage the Board to consider proposing this annotation when appropriate. Pectin also remains essential for organic food production based on the lack of commercially available organic pectin as a result of insufficient supplies of organically produced fruit citrus peels.

Many products labeled organic including jams and jellies cannot be produced without pectin. IFAC is pleased with the subcommittees determination that pectin complies with OFPA and should be relisted. Finally, IFAC appreciates the NOSB's continued work around ion

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exchange filtration and supports not only the approaches separating the discussion on listing recharge materials, from listing resins, but also the recommendations that require the listing of recharge materials on the National List. Thank you for your attention.

CHAIR POWELL-PALM: And thank you for joining us today. Any questions for Robert from the Board?

(No audible response.)

CHAIR POWELL-PALM: All right. We really appreciate it, Robert. Thank you.

MR. RANKIN: Thank you.

CHAIR POWELL-PALM: Next up we have Adam Warthesen followed by Mark Lipson and then Joanne Baumgartner.

MS. ARSENAULT: Adam's on the line with us, Nate, but his mic is muted. Maybe he's having technical issues getting unmuted. I don't see him unmuting.

CHAIR POWELL-PALM: Adam, if you're

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there and want to unmute, we are ready for you. We'll jump to Mark Lipson and we'll come back to you, Adam.

MR. LIPSON: Hello?

CHAIR POWELL-PALM: Hello. Please go ahead.

MR. LIPSON: Hi, I'm Mark Lipson. I'm the former USDA organic policy advisor. I served as the first one from 2010 to 2014. Part of Molino Creek Farm here in the Santa Cruz Mountains of California since 1983.

I consulted on a couple of projects in the organic policy space and currently affiliated with the Center for Agroecology at the University of California, Santa Cruz. So I'm one of your historical relics, an ancestor of the organic program from its pre-beginnings. Thank you to everybody for all the heavy lifting that's going on.

I'm just amazed at what the Board and all the commenters had been showing and bringing

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this week. What I'm here to talk about today is to acknowledge the huge see-change, the quantum leap in resources that are being devoted to organic systems now by USDA. The 300 million dollar cluster of organic transition initiatives, the organic research and extension initiative now reaching 50 million, climate smart partnerships, resources, local and regional food initiatives all are a huge change in the environment that the NOSB and the NOP are operating in.

I want to note especially with organic transition initiatives that the organic community is sort of like the dog that was chasing the car and now it's got it and has to figure out what to do with it. Are we prepared for the influx of resources and production that will happen if this initiative is successful? Is there a shared strategy for how to make it successful and do we even know what the outcomes are that we desire?

And this all bears very much on the impact that organic will have as a champion of

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climate forward -- climate impacting agriculture. It's also in its formative stages. So I'm here to say that it's going to need a lot of attention by the NOSB and everybody else.

The (audio interference.) is the role of the Natural Resources Conservation Service as the source of the (audio interference.) At this time, NRCS only has 25 qualified technical service providers who are knowledgeable about organic for consulting on NRCS organic conservation. I'll stop there and see if you have any questions.

CHAIR POWELL-PALM: All right. We appreciate you joining us today. Javier has a question for you.

MEMBER ZAMORA: Yeah, Mark. Senior Mark, happy to see you. You look good. I haven't seen you for a while. One of my questions is you mentioned are we prepared. Can you elaborate a little more about that?

Are we prepared in which ways, to

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market-wise to receive all these new products that will come in the USDA 300 million dollar transition grant actually makes a difference in the organic industry? Is that what you're saying? Or in which ways? I'd just like to hear our perspective about it.

MR. LIPSON: Yeah, there are multiple aspects to it. The change in the market dynamics is one dimension. What will happen? Will these transitioning producers be able to succeed in the market and how will that affect everything else who's already in it?

But it will also affect the NOSB and the NOP in terms of the stakes that are present with all the work we do. It's going to affect potentially a lot more acreage, a lot more different production. So we've had a history over the years of waves of organic transition that did not succeed.

In the late 1980s and early 1990s, there's a large amount of acreage that came out

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of the conservation reserve program into organic because it was easy to transition it. And a large amount of that failed after a couple of years. And it left black dye within the large part of the Midwest agriculture community for organic because of that. So there's multiple risks along with the opportunity that have to be thought about and adapted to. Short answer.

CHAIR POWELL-PALM: It's a great one. Mindee, please go ahead.

VICE CHAIR JEFFERY: Thank you, Mark. I really appreciate all the work you've done for this community. And I am interested in your thoughts on how the NRCS informed our shared strategies for success.

MR. LIPSON: Yes, NRCS is problematic as an agency for organic. There's been some great work that's been done there. But the rank and file of the agency is still largely unfamiliar with organic and in some cases not sympathetic.

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The crossover between organic systems plans and conservation plans which are the analogous central tool for NRCS programs is something that's been worked on for years but is not solved. And the transaction costs for producers to do both OSP and the conservation plan have been prohibited. So this bears directly on the NOSB effort to deal with the standardized OSPs and the larger question of minimum reporting requirements.

So that synthesis with the NRCS system has to be part of any changes that happened in that sphere. And one more thing to mention is that the NRCS organic transition program will be a very important economic factor for transitioning producers who use it. There'll be payments from NRCS or organic transition that weren't there before.

And this is going to change the equation for how transitioning producers enter the market and what the impact of their

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transition is on the finances of their operation. So that's a couple of partial answers to your question, Mindee. I hope that was kind of clear.

VICE CHAIR JEFFERY: Thank you, Mark. I appreciate you.

CHAIR POWELL-PALM: We have another question for you, Mark, from Allison. Allison, please go ahead.

MEMBER JOHNSON: Thanks. Hi, Mark. That's for being here today. I'm going to follow up on Mindee's question and ask more specifically given that you've been on so many different sides of the NRCS organic dynamic, I'm curious if you have thoughts about the standardization of forms and what the best solution from your perspective would be for making it easy for NRCS to look to organic system plans as evidence of environmental stewardship and meeting the requirements of conservation programs.

MR. LIPSON: Basically, there's got to be some kind of merger between the structure

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of the OSP and the structure of the conservation plan documents. Trying to make them parallel hasn't really solved that transaction cost problem. So it needs to become more seamless.

I don't know how to put it other than that in a short amount of time. But that's a big heavy lift. It's not going to be easy for the certifiers. But if this is going to succeed, and I do think we want it to, then a more complete embrace of the NRCS conservation program system by the organic community is going to be necessary. And it will have significant positive economic impacts on the producers who are able to use it.

CHAIR POWELL-PALM: So I'll just follow up that with a quick question, Mark. If I hear you right, you're seeing a universal OSP but also a universal OSP that's integrated cross agency?

MR. LIPSON: Yes.

CHAIR POWELL-PALM: Thank you.

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MR. LIPSON: Exactly.

CHAIR POWELL-PALM: All right. We really appreciate you joining us, Mark. You're a legend. So thanks for making the time today and thanks for calling in. I think we still have Adam. If you're ready to go, the floor is yours.

MR. WARTHESEN: Thanks, Nate. Always good to hear from Mark. He is a legend. I'm Adam Warthesen. I work with Organic Valley where I help with our industry affairs.

Our co-op is made up of 1,800 farmers in 34 states. Plan to give comments on two topics, crop acres on certificates and then animal care rulemaking. I'll start with the second one first.

Organic Valley at its core, we are a livestock center cooperative. We make up of farmers who raise livestock and then commodities that we aggregate, process, and market. And as you all know, AMS is in the process of accepting comments on the organic livestock and poultry

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standard proposed rule.

I would note that the Board has maintained a really longstanding position that USDA needs to clarify the expectation for organic livestock production and that bureaucratic delays are unacceptable. So one thing I would suggest the Board consider next week to again pass a resolution that communicates clearly to the Secretary that the intention of finalizing an act, this OPS is necessary. And it is in concert with the vast number of organic stakeholders and consumers.

This would illustrate the Board's attention and continue continuity with past resolutions. Regarding acres by cropless noncertificates, a lot of conversation on this. And I think there's a lot of good intention on it.

I think where we stand and fall down is sort of where MOSA and Organically Grown Company spoke to last -- it was two days ago that

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we have some concerns about those listed on certificates. I say that because we have 1,800 farmers. We also have feed program. And having those pieces on a certificate, we are concerned about products and concerns of our membership.

Now I think the intention is good. I think the question is on a USDA searchable database, who has access to that and how is it used. Who mines that data? What is it used for I think is kind of the questions that I struggle to bear with.

MOSA has the organic production sheet that is really strong. We do have transaction certificates if we have concerns. And we do have a strengthening organic enforcement forthcoming.

So those are things I think might better inform how we deal with fraud especially at this sort of aggregator level. Additionally, I'd just caution the Board, you can say one style or one kind of unit of production acres we should put on the certificate. I don't know how you

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would say then why wouldn't we put our number of cows or number of fruit trees on a farm or number of hogs or number of pens.

So I don't know where you would -- what would justify your stopping at one place and not in another place. And so one thing I've learned talking with a lot of farmers is the things you don't ask is how many cows do you milk and how many acres do you have. That's a conversation that takes trust before you can build that into a dialogue. So I know probably some questions and appreciate any.

CHAIR POWELL-PALM: Thank you, Adam. We really appreciate it. Amy has a question for you.

MEMBER BRUCH: Adam, thank you so much for your time today and your submittal of the written comments as well. I did have a question for you. When I looked through your written comments, you talk about the fraud prevention plan that you've established in your operation.

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So in that, I can see that you identify commodity markets as high risk, organic integrity. So therefore, you say you actually collect information of crops grown, crop acreage, crop yield, seed use, and field members. And your farmers understand these reports are critical for business to mitigate fraud.

And so taking that information and then taking kind of a snapshot of some of the comments we heard yet today, there was a gentleman that spoke of examples, the grain dryer and found examples similar to yours. There's risk in that equation. So his stance, was that information that you had mentioned is important to your business and abbreviated form, acres on certificates would be beneficial.

So I just want to ask you a question. If it's beneficial for several people and that's a big risk that we've heard today, why not make that information consistent to everything in an outward facing form versus an inward facing form

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that's taken up by 74 different certifiers? So I'm just curious on your thoughts on consistency of a piece of your fraud prevention plan that might benefit others.

MR. WARTHESEN: Yeah, I'm really glad you asked that because I just walked onto our pea departments. Okay. Talk to me about how we contract with producers. We do it both by acres and then by bushels.

And we do have the fraud prevention plan which I think ever certified entity will need to have at the end of SOE. In those instances where we feel there is significant risk, we are requesting demanding transaction certificates. That is the tool that we use.

And we have strong relationships with the growers within our grower pool to have a better understanding what kind of production that they have year end, year out. So that's the space that we really used to help mitigate risk. I think that the question on acres on certificate

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by crop is I'm not sure we demonstrated that's really going to solve our challenge of fraud.

Like, we kind of got some anecdotal examples. But, like, do we really -- is it really going to -- it's more theory than, like, has it actually worked in practice. So I thought the question you posed to OFPA on that was a really good one. Like, do they have examples that they've seen because of this listing that they may be able to demonstrate we have a real problem here and then a suspension or revocation of a certificate.

MEMBER BRUCH: Okay. Thank you, Adam. Appreciate that.

CHAIR POWELL-PALM: Next question is from Rick.

MEMBER GREENWOOD: Adam, thanks very much. You raised an interesting issue. So I'm a CCOF certified organic avocado farmer in California. And I've been reporting acreage forever.

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But it's interesting and what you've caused me to think about is now there's high density avocado tree planning. So you can have four or five, six times as many avocado trees on an acre than you usually had in the old days where everybody planted on a 10x10 or 15x15 quadrant. So all I want to say is you've sort of opened my eyes to an interesting issue.

I have no problem submitting acreage. That's not a big deal. But it'll make a difference because somebody who has 20 acres of avocados, it's high density. It's going to have a much bigger yield and they look like they're fraudulent when in fact has to do with the spacing. And that's basically the inspector. But thanks for your comment. Appreciate it.

MR. WARTHESEN: Yeah, and I think what I'd add to that is not only on avocados but in grain. We work in the grain market quite a bit because of our livestock sort of side. We do have farms that are storing grain for a long

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period of time. So sometimes it can look like an inflated amount of production in a salable year.

This year, you'd want to sell every soybean you had. Maybe three years ago, you'd want to hold that and you might have the ability to do that on a farm. And I'm not sure that, like, having an acre on a certificate is going to translate into, oh, I have a really good vantage point of what's going on with that farm sort of business enterprise.

MEMBER GREENWOOD: Appreciate your comment. Thanks.

MR. WARTHESEN: Yeah, thanks, Rick.

CHAIR POWELL-PALM: Next up is Kyla.

MEMBER SMITH: Hey, Adam. Thanks for your comments. I thought maybe the question that Amy asked and your answer might answer the question that I was going to ask. But it didn't quite.

So I just wondered if you could expand

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a little bit on what you were talking about in regards to privacy or farmers' concerns related to confidential business information. And you talked about building up that trust or whatever. What are the concerns? Because I'm feel like we're hearing, like, oh, this information is available other places. What's the --

(Simultaneous speaking.)

MR. WARTHESEN: But it really isn't. I don't know of any other USDA program where you're recording your acres in a searchable database that people can pull from. I mean, if anyone has an example of that, I'd welcome in.

We are familiar with environmental working group's website. But that's really based on a subsidy that you receive and then a subsidy for what type of crop, not necessarily by an acre. So if you have data and it is mined and people are able to capture it, you could have instances where you have geographic areas where land rents and land values are high and/or you could be

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perceived as, well, I want to pinch that. I want to be able to get as much out of my land as I possibly can.

And if I know that farmer has got this kind of production over here on cattle and I can see he doesn't have enough corn acreage and he's necessarily going to need my corn acreage, it might allow you to sort of pinch that farmer. I think you could also make the case on the buyer side that it really arms a grain buyer with more information than they would have otherwise. And that might dictate how they determine pricing with that farmer, not just whether they meet the -- do they have enough acres to grow.

But, like, well, I know he's kind of got this number of acres on this kind of production in that area. So maybe my pricing can fluctuate with that. I think you could also ask the question around how does a farmer want -- I don't know all the interests that might be looking at this data set.

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You could also have -- and I'm not necessarily worried about this. But you can also have a set of activist interests that are finding out who owns land and how much land they got. And they could be part of a campaign.

And that would put a lot of pressure on that producer. We already see that because we have some producers that are close to metropolitan areas. And you guys could understand my population of farmers kind of is across the entire spectrum.

Some are about a third, I would say, they don't care about this issue or they wouldn't think it's a big deal. A few would say, it sounds like it'd be more work. I'm not sure the taxonomy or the nomenclature of the certificate would be appropriate. And then I'd have a third that would be, like, I didn't sign up to have my acres displayed on a database. So you guys all have that same sort of audience too.

CHAIR POWELL-PALM: Amy, please go

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ahead.

MEMBER BRUCH: Yeah, thank you. I just thought of one additional follow up, and I rechecked your written comments. So I understand your concerns. I hear them.

And then I looked at your written comments and you also are in support of this information on an aggregated space. So depending on how granular the aggregation is, I think some of those concerns that you just mentioned maybe still would be in play. So can you comment on the differences on how maybe the aggregation would be satisfactory in your opinion, but at a farmer level it would.

(Simultaneous speaking.)

MR. WARTHESEN: Yeah, that's a really good point and a good question. So let me answer that in a couple of different ways. One is kind of searchable database that you can pull a farmer's name and that data.

If we're really trying to enable the

inspector at the aggregator level, I do think perhaps there's a way that you could firewall it within NOID. You had suggested that, I think maybe today or yesterday, as one consideration or option to kind of pursue. In terms of -- at the broader level, I think that's really -- I wouldn't want to complete that with what we're asking particular producers to do.

But that's kind of like understanding the scale and size of a market and a commodity kind of writ large. And also how much of that is available? How much do we see coming into the marketplace? That gives us some understanding more broadly of, like, do we think a certain region is over forecasting what's providing to the market.

MEMBER BRUCH: Okay. Thank you, Adam. I appreciate that extra information.

CHAIR POWELL-PALM: Thank you, Adam. This is really helpful. As of now, just want to make sure it's clear that acres are the

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suggestion. There's no other component of the certificate that's on there. So no animals.

The question I had for you is when we think about the -- I think Organic Valley has a really great reputation up and down for good integrity across the board. When I think about the point of what we're discussing with acres on certificates, I think about the market share lost by your grain growers, growers who are doing it right and growers who have the interest of market filled with integrity at heart. So when we think about 100-plus million from Randy Constant, 46 million from Cottonwood, Minnesota, several tens of millions from South Dakota, if there is a mechanism to slow the role on the fraudsters, how do you weigh the tradeoff between transparency which might be a little uncomfortable and maybe not culturally appropriate.

My grandpa always said, never ask a man how many cows he has. It's the same as asking what's in his bank account. I respect that.

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But at the same time, we're dealing in a world that trades on transparency. The reason we have consumer trust is transparency. So we've already signed up for a little bit more of a transparent system than we might live in the convention world. What is that balance?

MR. WARTHESEN: Well, that's quite a question. Yeah, I think we have all recognized this challenge especially in grain and in other places where fraud might be perpetuated. We do have a rulemaking in the process on strengthening organic enforcement, right?

And I think we've federal legislation that's now promulgated into a rule that's going to come about that'll give us a little bit more. We have risk assessments that are done on high risk operations. And we could use additional guidance on that I think within the certification world.

There are other tools that probably could be enhanced that I would subject like what

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MOSA offers and/or transaction certificates. But I've heard transaction certificates aren't necessarily favorably viewed by the entire community. I think they should be more often used if we could support them, especially in instances where we have kind of worries or concerns.

I don't know how you would catch the Randy Constant problem. That seems like that was a pretty big miss by our community. And I'm not confident. Would acres on certificates solve that?

(Simultaneous speaking.)

MR. WARTHESEN: I think that's really speculative.

CHAIR POWELL-PALM: Yeah, nothing is going to solve it. But I think when we consider how do we equip folks in the certification space with more tools. And anyway, the community has tossed our certificates out. Amy and I talked about it a couple discussion documents ago. Not

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happening. We do have the chance because of the

--

MR. WARTHESEN: But we're using it at the co-op.

CHAIR POWELL-PALM: No, totally. Just consistency across the board. Again, you guys are the good guys. And I don't mean to play favorites.

But there's a lot of work that goes into Organic Valley's transparency and integrity. It's the other folks. And so when we think about how can we get tools in the hands of inspectors and hands of certifiers that allow that look back, it seems like this is somewhat worth the squeezed juice, worth the squeeze. But I hear your concerns --

(Simultaneous speaking.)

MR. WARTHESEN: Yeah, I wonder if one consideration -- we have a dairy compliance project within the NOP that has looked at sort of spot checks by the NOP on farms to make sure

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they're hitting their grazing marks, their sort of all animal care conditions on a farm. I wonder if they could be in a place that we'd want to expand that within the grain world as well domestically if it is a major concern.

CHAIR POWELL-PALM: Worth a conversation for sure. We appreciate your comments today. Thanks for spending so much time with us. All right. Next up, we have Jo Ann Baumgartner followed by Paul Muller and then Heidi Ahlstrand.

MS. BAUMGARTNER: Hi, yeah. Thank you. Oh, great. There's my presentation. Yeah, hi. I'm Jo Ann Baumgartner, Executive Director of Wild Farm Alliance. And my comments today are protecting ecosystems.

In the last NOSB meeting while speaking about the Board's recommendation to protect native ecosystems, NOP's Jenny Tucker stated, we truly do understand the importance of the issue to the community. People feel very,

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very strongly about this and it really does strike at a core organic and some very key questions. Next. She also said we'd like to see significant support by the organic community.

They had seen that. Protecting native ecosystems was the third most referenced NOSB recommendation of NOP's question to the organic community about how they should prioritize their work on past NOSB recommendations. Next. There are three reasons -- there are reasons for high priority ratings that organic community cares.

Many organic businesses believe a moral responsibility to the natural world. Next. They also know their customers don't want to pay extra for products that have destroyed native ecosystems. And ignoring this issue is ruining the integrity of organic agriculture.

It's not fair to farmers who have to wait three years to transition conventional land when farmers who destroy ecosystems can be

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certified quickly. Next. We are losing natural allies as biodiversity crisis steepens. Recently, we learned that almost half the world's species are in decline globally, not just rare species but also common ones are plummeting. And many birds help with best control. Next.

The earth is heating up. If we don't make radical changes quickly, it's predicted that a domino effect will occur creating a world too hot for human occupation. Next. Critical ecosystems that store carbon and much of our biological heritage are crumbling under organic (audio interference.)

Back to Jenny Tucker's comment, she said we do take the recommendations seriously. But she also questioned the ten-year waiting period NOSB suggested between conversion and certification. However, the NOP has reported to implement the recommendation by capturing NOSB's intent if not exact wording. Next.

They should move the NOSB's

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recommendation to the land requirements part of the rule and/or change the wording so that it's similar to what we have with the prohibited substances. So one suggestion we have for new language could be this, that any field or farm parcel that is to be sold as organic must have had no conversion of a native ecosystem as defined by the NOSB's recommendation or if converted have waited three years after a harvest of the crop. Next.

The NOP should publish this as proposed regulation, gather public comment on it, and make some adjustments and finalize it. The NOP should do what's right for biological diversity, next, right for cooling the planet, next, and right for the organic community. Thank you.

CHAIR POWELL-PALM: Thank you for your presentation. Logan has a question for you.

MEMBER PETREY: I do. Thank you. Yeah, especially with the organic initiation

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coming on, a lot of the land is going to be transitioned. And I'm sure farmers are potentially looking all the avenues there.

I've actually transitioned land and have gone on land behind -- it was actually behind production. It was not native ecosystem. And so that's kind of -- sometimes you get in those types of areas and you're wondering what is native ecosystem.

It was actually land that was already going to be cut. But I think there's a misconception that it's easy to go in behind trees and farm. It is very, very difficult and very expensive.

And I almost -- through my experience would almost rather take in conventional land and transition it. Have three years of cover crop building, things like that, and then go in behind that because the breakdown of roots is -- it takes a lot. So if you go in right immediately afterwards, like I said, it's quite expensive.

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It steals a lot of the nitrogen from -- trying to build that soil up can be very challenging. So it's interesting that that is the perception. And I understand why because it seems like it.

But when you go through it, it would be nice to be able to educate people on the expenses of that and having people understand how hard that can be. I don't know how to get that done. But if some kind of financial analysis could be done on just farms that have gone through that to kind of show farmers, no, look, you're actually better off sitting here waiting.

It's already developed. Then developing a new piece which is expensive when you take out a lot of trees, then there's going to be shifts in topography. There's going to be a lot of shifts there and you're still breaking down those roots.

It takes a lot of nitrogen to be able to meet the requirements. Anyways, so that's

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just my experience on that. I know the perception is it's easy to go in one year after that.

But I do think there may be some issues of natural ecosystem versus tree production and trying to distinguish those as well. So I guess that's more of a comment of mine. But I appreciate you bringing it up.

CHAIR POWELL-PALM: Thank you, Logan. Javier has a question for you.

MEMBER ZAMORA: Hi, Jo Ann. Thank you for what you do. And I love the way you help the community on the ecosystems, farming with Mother Nature. So I guess by increasing the amount of growers, organic farming in the near future, it seems that way which is great, do you think maybe different ways farming not in a way that is the way you want perhaps myself like with ecosystems are very diversified should not be organic?

And I'll give you an example. Maybe

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a control environment of growing food, do you think that's different and should be called differently than organic because it doesn't have the ecosystem that you're very passionate about it and myself? What do you feel about it? How do you feel? Do you think it's also going to perhaps limit new farmers that don't have access to these ecosystems that are beautiful and more natural to not enter into an organic production business?

MS. BAUMGARTNER: Yeah. Well, two things. Thank you, Logan, for bringing that up about the forestry. I agree with you. It is really expensive.

But this recommendation by the NOSB was to protect all kinds of native ecosystems. And we know a lot of native prairies taken out of production and put into organic right away. And that's super easy to do.

So there's a continuum of what's easy and hard. It would be great to be able to educate

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the organic community that taking out a forest is really not worth it and it's not good for the native ecosystem. It's not good for the bottom line. That would be a great to do.

Javier, yes, I know there's a conference coming up this fall in our area here in California that's going to talk about vertically integrated organic where it's going to be hydroponic stacked upon hydroponic and that's organic. It seems like a stretch to me. I know, though, that we have worked for years to help the organic community understand that biodiversity conservation is part of the role.

And in 2016, the NOP agreed and they published guidance on that. And in there, it says that you have to conserve biodiversity. And so what these hydroponic vertically integrated folks could do is also have some flowers or something that's supporting some pollinators on the outskirts of their property.

And I think the NOP would give them a

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pass on that. I mean, it would be better than nothing. But in any situation, growers can encourage biodiversity.

And they get benefits from it. As soon as you bring in flowers, not only do you bring in the pollinators, but you bring in the beneficial insects. And if you bring in structure like hydros, you're going to also bring in beneficial birds that can help with pest control. There's a million different ways that -- or maybe not a million, but lots of different ways in which growers can benefit from supporting nature.

CHAIR POWELL-PALM: I have a question for you.

MS. BAUMGARTNER: We also need a bigger nature. Like, if we destroy -- if the organic community is destroying the native ecosystems that are supporting nature, they can't always live on a farm. They often -- these beneficial birds and beneficial insects are

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living in native ecosystems part of their life cycle.

And if we are as a community are destroying that, it doesn't make sense. And especially when the NOSB has already spoken. Let's figure out how we can move this regulation forward.

CHAIR POWELL-PALM: Jo Ann, I have a question for you. That is what is the data on how much land has been converted that was native ecosystem to organic?

MS. BAUMGARTNER: Yeah, I would love to get that information. The USDA at one point was interested in doing a survey but then they backed out of it for some reason. Maybe the NOSB could request that and we would get further. That would be really helpful, not just here in the U.S. but worldwide.

CHAIR POWELL-PALM: Thank you. It is a really big statement to correlate organic with deforestation. So I hesitate to say that really

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loudly when we have no data on it.

Second question is where in OFPA do you suggest we look to change the required three-year transition? And what has your group done with the farm bill to change that? OFPA's the law. We don't change OFPA.

MS. BAUMGARTNER: So I do know organic producers who have taken out forest systems. I don't know a lot of them. I also have spoken with or conversed with organic certifiers who tell me they've seen native ecosystems taken out.

CHAIR POWELL-PALM: And we're --

MS. BAUMGARTNER: And there's articles about it.

CHAIR POWELL-PALM: -- short of time. So I would like data if you have it. Anecdotes don't get us very far. And we have a big problem with companies saying, we don't think organic is safe because the Wild Farm Alliance -- a safe bet for sustainable because the Wild Farm Alliance said it deforests native ecosystems.

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(Simultaneous speaking.)

MS. BAUMGARTNER: I don't know where -- I'm sorry, Nate. I don't know where that came from.

CHAIR POWELL-PALM: Sure.

MS. BAUMGARTNER: But we do have -- I have never -- I really try to hold our integrity high. I've never spoken beyond what we know. We would love to get your help on getting that data.

CHAIR POWELL-PALM: We would love to get the data from you if you can. As you know, we have a very busy work agenda.

MS. BAUMGARTNER: No, not you. I meant if you could help us get the NOP or the USDA. They survey farmers periodically. We could add those questions in.

CHAIR POWELL-PALM: All right. We appreciate your time today. Thank you.

MS. BAUMGARTNER: Thank you.

CHAIR POWELL-PALM: Next up we have Paul Muller followed by Grayson Porter and then

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Deborah Smith.

MR. MULLER: Good morning to all of you. Can you hear me?

CHAIR POWELL-PALM: Yes, we can. Please go ahead.

MR. MULLER: Thank you. This is the first NOSB meeting that I've participated in. I'm a farmer here in Northern California. Our farm is called Fully Belly.

We've been active farming here for nearly 45 years. So we're involved in the early evolution of organic in California. In all of those years, I think our learning curve has been focused on how to do a better job of managing soil.

And how do we begin to do a lot of what Jo Ann was talking about, incorporate the ecosystem services that I think the consumers who buy organic. The supporters of organic around the world are understanding that organic has in a its sense and in its history all the focus on

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regeneration and creating regenerative agriculture. I have a few concerns.

One is I think we are losing and ceding ground to the whole notion of regenerative agriculture. And I think it's a serious issue. It's happening because I think the USDA has never really taken organic quite seriously.

Nate said that OFPA is a law. We don't change the law. But this group, all of you are intimately involved in influencing the direction of the Organic Food Production Act. And that's the role I think was set up for you when this law was created.

I would like to speak directly to the fact that I think there was a misstep made when hydroponics was allowed to be certified as organic. It was certainly something Jo Ann mentioned. It was something that Javier was talking about there in that there is a confusion.

And I think it is when you stack controlled atmosphere systems one on top of the

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other and you create the facilities that are being created, you can't -- you're not providing ecosystem services. You're focusing on water retention or water use efficiencies, other things that aren't in fact the focus of what an organic system is. And I think all of you need to begin to step back and think about the damage that's done when we begin to water down systems and call them organic when, in fact, they're not soil-based and they're not done with the intention of a whole system -- ecosystem thinking.

I'm hoping that we can also maybe think about what happens when a certifier -- my certifier believes that those -- its job is to enforce the organic rule. And the organic rule says now that hydroponics is allowed. I would like the freedom to choose a certified who would choose not to certify organic hydroponic.

And allow me the freedom to do that. I think there are a lot of growers who are frustrated with certifiers who seem to be passive

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in their criticism of hydroponics or fully accepting in their willingness to certify hydroponics. I think there are many certifiers who feel like they're capable of understanding how there is a system there that's equivalent in any way to soil-based systems. And in that regard, there are a lot of frustrated growers here in California with the decisions that had been made around hydroponics.

I think hydroponics -- this is not an attack on hydroponics. This is a concern about organic hydroponic production. And I think this issue will come back to you many, many, many times in the future because I think it threatens the ability and credibility of all of organic.

CHAIR POWELL-PALM: We appreciate your comments today. Dilip has a question for you.

MEMBER NANDWANI: Thanks, Paul. Really appreciate your comments. And I am actually wondering you brought a very debatable

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issue on organic hydroponics. And I have a very limited knowledge so far. How many organic hydroponics grow or have been certified? Do you have any data or statistics about this in your area or around the nation?

MR. MULLER: I don't have any specific numbers there. I think there are some very large berry growers. The berry industry in this country had dominated by growers who grow using containers.

They won't call it hydroponic. But in fact what they're doing is using a soil like or an inert medium. And they're dripping nutrient solutions to that plant.

And I think as you understand the complexity of soil as we've been studying for more than 40 years here on our farm, we're beginning just to begin to understand the dynamics in soil and how that dynamic is difficult to replicate with just nutrients alone. It'll grow plants that are healthy and

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marketable. But in fact it will not be equivalent.

The other piece that is difficult there and I don't know the exact numbers. But there are new operations coming into the hydroponic organic market that I believe are resting their credibility as organic producers on the credibility that we've worked to establish for so many years with healthy crops grown and healthy soil and trying to provide the ecosystem services of a whole system.

It is a place-based, land-based system that is deeply connected to the community here. And that's not that a hydroponic facility is not going to have that. But in fact, it's missing the critical component of how we manage the ecosystem of our soil and the larger ecosystem that is, in fact, one system.

MEMBER NANDWANI: Thank you.

MR. MULLER: I don't have those numbers.

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MEMBER NANDWANI: Sure. No worries.

CHAIR POWELL-PALM: All right. Thank you so much, Paul. Next up, do we have Grayson Porter? If no Grayson Porter, then we're going to move on to Deborah Smith followed by Andy Huston and then Linley Dixon. So Deborah, please go ahead.

MS. ARSENAULT: Nate, we're also not seeing Deb on the line with us.

CHAIR POWELL-PALM: Oh, I'm sorry if I missed that. All right. We're going to jump to Andy Huston followed by Linley Dixon and then Mollie Morrissette. Andy, please go ahead. Oh, and Andy, you are muted. Still muted, darn it.

MR. HUSTON: Can you hear me?

CHAIR POWELL-PALM: There we go.

MR. HUSTON: Hi, I'm Andy Huston. Me and my brother operate a 2,500 acre corn and soybeans production in west central Illinois. We're six generation on the same farm.

This is my first time doing any of

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this. The reason I'm here with you today is we're located halfway between the Illinois and the Mississippi River. We have a huge issue with Asian carp.

We've come up with a process and started a company called Captain Carp in which we're taking carp that we're getting from the Illinois DNR and we're processing them into a liquid fertilizer. And we're requesting to be able to have organic status. What I've seen -- the benefits that's coming out of our product is we're taking Asian carp that are basically feeding on algae and green material that are basically feeding on high nitrates that are coming off runoffs from our field that we farm here in Illinois.

And they're recapturing that nitrogen and fertilizer out of the algae. And then we're taking the fish and in our process turning them into a liquid fertilizer that it seems to be working tremendously well. Every time we run a

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batch of fish, we run about 4,000 fish at a time and we turn that into about 900 gallons of the 113 fertilizer taking out about 150 pounds of nitrogen that doesn't end up in the Gulf.

As far as I can see, it's a very green product. It doesn't take hardly any carbon to produce it. When we make a run for 900 gallons, we're probably using maybe about 7 gallons of LP and that's about all it takes. I don't know. I'm kind of nervous. I'm new at this. I'm a farm guy. So --

(Simultaneous speaking.)

CHAIR POWELL-PALM: You're doing great.

MR. HUSTON: I had to jump out of the combine to be with here with you guys today. But I don't know. I mean, everything that we've put this on this summer, we tried to gather as much data as we could.

We've seen some tremendous results in vegetables. We fed some soybeans on our farm.

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We side dress corn on our farm. We're just in the process of doing our harvest now so that we don't have any yield data on that to see what it's done.

But just people that have used it on vegetables. We saw some people that had -- we didn't have any bad feedback. We had some individuals that grew tomato plants out here that were over eight and a half feet tall. And they were just cranking out tomatoes all summer long.

Personally, on some of the vegetables that I've used on my farm, it was pretty amazing how well it works. We're capturing humic acid when we're reclaiming the fish. We've had 52 percent humic acid on our analysis sheet. So we really think this would make a great economic as far as the ecosystem fertilizer. And I think it'd make a great organic fertilizer.

CHAIR POWELL-PALM: Thank you. And thank you for joining us today and taking the time away from your farm. We have a couple of

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questions for you from the Board. Rick, please go ahead.

MEMBER GREENWOOD: Thanks, Andy. And I've read your submittal. How did you settle on potassium hydroxide? I've looked at other processes and some us grinding of fish and other things to liquefy them. I think there's been some concern and comments about potassium hydroxide itself as being a fair toxic compound. So are there other alternatives that you can use?

MR. HUSTON: Right now basically the way our process came up, we came up with this process. It kind of came out of COVID. We've been taking the fish and had been selling them to restaurants or been using parts of the fish for lobster bait.

When COVID kicked in, it kind of killed our whole business. There wasn't any place to go with it. That's when we kind of turned and looked toward fertilizer.

Our process is basically -- the

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machine that we use to process the fish in was originally designed in case there was a mad cow outbreak they could bring this process to a feedlot and render the carcasses. So we've just been putting the carp in there as if they were the cattle and running the same process. And that's how we came up with it.

But the difference I've done organic growing in greenhouses and I've used fish emulsions. But the viscosity of this stuff is, like, mill. So it flows through emitters.

It's easy to mix in water. It's easy to put in sprayers. It was just a completely unique fish emulsion from anything else that I've seen.

MEMBER GREENWOOD: The reason I say that is in the subcommittee, there's a lot of discussion about the potassium hydroxide, not so much the process of fertilizer. I'm just wondering if there's anything that you can use that's already on a National List for that

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process.

MR. HUSTON: I am not aware. My partner, Kevin Swim, he could probably answer that question a lot better than I can because he's more the science on it than what I am. I don't -- yeah, it's -- I know what you mean and I understand what you're saying.

From my understanding that this is the same process they use with seaweed when they turn it into fertilizer. And that was what made us think that we're just using fish versus using seaweed. And that's what we were -- that's kind of what we were going by or off of.

MEMBER GREENWOOD: Thanks. I appreciate your comments and for being here. It's great. And I like your name, Captain Carp. So that's --

MR. HUSTON: Thank you.

MEMBER GREENWOOD: -- good too. Okay, thanks.

CHAIR POWELL-PALM: Kyla has a

question for you.

MEMBER SMITH: Yeah, sort of along the same lines. But I just was going to maybe try to put a finer point on it is that liquid fish products are already listed on the National List. There is an annotation that says that they can be adjusted with sulfuric acid, citric acid, or phosphoric acid. And so I guess that's my question is, is one of those suitable since they're already listed versus adding the potassium hydroxide?

MR. HUSTON: That would probably be -- I probably have to talk with Kevin over that. If we could find a better and suitable way and it still works out the same, I'd be all for it. But right now, this is what -- we've applied for a patent for this process.

And so yeah, I understand where you're coming from. But from my understanding is this is basically just really sheer phosphate that we're putting in there for the most part. And

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that's what dissolves the fish or basically liquefies them. So I guess I'm probably -- Kevin would probably be the best one to answer this question other than me. But I'm just -- you know.

CHAIR POWELL-PALM: Well, we thank you for your time today. If there's any follow-up information you have, write to Michelle --

MR. HUSTON: Okay.

CHAIR POWELL-PALM: -- Arsenault. And we're, yeah, grateful to hear from farmers and love to hear from innovators. And so thanks for making time today.

MR. HUSTON: All right. Thank you very much. I hope everything works out well.

CHAIR POWELL-PALM: Appreciate you.

MR. HUSTON: Thank you.

CHAIR POWELL-PALM: All right. Next up we have Linley Dixon followed by Mollie Morrisette and then Colehour Bondera. Linley, please go ahead.

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MS. DIXON: Hi, thank you. I'm Linley Dixon, the co-director of the Real Organic Project. And I have an organic vegetable farm in Colorado.

So I'd like to start by really applauding the CACS discussion document on organic and climate-smart. Just want to say great work for calling the organic movement to really attend to what is the greatest issue facing humanity. And we all have watched in disbelief in the organic community as USDA granted 2.8 billion dollars towards supposed climate-smart agriculture and even developing a marketplace for that while failing to reference the word, organic, as an already established market-based solution to climate change.

Instead of supporting organic farming, millions went to chemical companies. Bayer Monsanto, Cargill, ADM, Bunkie, Syngenta, Corteva all partner with junk food companies like PepsiCo, McDonald's, Nestle, the K-Pho (phonetic)

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industries like Perdue, Hormel, Tyson, Corn Growers Association. I could go on and on.

You can't make this stuff up. If we trusted them to change, well, then problem solved since they're the biggest emitters. That's who's getting the money.

But these are the same companies that have been discrediting organic and lobbying to weaken it from the beginning. Everyone on this call and the greater organic movement knows that real organic agriculture is the best agriculture for a healthier climate in the future. But I had to add that little word real to the last sentence.

Otherwise, I'd be lying. When it comes to mitigating climate change, we clearly can't afford to trust companies that depend on the sale of chemicals to solve the problem. But we also can't afford to lie about organic.

The NOP has put the organic movement in a really uncomfortable position and it needs to change. Certified organic poultry production

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as defined by the NOP is not climate-smart. And the OLPS is nowhere near fixing that problem.

Buildings with hundreds of thousands of birds that may or may not find their way to a tiny door with access to gravel concrete and bare dirt is not climate-smart. No wonder the regenerative agricultural movement is kicking our butt when it comes to inspiring young farmers. Unless we define maximum vegetation in the OLPS, we will institutionalize K-Pho egg production under the organic seal.

I'm reminded of the Edward Abbey quote, growth for the sake of growth is the ideology of the cancer cell. Growth for the sake of growth in organic will be the downfall of organic as the gold standard. And we will continue to see a rise in alternative labels.

Likewise, you've heard it today, certified organic hydroponic production is not climate-smart. And just because an industry front group claims water efficiency while

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simultaneously trying to feed the nation from a desert, it's just Orwellian here. You can't just cherry pick -- instead of looking at the whole system, cherry pick these individual things. And when you have to buy everything for production from the pots, plastic weed barrier, the plastic irrigation tubes, the plastic overhead barrier, 100 percent of the fertility for the crop -- it looks like I'm out of time. But --

(Simultaneous speaking.)

MS. DIXON: -- I could go on about this. How can all of these inputs be good for the climate? It's what I talk about every time I come. I've been coming for eight years twice a year. And it's the same thing.

So I just feel like we're in a situation where it's like if you can't beat them, join them. And we're giving the money to the wrong people. So I'm just begging the National Organic Program to stop making the farmers use the word real in front of the world organic and

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we can all get busy farming again.

CHAIR POWELL-PALM: Any questions for Linley?

(No audible response.)

CHAIR POWELL-PALM: Thank you for your comments, Linley. Next up we have Mollie Morrissette, Colehour Bondera, and then Charlotte Vallaeys. But I'm actually not sure about Charlotte Vallaeys. So let's go with Mollie. Please go ahead.

MS. MORRISSETTE: Hi, I'm Mollie Morrissette. I'm a regulatory advisor and member of AAFCO which is the American Animal Feed Association and a consumer advisor for pet food -- safe pet food. Anyway, okay, I need to take a breath. Okay. Calm down. Okay, take a breath.

CHAIR POWELL-PALM: You did that that.

MS. MORRISSETTE: USDA -- yeah.

(Laughter.)

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MS. MORRISSETTE: I've never done this before. So forgive me. Not on camera. Okay. USDA certified organic, those three words represent the epitome of superb pet food. The certification means that the ingredients and processes are third party audited, giving consumers confidence that what they buy is not only the best but also truly organic.

However, behind the reassuring USDA seal lies a patchwork of confusing and conflicting interpretations of certified organic pet food. So in essence, there are no reliable and consistent standards. What is happening is that USDA accredit certifying agents are using private standards to address the market demand for organic pet foods.

Some ACAs use the organic human food rule and others use the -- excuse me -- and others use the livestock feed rule to certify pet food while another ACA is certifying pet food using section 205.605, synthetic substances allowed for

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use in organic livestock production rule as the basis to certify pet food. And another ACA certifies pet food under a combination of the human food and livestock feed rules.

And none of the ACAs I spoke with were aware of what the FDA human grade pet food and animal feed rule was or that it even existed. The problem is, is that if certifiers use human food standards and the pet food is manufactured in a pet food plant, once the human edible ingredients or additives enter a pet food plant, they are no longer by definition a human food ingredient or additive. And at that point, it is a feed grade pet food and is regulated under the FSMA animal feed rule.

This distinction is critical. For pet food to be certified under the AAFCO definition of the human grade pet food rule, it must be made to FDA human food standards and in a human food processing facility or it cannot make the human grade claim. It's not surprising

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that ACA certifiers use their own interpretation of the law because historically there has been no --

CHAIR POWELL-PALM: The time runs fast. We really appreciate your comments today.

MS. MORRISSETTE: But I'm not done.

CHAIR POWELL-PALM: Questions from the Board for Mollie?

(No audible response.)

CHAIR POWELL-PALM: We understand that this is one of the hot issues of trying to figure out how to prioritize our next steps. So thank you for the information and joining us today.

MS. MORRISSETTE: Okay. You're welcome.

CHAIR POWELL-PALM: Next up is Colehour Bondera and then we'll have Zea Sonnabend and then Derek Rovey.

MR. BONDERA: Aloha, chair and NOSB members. Thank you for your service and taking

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time to listen. My name is Colehour Bondera.

I represent Kanalani Ohana Farm, a small scale and diversified organic farm in Hawaii. Remember the healthiest decisions are based upon a strong foundation. Healthy roots grow in a healthy organic soil. I served on the NOSB from 2011 to 2016. I was chair of the policy development subcommittee, PDS, for several years.

PDS is a standing subcommittee and has been for decades. Let me remind you that the policy and procedures manual states, quote, the policy development subcommittee provides clarification and proposed changes for NOSB internal policies and procedures as needed in collaboration with the NOP. PDS in collaboration with the NOP also updates and revises the NOSB policy and procedures manual and member guide, unquote.

We are broadly on the same page since you all have agreed to follow these guidelines. NOSB is a constantly developing and growing

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organic entity with roots in a strong and secure foundation (audio interference.) My concern is that the PDS does not seem to be engaged in necessary duties. At minimum, I would like to hear a report at each meeting from the PDS that, quote, no changes were made or are proposed to the PPM by the PDS, unquote, for example.

Such time is not designated in this meeting's agenda. That is but one example of how PDS should be affecting the NOSB meetings by being included in the agenda on a consistent basis. The NOP can advise regarding the agenda. But collaboration must occur with the NOSB agreeing to all aspects.

Another example is the fact that we have just experienced significant changes in public meetings due to a pandemic. It is necessary that the NOSB PPM state what would happen to meetings and proxies in such a situation when it happens again. What is the alternative meeting policy?

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That could and should be drafted and reviewed and discussed in that order in my humble opinion by the PDS. Regarding the PPM and the agenda since it is stated that public comment can be included in NOSB meetings, I hereby request that live meetings again include live testimony from attendees. Otherwise, why attend?

Having the virtual option before a meeting for those who cannot attend is fine. But a hybrid is most appropriate, even if it means that a meeting is four instead of three days long. Another thought is that the PPM states that a minority view can be provided when a subcommittee is not in unanimity.

From my experience, that was one of the most useful ways to understand the whole picture if I was or was not on the subcommittee. NOSB members, please try to use this venue so that the public knows perspectives considered and can see the whole of decisions made and voting rationale. POLA in handling is an excellent

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example of this.

The representation and to do a good job, the healthiest decisions are based upon a strong foundation. Together, let us maintain that healthy soil foundation as OFPA provided and the PPM must ensure. Thank you.

CHAIR POWELL-PALM: Thank you for joining us today. Any questions from the Board?

(No audible response.)

CHAIR POWELL-PALM: All right. We appreciate your testimony. Next up we have Zea Sonnabend. Is Zea on the line?

MS. SONNABEND: Yes, can you hear me?

CHAIR POWELL-PALM: We can. Please go ahead.

MS. SONNABEND: Okay. Boy, I just made it home in time because that 14 and 13 times really messed me up on the time change. So anyway, I just want -- for those of you who don't know me, I am from Fruitilicious Farm in Watsonville, California. I'm retired from CCOF

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now. I worked for over 30 years at CCOF. And I was on the NOSB from 2012 to 2017.

I want to just say very briefly something about the crop sunset which is I'm very happy that you haven't decided to take anything off because there hasn't been any new evidence presented. And many of us organic farmers rely on those materials. Second, I want to say just one thing about the carbon dioxide petition.

I wrote a petition on behalf of CCOF right after the Arthur Harvey lawsuit for carbon dioxide for a storage of grain to replace oxygen. And there's a mistake in the evaluation of it which says that non-synthetic sources are not available due to lack of infrastructure at ethanol plants. My petition which I think is posted but I'm not positive.

Because it was never actually acted upon shows that carbon dioxide does come from non-synthetic sources sometimes. There are actually mines from underground deposits of

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carbon dioxide. And the carbon dioxide out of ethanol plants has been through some many chemical processes, it may or may not be non-synthetic or synthetic. That would have to be evaluated separately.

But the problem with carbon dioxide that's non-synthetic is you can't source a specifically non-synthetic kind. So I worked with a carbon dioxide supplier in writing that petition. And I have, I think, a location of the actual mines. There are about eight of them in the United States.

Anyway, that shouldn't influence your decision. That's just a fact. Okay. Mostly, I want to talk about having NOSB technical support.

As someone who had helped the NOSB informally since the very first board, Gene Kahn and Craig Weakley. And then I was on the Board. So I know exactly how much work it is.

And I think it's really important that you get NOSB technical support. However, the

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technical support has to be people who have some concept of organic in order to be able to have any sort of intelligent evaluation of alternatives, for instance. And within the USDA, that is just not happening.

So I really think that they should -- and I'm assuming although it doesn't say that it's paid. But you should hire someone from outside of the current USDA. And that person should have some organic experience.

People like organic inspectors who are independent of organizations or OMRI advisory council members, or other people have the necessary experience to evaluate the science as well as know from the organic perspective what is and isn't appropriate to look at. So thank you very much. And I wish I could join you, but my harvest is this week. I'm not going to be able to come.

CHAIR POWELL-PALM: Well, we appreciate you making the time today. Thanks for

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phoning in. Javier, please go ahead.

MEMBER ZAMORA: Hi, Zea. So happy to see you, and I'm glad you made it to talk to us. Zea, you're obviously someone that the committee and myself deeply admire what you've done on serving on this Board. But I have a question for you. Do you think the NOSB and the NOP by not having the technical support available for some people that may not be -- that are part of the industry as myself but do not have the skills to serve in a better way for the NOSB? It's not -- it's prohibiting the NOSB Board being a little more diverse and not perhaps representing a more open diversification of individuals serving on the Board do you think?

MS. SONNABEND: Yes, absolutely because small growers can't really apply to the Board even because the workload is so intense that you really have to take a lot of time away from your farm to do it. And so that means the farmer seats will mostly be applied for by the

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larger growers who can spare a person because they're covered back at the ranch. I had a great deal of trouble when I was on the Board, and I had started my firm the same year I got appointed to the Board in 2012.

And I had a great deal of trouble with the fall meeting in particular because as a fruit grower spring isn't our slow time but fall is our slow time. And so -- but any number of Board members over the years have had this problem. And so those who have either friends or resources to hire to help are better. This would formalize it so that anybody who needs the help because also doing the research requires a certain amount of computer proficiency and ability to know what you're looking for because some of the subject matter, like, if you googled humic acid for instance which is one thing that's up before you, you would get millions and millions of hits.

But only a few of those would be targeted for the information we want about what

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happens to humic acid in the soil or does it have negative effects on crops. So that research needs someone with experience both in research and in organic to know what they're looking for. And so that prevents people who are sort of good farmers but laypeople towards any sort of research inhibits them being able to do it well.

CHAIR POWELL-PALM: Rick has a question for you, Zea.

MS. SONNABEND: Mm-hmm.

MEMBER GREENWOOD: Yeah, Zea. One of the questions that's come up when we've talked about this is obviously conflict of interest where you have someone helping a Board member that might be paid by a group that has something before the Board. So I was curious to get your thoughts about that because it's been one of the things that's caused us a lot of consternation as we've talked about human capital and helping the Board.

MS. SONNABEND: Right. Well, to me,

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it's the same as any grower who uses a material might have a conflict of interest before the Board from one point of view. But it's been decided that just using a material is not a conflict of interest. If you were to hire someone who made the material that was before the Board, then, of course, that's bad.

But that's why I'm suggesting there are plenty of people out there. And I am not offering my services because I'm pretty much retired. And I used to say before every meeting that CCOF has growers use every single thing on the National List and more. So we don't have an interest in one material over another, just that there's a good range of tools.

Anyway, people like inspectors who are independent and may work for several organizations and know -- not all of them but some of them know enough to do that research. I mentioned OMRI council members, there are about a dozen or more people who are scientists but

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they have a long history of looking at organic materials. And they have strict conflict of interest policies.

And any number of other people out there, consultants who work for lots of growers, have lots of things, there are enough people out there. My experience with the other departments of the USDA has been less than ideal from an organic point of view I'll just say. I mean, you can read some of the TRs they used to do.

They're very weak. You can read. And it has not been -- I mean, unless it's changed a lot, it has not been really satisfactory to have the organic lens that you need to look at things.

MEMBER GREENWOOD: Yeah, but I was specifically talking about someone who might have an agenda item or comments about something, having someone that was paid by them to help someone on the Board which I think is different than what you're talking about --

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(Simultaneous speaking.)

MS. SONNABEND: Yeah, I mean, that has been the case historically right along. Many, many Board members in the past have had colleagues or friends or they represented an organization where they have other people put things before the Board. And I think you just, like you do now, ask for disclosure of the affiliation.

MEMBER GREENWOOD: Okay. I'm curious

--

(Simultaneous speaking.)

MS. SONNABEND: I mean, if you care that if someone is -- but I'm assuming that you're -- you or the USDA or the NOP is planning to hire somebody or several people and they'll vet them. And so they can disclose what it is if they're helping a Board member.

MEMBER GREENWOOD: Okay. Thank you.

CHAIR POWELL-PALM: Thank you, Zea.

Next up -- actually, folks, let's take a break.

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Let's come back in ten minutes, so 40 after the hours. Shake it out a little bit. See you all in ten minutes.

(Whereupon, the above-entitled matter went off the record at 3:29 p.m. and resumed at 3:40 p.m.)

CHAIR POWELL-PALM: Next up is going to be Derek Rovey.

Derek, are you there?

MR. ROVEY: Yes.

CHAIR POWELL-PALM: Excellent. All right.

MR. ROVEY: Good. Hey, good afternoon, everybody.

So, my name is Derek Rovey. I'm with Rovey Seed Company. We buy and sell food grade, organic, non-GMO corn in Illinois and Nebraska facilities.

I'm here just to kind of talk real quick about the proposal to include acres for certain crops on producers' organic certificates.

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So, from our standpoint, I think it would be a great idea. We're already starting to see that with some certifiers the last couple of years. I don't know if that's a requirement for them, but they are seeing that on some organization certificates.

So, I think, from an audit standpoint, a couple of times we've seen some confusion by the auditor, maybe asking why some of those have those on there and some do not. So, I think, from a standardization standpoint, I think it would be good just to have kind of a rule, I guess, that those should be on there.

From a buyer's standpoint, you know, I think it would help us. We contract, generally, straight to the grower to buy our corn to come into us. And we do contract acres. We also do bushel acres.

So, I think, by having that on there, that would give us just one more check, just to make sure that they're not overselling to us, you

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know, and selling us something that's not organic.

One question I would have on that, if it would end up being a rule that those would be included on there, is maybe how that would be looked at, say, something came up and something ended up being fraudulent. In other words, a grower sold us more corn in this case than what he had produced. Maybe we just missed it; I don't know, human error. Would the fault, then, come back on us or would it go to the grower? Or how would that work? I think that would be something that would need to be addressed on that.

So, that was really all I had to say, unless you had questions.

CHAIR POWELL-PALM: Sure. Questions for Derek?

Well, first of all, thank you, Derek. Thank you for joining us today. We appreciate your time.

Kyla has a question for you.

MEMBER SMITH: I guess my question is, as the end user, right, you're contracting -- if I have whatever, 100 acres, of something --

MR. ROVEY: Sure.

MEMBER SMITH: -- it has 100 acres of the thing on my certificate, what's to prevent me from giving -- and I'm not overselling to you or overcontracting to you, but I go ahead and I do the same thing to a different end user. How does that get flagged? How would that work out?

MR. ROVEY: So, I'm not quite understanding. So, the bushels coming into me look okay, but, then, if they're also selling to someone else --

MEMBER SMITH: Yes, because I'm buying from somewhere else or growing on, you know, non-organic land, but I'm passing that as organic. But my 100 acres looks good on paper to you and my 100 acres looks good to someone else.

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MR. ROVEY: Right. So, you have multiple buyers for that 100 acres. So, we're buying 50 acres, but they oversell to both. Yes, I mean, from the information we would have, yes, we would know that. So, you're right.

CHAIR POWELL-PALM: Any other questions for Derek?

(No response.)

I have sort of a logistics question for you, Derek.

MR. ROVEY: Okay.

CHAIR POWELL-PALM: So, typically, inspectors work in regions and they'll do clusters of inspections. Usually, if they're independents, they're working for folks, different certifiers --

MR. ROVEY: Sure.

CHAIR POWELL-PALM: -- in, say, your neck of the woods, but doing a suite of different handlers and producers.

In that process, when they get to

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looking at the different certificates and who sold what to whom, it seems like that's where the red flag would be most effective, saying that, "We've inspected these three elevators. They all bought from Farmer X and he only had enough to sell to one."

MR. ROVEY: Yes.

CHAIR POWELL-PALM: So, really, more on inspectors necessarily than on buyers, though, if a farmer is super sloppy, it might be helpful to buyers as well.

MR. ROVEY: That's true.

CHAIR POWELL-PALM: But would you agree with that?

MR. ROVEY: And I would say so, but I don't know how well an auditor would keep notes in regards to all that. So, you know, for us, they may look at our certificates and we've bought corn from, let's just say, a dozen growers. Then, one of those -- you know, they'll probably start recognizing names, you're right,

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but how many of each, how many acres or bushels of each one went to different ones, I don't know if they can record that or it might just be a mental note. I guess I don't know.

They may see it and say, "My gosh, I've seen this grower and I know he's sold more than what I think is reasonably producible on this amount of acres." So, how would that work then? Can an auditor, then, trigger an audit on that grower? I guess I'm not sure how that process would work.

CHAIR POWELL-PALM: Yes, they can definitely relay it to the certifier.

MR. ROVEY: Okay, yes.

CHAIR POWELL-PALM: Kim has a question for you.

MEMBER HUSEMAN: Yes, thanks, Nate.

And thank you, Derek, for your comments. I really do appreciate it.

Maybe from a clarification standpoint, because you said that some of the

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farmers that you're buying from do have it listed on their certificates --

MR. ROVEY: Uh-hum.

MEMBER HUSEMAN: -- and some don't. What do you do with that information today?

MR. ROVEY: Right now, I don't do a lot. I mean, we'll kind of check a little bit, just to see sometimes, if a grower is bringing in a lot, maybe just kind to back-check, make sure it kind of makes sense, if you will.

But since it's not really standard now, probably don't check it that much, I guess. If we would, if it was standardized, I guess if I knew it was something -- and I don't know if it would be included on there as a standard. I guess it would depend on, is that auditor going to be asking for that or try to make some kind of comparisons, or does it fall on us?

MEMBER HUSEMAN: Uh-hum.

MR. ROVEY: We do look at that from sometimes, but it's a minority on the

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certificates that we have in now. So, it's not a lot.

MEMBER HUSEMAN: Okay. So, then, from your perspective, as it stands today, the end user just, from your perspective, it's just maybe a litmus test as needed?

MR. ROVEY: Yes. Yes.

MEMBER HUSEMAN: Okay.

MR. ROVEY: I would say yes. And not all of our contracts are acre-based. You know, generally, most of them are, but there are times when we go out -- maybe a buyer prefers just to sell bushels because he's maybe selling to more producers. Or maybe the larger producers are selling more bushels because they have more customers that they sell to. It tends to be, it seems like from us, the smaller producers, we might be buying all of their production of organic yellow corn or white, or whatever.

MEMBER HUSEMAN: Uh-hum. Thank you.

CHAIR POWELL-PALM: All right. We

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really appreciate your time today, Derek. Thanks for joining us.

MR. ROVEY: Yes, thanks for having me today.

CHAIR POWELL-PALM: Next up, we have Esteve Giraud, followed by Karla Hernandez, and then Eve Kaplan-Walbrecht.

MS. GIRAUD: Thank you.

So, my name is Esteve Giraud. I'm an Assistant Research Professor at the Swette Center for Sustainable Food Systems at Arizona State University.

Thank you very much for hosting this hearing session. We appreciate the discussion on organic climate-smart agriculture and we support NOSB's remark that organic farmers lead the way with the implementation of plant-based farm practices and should automatically qualify for any climate-smart label when the USDA codifies the terms used.

On Tuesday next week, on October 25th,

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the Natural Resources Defense Council, NRDC, will release a report on which NRDC and Californians for Pesticide Reform, and also, the Swette Center have been working together for the past three years. In this report, we make the climate health and economic case for expanding organic agriculture. And it includes a whole chapter dedicated to the benefits of organic agriculture for climate, relevant citing scientific research on the topic.

Consistently with this research, I would like to add that organics' prohibition of most synthetic pesticides should be elevated to improve consumers' awareness of organic climate-smart benefits. Indeed, insecticides and fungicides are designed to kill the living organisms whose activity is critical for carbon sequestration.

Earthworms are one example of many. Earthworms help forming and maintaining healthy soils and mitigate the formation of carbon

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troughs in the soil. A large body of research has shown the dangerous effects of glyphosates on earthworms.

Research also shows that, overall, soil microbial activity decreases significantly and proportionately to the amount of pesticides applied to the soil.

At the manufacturing stage, pesticides require mining and land destruction, which generates greenhouse gas emission, and thereto, may affect soil carbon storage capacity.

We need life-cycle analysis that looks at the climate impacts of pesticides on all stages of their lives. After being used, pesticides end up in water streams and their toxicity of aquatic life increases in warming weather, which is another concerning factor considering climate change.

To demonstrate the efficacy of organic farming for climate, future research could further integrate the effects of synthetic

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pesticides in comparative crop life-cycle analysis.

Thank you.

CHAIR POWELL-PALM: We appreciate your comments.

Any questions from the Board?

(No response.)

I have a quick question for you. Do you have any suggestions on how the organic community can better get the word out to consumers about both the lack of pesticides and herbicides, as far as a human health consideration, but also its relationship to climate change?

MS. GIRAUD: Yes. Thank you for this question.

The effects, again, on soil of pesticides is really, really high. And then the fertilizers' effect on greenhouse gases is pretty well-known. There are several things that I think around them.

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When it comes to consumers' messaging, focus groups could be helpful to really test kind of the knowledge of the average consumer on the climate impacts of pesticides and fertilizers.

But I think, adding to the list that you were proposing in the document that you shared with us, the role of pesticides for climate I think is important. It's well-known, obviously, that from the consumers' perspective, the pesticides effects humans have. They can always make the case with climate. And so, there's more education that needs to be done here. But it's, yes, a focus group would also help test the water; that I wouldn't mind.

Thank you.

CHAIR POWELL-PALM: All right. We really appreciate that.

MS. GIRAUD: Thank you.

CHAIR POWELL-PALM: Thank you for joining us today.

And next up, we have Karla Hernandez,

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followed by Eve Kaplan-Walbrecht, and then Jefferson Dean.

Karla, if you're there, please go ahead.

MS. HERNANDEZ: Hi. Yes. Hi. My name is Karla Hernandez. I'm the Supplier and Organics Compliance Manager at Soli Organic, formerly known as Shenandoah Growers. Soli Organic is the Nation's largest organic soil-based growing system of fresh culinary herbs in the United States.

This is my first time participating in the NOSB oral comments. So, thank you for having me.

I recognize, currently, that the NOSB is considering elemental sulfur and its use in slug and snail bait. I would like to highlight a future request that we have of the Board.

Soli Organic supports the continued use of elemental sulfur for fungicide and soil management. We respectfully ask the Board to

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consider the burning of elemental sulfur as an approved method for plant disease control in greenhouse and indoor growing.

Currently, there's very few options for preventing the spread of treatment for patterning mildew in organic greenhouse and indoor systems. We're limited to a few organic fungicides that are only partially effective. In addition, the design of our biovertical growing systems greatly reduces the ability of us spraying for patterning mildew. We do our best to optimize the climate, plant spacing, and overall conditions to reduce patterning mildew growth, but are still in need of an alternative.

The burning of elemental sulfur is currently not allowed for plant disease control because of its byproduct, sulfur dioxide. However, the main byproduct is sulfuric acid. The byproduct released from burning elemental sulfur at the temperature of 119 to 159 degrees Celsius is sulfuric acid, which acts as a biocide

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and no oxides will be released at this temperature. This would eliminate the concern for sulfur dioxide to be released into the atmosphere.

A similar method is currently allowed, and it's allowed under the plant or soil amendment, but we would like for this method to also be allowed for plant disease in Section 205-601(i) of the National List.

In addition, Soli Organic fully supports the continued use of sticky traps and barriers. This is a primary pest control method currently. Our growers identify which pests are present and we continue to monitor using these sticky traps, and with that, they select which (audio interference) tools are necessary. So, at this time, we don't see any other provable options to replace the sticky trap.

In addition, one other comment that we would like to make is that Soli Organic would like for the Board to consider an alternative use

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and method of NOx synthetic ammonia and extract in organic agriculture. This fertilizer is produced and utilized currently in our container production system. Our position is to capture -- our project would capture the ammonia produced by poultry plants, which would reduce emissions. And that ammonia would be dissolved in water to produce ammonia to be converted to nitrate and nitrite in a biological air washer. The final product would actually be 2.5 percent nitrogen that would be used and not ammonia extract.

Soli Organic also supports IFP's written comments submitted to the docket, and we thank the Board for your consideration of our comments.

CHAIR POWELL-PALM: It is a pleasure to hear from you folks, and we really appreciate you taking the time to join us. Great work.

Any questions from the Board?

(No response.)

All right. Thank you.

Next up, we have Eve Kaplan-Walbrecht, followed by Jefferson Dean, and then Ken Dallmier.

There we go.

All right, the floor is yours, Eve.

MS. KAPLAN-WALBRECHT: Okay. Thank you.

And this is also my first time commenting to the Board. So, thank you for having me.

And I actually will be traveling to the meeting in Sacramento. So, I hope to meet some of you in person next week.

And with my husband, we run Garden of Eve Organic Farm. We're in Riverhead, New York, which is on the east end of Long Island in Riverhead. We've been doing this about 20 years. Organic, we've been certified since we started in probably about 2002.

And I just wanted to focus on a couple

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of things that I feel strongly about that are before the Board.

One of them is the livestock and poultry standard. We are, actually, mainly a vegetable farm, but for almost the whole time we've been farming we have had a large stock of chickens for eggs, pastured laying hens.

And so, I know firsthand the immense costs and challenges that go with pasturing your poultry when you have them outside. There's a lot of hawks. You know, we lose birds. The foxes are (audio interference). We actually have bald eagles now on our farm, which is kind of exciting, but definitely a challenge.

And for quite a while, over a decade, we had livestock guard dogs, and then we would get calls, when we had big storms in the middle of the night, from the police who picked them up on the golf courses nearby when they would decide to run away, and lots of challenges.

So, I really encourage you to require

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throughout true outdoor access to level the playing field. This is what consumers want. It's what animal rights people want. It's what farmers want. And there's no reason not to do it. But we just would like to see a level playing field for those of us who treat animals like animals.

And we'd like to see clear standards put into place as soon as possible and implementation time of three years, a shorter implementation time that's reasonable for everyone.

I also see that the biodegradable, bio-based mulch film is on the agenda for this meeting. That is something that traditionally has not been allowed by our certifier, which is Northeast Organic Farming Association, NOFA, New York.

However, it is something that we would like to use, and there are many other both non-certified farms in our area who use it and, also,

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certified farms in other areas who are using it. It's my understanding that their certifiers are allowing it.

With the cost of labor being what it is right now in New York and other states, it's very, very difficult to have time. So, plastic is creating a huge amount of waste for the landfills. And I think I did see that there's a lot of anti-plastic comments in the written comments section. I'm not sure if they're all based towards the plastic biodegradable mulch, but, as a grower, that is something that is an important tool for us (audio interference.)

Thank you for your time.

CHAIR POWELL-PALM: Thank you for commenting, and welcome. Thanks for making the time to speak to us.

Any questions for Eve from the Board?

Brian has a question for you.

MEMBER CALDWELL: Yes. Thanks, Eve.
Two quick questions.

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One is, what are the crops that you use plastic for and that you might be -- I'm assuming that, if it was available, that you would switch to the biodegradable products. Just curious about what crops those would be.

MS. KAPLAN-WALBRECHT: Correct, we would switch to the biodegradable. Mainly, we're using it in the springtime for onions. We grow a lot of onions and scallions, where it's very -- you know, weed control is very difficult. And mid-season, just for the hot weather crops, like cucumbers, tomatoes, and peppers, sometimes eggplant.

But we don't do all our cropping with plastic. It's really like the early crops, the onions and some things that just need warmer soil.

MEMBER CALDWELL: Okay. Thanks.

MS. KAPLAN-WALBRECHT: Thanks, Brian. We'll see you in California.

CHAIR POWELL-PALM: Any other

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questions for Eve?

Logan has a question for you.

MEMBER PETREY: Hi. Thanks, Eve.

Okay. So, you currently use the standard plastic, correct, plastic culture?

MS. KAPLAN-WALBRECHT: Yes.

MEMBER PETREY: Okay. So, in your experience, what is left behind and does that cause problems for you as far as -- you said that not all of your crops are in plastic. So, I imagine you have a rotation. And so, do you see a buildup of plastic residues that are left. Because I've literally pulled plastic before, too, and it doesn't all come, right? So, just your experience on that and your concerns?

MS. KAPLAN-WALBRECHT: Yes, you meant biodegradable plastics?

MEMBER PETREY: Correct, yes. Yes, traditional ones.

MS. KAPLAN-WALBRECHT: Yes. Even when you're pulling your (audio interference) and

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all the plastic out, you know, you don't always get every single piece. You know, there's pieces that are buried under the soil, but you don't see them until later when you're tilling. The wind takes pieces. And that's another problem and that's been upsetting to us that you start to see, you know, small (audio interference.), but you can't, you really can't (audio interference.).

MEMBER PETREY: Yes. Do you notice a buildup every year?

MS. KAPLAN-WALBRECHT: I mean, I don't know like that it's just more and more and more.

MEMBER PETREY: Yes.

MS. KAPLAN-WALBRECHT: I don't know. I guess it's just something that -- I mean, I guess, in theory, I wouldn't say that it's so much that it's overwhelming. But, again, just based on what labor is now --

MEMBER PETREY: Yes.

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MS. KAPLAN-WALBRECHT: -- you just can't afford to have people just go out, "Hey, let's get all those little, tiny pieces of plastic." You know, five people for a whole day, that's \$1,000 right there.

MEMBER PETREY: Absolutely. Understood.

Thank you.

MS. KAPLAN-WALBRECHT: Thank you.

CHAIR POWELL-PALM: Javier has a question for you.

MEMBER ZAMORA: Hi, Eve. Thanks.

I love when I see real farmers coming up and taking the time to give us or give this Board your expertise on your livelihood. Like I love the field right behind you looks like some sort of carrots and kale, and some other stuff. I really appreciate your time.

And I love what you just said; that if there was some sort of biodegradable mulch, you would use it. And you also made some references

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on when you're pulling the plastic after your onions, how there's always little pieces of plastic that stay within our soil. So, I've always seen that, and as a farmer, it breaks my heart because you do the best you can to eliminate anything that is harmful to the soil. However, I know and we know there's other ways of perhaps avoiding that, other than having somebody else with torch and burning it, right, and then incorporate that in the soil.

So, I thank you, Eve, for taking the time to participate, and I appreciate what you do. Thank you very much.

MS. KAPLAN-WALBRECHT: You're welcome. Thank you.

CHAIR POWELL-PALM: We have another question from Logan.

MEMBER PETREY: I do. Thank you.

Okay. So, you cited you would use it if you had a product available. You seem to be dedicated, right, to the health of your farm and

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everything? If there was an 80 percent material, would you use it or would you have concerns about the 80 percent biodegradable bio-based mulch product?

MS. KAPLAN-WALBRECHT: Well, honestly, since we have been pursuing different biodegradable plastics throughout, not so much in a production side, but even on a consumer side with biodegradable plastic bags and biodegradable flowers, (audio interference) that we use sometimes.

I know there's a huge number of different technologies that are out there and that have existed over time. So, you know, to be honest, I would just have to look at exactly which mechanism they're using for this and which -- you know, they have different (audio interference) under different (audio interference) and everything. So, it would depend, honestly.

MEMBER PETREY: Okay. Thank you.

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CHAIR POWELL-PALM: Amy has a question for you.

MEMBER BRUCH: Yes, thanks, Nate.

Eve, thanks so much for your attendance here today.

A question about bio-based mulch, just from your farmer point of view. I recently was passed some research information that was published in a journal, research information by the University of Nebraska in conjunction with 3M. And they were testing the use of biodegradable plastic. There's a component in most of it called PLA, polylactic acid. And they're saying that that component, actually, in low fertility soils can start rounding up and tying up nitrogen for the next crop, just because of how it digests and degrades. And the focus is soil and on nitrogen for farmers is a real big concern.

So, research is very limited on biodegradable bio-based mulch. At this point in

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time, would that be of concern to your operation? Sometimes, with innovation, it's a step forward and a step back, and we kind of learn as we go. But are your thoughts if that was potentially a case with this product?

MS. KAPLAN-WALBRECHT: Uh-hum. I mean, I think that that would make sense, that it would -- you know, use of nitrogen, because anything that is requiring biodegrading is in need of some nitrogen. It's not something that I would find prohibitive as far as using the product.

You know, we spend a lot of time and a lot of expense building up our soil and the organic matter. We do a little bit with organic fertilizers, but, really, the cover cropping and the rotating and fertility is not the main issue. You know, weed pressure is a much bigger issue, especially, like I said, with the cost of labor which is really close to putting us out of business. So, you know, that's really the

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tipping point for labor. And if you are going to lose crops to weeds, then you're going to lose crops to weeds, and (audio interference) all that. That makes it possible to grow some very high-labor-intensive crops.

MEMBER BRUCH: Uh-hum. Okay. Thank you for providing (audio interference).

CHAIR POWELL-PALM: The only question I have for you, Eve, is, have you commented on OLPS?

MS. KAPLAN-WALBRECHT: Yes, I said that. That was what I was saying first.

CHAIR POWELL-PALM: Oh, sorry. So, we're not actually the group to comment to. It's going to be directly to the USDA, and your voice is very important.

MS. KAPLAN-WALBRECHT: Okay.

CHAIR POWELL-PALM: So, we would love to have that as part of the public comments that will go, then, in to inform the rule.

And thank you so much for joining us

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today. We really appreciate it.

MS. KAPLAN-WALBRECHT: Thank you.

CHAIR POWELL-PALM: All right. Next up, we have Jefferson Dean, and then Ken Dallmier and Angela Schriver.

Is Jeff on the line?

MS. ARSENAULT: Jeff is on the line with us. His mic --

MR. DEAN: Yes.

MS. ARSENAULT: There we go, unmuted.

MR. DEAN: Yes. Yes, I'm here. Can you hear me?

CHAIR POWELL-PALM: We can. Please go ahead.

MR. DEAN: All right. I'm Jefferson Dean of Timberlane Organic Farms. I'm certified with OEFFA, and I have a couple of comments I'd like to make.

First of all, I'd like to comment about the standardized bill of lading. I think it's very important that we standardize the bill

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of lading, so that, you know, when I sell a product and it goes to a buyer that has a different certifier, then the bill of ladings, if they're standardized, we can all recognize it right off the bat and see where the information is. And that would be very important, just to make it easy for everybody to read them, no matter where it's going, because it goes from one company to another, to another, through a couple of brokers. That way, everybody can read them.

Now, as far as the standardizing the Organic Systems Plan information, that's between me and my certifier. There's no reason to standardize those. Everybody's got their own system. Everybody's comfortable with it, and that's between me and my certifier. It doesn't go any further than that. There's no reason to standardize them. So, that's one thing I'd like to comment on.

The other thing I'd like to comment on is the time of the meetings. I don't know if you

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can see me, but I am in my welding coat right now because I was fixing a piece of equipment. We are very busy this time of year. You know, there's no reason we can't have these meetings at a different time, even if it just moves it back or ahead two weeks each time, so that it's always at a different time. So, everybody has an option to -- my son would love to be speaking with you today, but he can't; we're too busy, because this is our busy time. And the other time you have the meeting is in the springtime, when we're also really busy.

We're really getting the feeling that you guys don't want to hear from farmers, like you're afraid to hear from farmers. If you have the meetings when a lot of farmers can participate, you're afraid you're going to get overwhelmed or something, or you're going to actually hear how farmers feel.

And it's very frustrating. Because I've been talking, you know, trying to convince

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you to move the meetings to a different time for about six years. And I've heard all these excuses. "Oh, you know, everybody's busy at some point." Well, if you move it two weeks back every time, then everybody could have a chance.

There's only a few farmers that aren't busy in the fall, and there's not very many people that aren't busy in the springtime. So, it's very frustrating for us. I don't understand why you can't move it.

You know, I've heard all kinds of excuses, but there's no good reason it can be moved to a different time. August and January would be fantastic, but that's just for me. But you can move it back two weeks each time, and then, eventually, it would be good for everybody.

That's all I have to say right now. Thanks for listening.

CHAIR POWELL-PALM: Thanks. Yes. For every farmer who has called in today, we appreciate you stopping your busy schedule and

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making it happen.

I know Amy climbed off a semi this morning to get onto this Zoom call. So, it is a stretch to make this happen, and we really appreciate you taking the time to talk to us.

Who has some questions for Jeff? I do, but I'll wait until the end.

Logan, please go ahead.

MEMBER PETREY: Yes, thank you.

Jeff, thank you. I understand. A farmer here, spring and fall is bad. I want you to know that we have had discussions on the Board. We're working through it.

And even beyond the Board, you know, I used to think, why in the world did they pick these two times? And we've heard from a lot of farmers.

Now, I do want you to know, especially as a farmer, I love hearing from farmers, and everybody else does, too. And so, we need to come to a better conclusion.

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I will say that, onboarding Board members, and it's certain timings, and timings with sunsets, there is a lot in play. And I want you to know that. It's not that we are trying to stay away from farmers. Hopefully, we do come to something that does help out better.

So, I apologize for any of the things that seem like excuses, but when you're bringing on people with a new Administration or new Board members and timing of that, and getting everything done, that does have to be taken, you know, we have to take that into consideration for the Board work as well.

So, we're going to continue to work on it. I know Nate will follow up with something like that. But I want you to know, from a farmer, understand we love to hear from farmers, and I hope that impression does change for you.

MR. DEAN: I can't see where two weeks is going to make any difference in any of this. If you just move the meeting back or forward two

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weeks -- add two weeks, you'll have an extra two weeks every year, or every six months you'll have an extra two weeks to get done whatever you need to get done. And then, eventually, it will be in a better time for everybody.

CHAIR POWELL-PALM: Thank you, Logan.

Jeff, I hear your concern; I really do. And I, as a farmer, also agree that there's no worse time than these two times. So, last time we heard your comment very loud and clear, and we spent the semester looking at how can we do it. How can we go about figuring out a better time? Could we move it two weeks every time? Where would that land us?

And there are, as a federal board that covers the whole country, there are so many considerations. And so, Michelle Arsenault, who is our champion and our captain, when it comes to taking on big projects like these, spent a lot of time and resources giving us all of the options.

So, all four farmers on the Board,

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everybody on the Board who has a best time that would work for them -- so, we all got to put our best time forward. We considered all of those, and we're going to announce this at the meeting as well. And I hope that Op (phonetic) is able to bring this back to the grain growers' group.

But we landed on the reason that we've landed for April and October for the last 20 years is sound. And we'll have more descriptions of what all of those conflicts are.

But it's a big reason that I'm a huge fan of these virtual meetings, so that at least you can get in virtually, even if it's not in person. But I think it makes it so that we can hear from farmers.

But I tell you, Jeff, every single farmer I think has said that they've been pulled over on the side of the road; they've been in a combine; they've been in a tractor, and that's one step forward to making it possible to hear from farmers in a more consistent way.

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So, please don't think we don't hear from you. We farmers feel your pain, and we do want to try and make it as inclusive as possible. But, looking at all of the considerations, we've still landed that the only times that work are April and October.

And I wish it was January and July for me, because I'm not doing anything either of those months. Things are just growing or things are dead.

But I hear you, and thank you so much for calling in.

Could I ask you one more quick question, Jeff?

MR. DEAN: Sure.

CHAIR POWELL-PALM: What do you think of acres on certificates? You do it. Has the sky fallen for you?

MR. DEAN: I'm sorry, the question again?

CHAIR POWELL-PALM: What do you think

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of having your certificate list acres by crop on your certificate?

MR. DEAN: I'm not a huge fan of it, but I think it is extremely necessary. I'm saying, personally, I'm not a fan of it for myself. But, for the industry, I think it's absolutely necessary -- absolutely necessary to prevent fraud.

If I'm selling to a buyer and he looks at my certificate and says, "Look, there is no possible way you could sell that much, produce that much corn off of your acres," first of all, I'm not going to be able to sell to him, because it's going to be so obvious, you know. And then I'd have to try to find 20 different buyers to do all the cheating that people supposedly are doing.

So, to prevent that, I think we could -- you know, adding that to every certificate is absolutely necessary.

CHAIR POWELL-PALM: And this, Jeff,

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is why we are so --

MR. DEAN: It's just one more way
to --

CHAIR POWELL-PALM: Oh, yes, sorry,
go ahead.

MR. DEAN: Well, I was just going to
say, it's just one more way to keep the integrity
of organic, and integrity is all we have. You
know, we have to keep up the integrity. That's
all we've got.

CHAIR POWELL-PALM: We know the
meeting, the timing of the meetings stinks, and
we are so grateful that you still take the time
to call in. So, appreciate it, and we'll always
work to try to get as many voices from farmers'
perspectives as we possibly can.

MR. DEAN: Well, thank you.

CHAIR POWELL-PALM: Thank you for
calling in.

Next up, we have Ken Dallmier,
followed by Angela Schriver, and then Richie

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Breeggemann.

MR. DALLMIER: Can you hear me okay?

CHAIR POWELL-PALM: We can.

MR. DALLMIER: Very good.

I'm Ken Dallmier, the President of Clarkson Grain Company in Cerro Gordo, Illinois. On behalf of the company, I thank the NOSB for the opportunity to present these comments.

I'll speak to three topics. The need to retain carbon dioxide on the National List as a handling aid; the proposal to standardize the listing of crops and area harvested on organic certificates, and finally, the need of the USDA to exercise its authority for the USDA organic seal to recall any product found to be out of compliance or out of USDA organic regulations at any point in production, storage, or sales.

According to the pre-meeting notes, carbon dioxide has overwhelming support to remain on the National List. We strongly support this position. Carbon dioxide is readily available,

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economical, and effective. While we recognize that CO2 is a greenhouse gas, there are no viable alternatives at scale to control biological pests in stored grain.

The removal of CO2 from the National List would result in extreme economic and food ingredient loss to the storage insects and vermin in organic grain.

Second, in agreement with Rovey and the previous caller, the proposal to standardize the listing of crop and area harvested on organic certificates should be supported and implemented by the NOP and those countries selling into the U.S. organic market.

By this requirement, and subsequent data update to an open database such a perhaps a modified Organic INTEGRITY Database, the mass balance of organic product supply for each grower would have a single standard point to begin and verified as accurate by the certifier. This would serve as one positive control to fraudulent

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supply entering the market.

Finally, the value of the organic seal is the trust of the consumer. The consumer must be assured that the product that commands a financial premium has been produced according to the rules and standards of the NOP.

When there's a reasonable risk that the rules or standards have been ignored or violated, the product must be taken out of that market until such time as it can be determined to be in compliance, regardless of what that product is.

This is consistent with other implicit and explicit marks guaranteeing product quality or safety. Without the exercise of this authority, there is no real incentive to comply and no financial harm to a company when found to be out of compliance.

Thank you for your service to the organic industry.

CHAIR POWELL-PALM: And thank you so

much for your comments.

Questions for Ken?

Amy, please go ahead.

MEMBER BRUCH: Ken, hi.

MR. DALLMIER: Hi.

MEMBER BRUCH: Thanks for your time today, and thank you for your written comments as well.

Just a quick question for you on acres on certificates.

MR. DALLMIER: Uh-hum.

MEMBER BRUCH: The scope of the proposal is pretty narrow and small. However, I was just wondering, if this were to pass and become a standard, having producers indicate acres on their certificates by crop type, would you foresee any internal changes, since you're a grain purchaser, on protocols to maybe verify this information? Would there be any changes, I guess, that you would implement?

MR. DALLMIER: That we would

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implement, No. 1, we would look to the Organic INTEGRITY Database to make sure that there is a match between what the grower is supposed to be growing and what they're delivering.

I would ask that that database be modified. Otherwise, you know, say if a grower sells grain to us and to the Roveys, and to various companies, you know, as Derek brought out, we need to have a single point of truth that is updated either by the grain buyers themselves -- probably that would be the easiest way to do it. So that we know that, on 100 acres, they may have 10,000 bushel of corn, for instance, and we bought 5,000. We'll take 5,000 off.

But there seems to need to be a single point of truth because, you know, you, Amy, you sell to multiple buyers and you don't sell to a single buyer. I think that the assumption would be a single buyer purchases all of the product, and I don't think the organic marketplace has

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grown out of that assumption, I think.

So, I would encourage the NOSB to recommend to the National Organic Program to update the INTEGRITY Database with this information, so that we, as buyers, can then go ahead and update how much should be taken off of that assumed product supply.

MEMBER BRUCH: Thank you, Ken. Appreciate that.

MR. DALLMIER: Uh-hum. Thank you for your question.

CHAIR POWELL-PALM: Any other questions for Ken from the Board?

(No response.)

All right. We really appreciate your time today, Ken. Thank you.

MR. DALLMIER: Very good. Thank you, everybody.

CHAIR POWELL-PALM: Next up, we have Angela Schriver, followed by Kristopher Kiokkenga, and then Lily Hawkins.

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Angela, if you're there, the floor is yours.

MS. ARSENAULT: Yes, Angela's on the line with us, but the mic is muted at the moment.

CHAIR POWELL-PALM: Okay.

MS. ARSENAULT: Angela, it doesn't like you're using just the phone. Otherwise, I would tell you to hit *6 to mute and unmute.

MS. SCHRIVER: Can you hear me now? Oh, I am here now. I am on the phone.

MS. ARSENAULT: Ah, interesting.

MS. SCHRIVER: Yes. Sorry.

So, good afternoon.

My name is Angela Schriver from Schriver Organic. We are members of OEFFA and the OEFFA Grain Growers' Chapter.

I'm commenting on three topics: universal bill of lading; universal OSP, and listing acres on certificates.

We support a universal bill of lading that is a simple form that shows one transaction.

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Accumulated, they provide a transaction history, and this is helpful to inspectors, brokers, and at the mill, which is, in turn, helpful with fraud prevention. And I encourage any form of fraud prevention.

We do not support universal OSP. First, I would not encourage anything that could potentially create a less thoughtful Organic System Plan, potentially, making it more of a checkbox mentality.

Second, if the primary reason is to streamline compliance with USDA NRCS programming, I would question anyone's familiarity with these NRCS programs.

Regarding grain operations, NRCS does not offer programs that differentiate between organic systems or even conventional systems. They have the exact same programs for both. They just have separate pots of money that the programs are funded with.

There are, typically, less organic

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applicants for the organic agriculture funding pool. The only paperwork that is, essentially, required is an organic certificate, so they can check their box. I speak from experience.

Thirdly, I have appreciation for the OSPs that encourage thoughtful systems plans, as it gives me the extra opportunity to make thoughtful decision and forecasts concerning my farm.

The final topic, listing of acreages on organic certificates. During the spring NOSB meeting comment period, I was asked about this topic and replied with, "I have nothing to hide."

I would like to share my experience shortly after I made that comment. I had to submit my 2021 Organic Certificate to a grain buyer, and as I looked over the document, it really sunk in, the amount of information that was provided. Out of 210 acres, we had 26.97 acres of corn; 9.33 acres of sorghum Sudan grass; 28.44 acres of tufted grass, with the remaining

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acreage just soybeans and sunflowers. Any grain farmer would immediately identify us as a laughably small operation, which is exactly how I felt.

I momentarily focused on the size of our operation and not on what we were accomplishing. We have created a diverse crop rotation that allows us to keep our soil fertile while also managing weed pressure. Our listed acreage reflects the organic philosophy of building our soil.

And although it hurt my pride for a brief moment, I thought about the bigger picture. We would not be able to have a successful organic operation if we did not simultaneously prevent fraud.

And although listing acreages on organic certificates is not the perfect solution to fraud prevention, it is progress, until we can implement an electronic organic new system. And I encourage any form of fraud prevention.

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Thank you for your time.

CHAIR POWELL-PALM: And thank you so much for your comments. Again, it's tough to make this timing work, as a farmer, and we acknowledge that. So, thank you very much for showing up.

Amy has a question for you.

Amy, please go ahead.

MEMBER BRUCH: Yes. Thank you so much for your time today, Angela, and your very candid comments. Appreciate that.

I just wanted to ask for clarification. I think my phone must have cut out or my computer connection. You mentioned you are in favor of all forms of fraud prevention, and you mentioned about an electronic -- and then I missed the next couple of words after that. What were you recommending for the next step?

MS. SCHRIVER: Yes. It was an electronic like the Organic Link System. And I know I talked about it in the spring and I think

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it was a more popular topic to comment on in the spring.

MEMBER BRUCH: Uh-hum, uh-hum, yes. Perfect. Thank you.

MS. SCHRIVER: And I'm not sure if that was the same thing that would be the Organic INTEGRITY Database, or if that is already in existence and I'm just unfamiliar with it.

MS. SCHRIVER: Yes. I can go ahead and answer that real quick. The Organic INTEGRITY Database is just an electronic database that currently is in existence. And every operation that's certified to the NOP is listed on there.

And, for example, currently, the information that's represented about producers right now is our name, our name of our operation, contact information. And it does say our crops. It doesn't necessarily say our acres of those crops at this point in time. And then handling would have very similar information about

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products they handle, and et cetera.

So, that information is currently in existence, and I've actually used it to contact producers. It's very helpful to start networking within our environment. So, definitely recommend you to check that out.

And then the Organic Link System was just a discussion topic document that was brought up about a year ago now to start examining different ways to deter fraud. And that was in regards to transaction certificates as well.

MEMBER BRUCH: Very good. Thank you.

MS. SCHRIVER: Thanks, Amy.

CHAIR POWELL-PALM: Thank you again, Angela. We appreciate your time today.

Next up, we have Kristopher Kiokkenga, followed by Lily Hawkins, and then Gwendolyn Wyard.

MR. KIOKKENGA: Hi. This is Kris Kiokkenga. Can you guys hear me?

CHAIR POWELL-PALM: We can. Please

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go ahead.

MR. KIOKKENGA: Okay. My name is Kris Kiokkenga. I'm a farmer located in central Illinois, and would just like to thank the NOSB for taking time to listen my comments today. I have stopped in a combine here to visit with you.

So, the first thing that I would like to talk about is acres by crop on the certificates. I am in favor of this and feel like it gives a transparency to both the buyer and the service buyer. My feeling is this: if you are doing things honestly, you don't have anything to hide. I believe that it would reduce the fraud, and I think that our customers, the people that purchase organic products, come to expect that from our industry and feel like that would be something good for us to do.

Secondly, I just wanted to talk about minimal reporting requirements for different certifiers. As of now, I believe there are something like 74 certifiers who certify organic

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crops. I just would encourage streamlining of the process.

It seems that sometimes people are coming out to do -- I work with two different certifiers. And, of course, it's something that people need to get done, but there's a lot of paperwork, and just trying to make sure that, instead of like there are always concerns about C tags and things of that nature, but also checking on just that nice flow, balance that comes out.

And one of the things that I was thinking of was, you know, we go ahead and we have all this imposed on our local in the United States, but for other countries, for their reporting requirements. I feel like getting something consistent here in the United States would be good, so that maybe we can ask that or demand that of people who import or bring organic grain from a country like Turkey here, to make sure that they're able to follow similar

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regulations.

So, those are the two things that I have, and I appreciate you taking the time to look into my comments.

CHAIR POWELL-PALM: Yes, thank you for making those comments.

Any questions?

(No response.)

All right. We really appreciate your time today. Thank you so much.

MR. KIOKKENGA: All right. Thank you. Have a nice day.

CHAIR POWELL-PALM: Take care.

We're going to jump back a little bit. I apologize, I missed Dave Shively.

So, Dave, if you are there, we are ready for you.

MR. SHIVELY: Okay. Can you hear me?

CHAIR POWELL-PALM: We can. Please go ahead.

MR. SHIVELY: Oh, okay. Okay.

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Thanks.

Hey, I appreciate your taking my call.

Good afternoon.

I'm Dave Shively with Shively Farms.

I'm the current President of the OEFFA Grain Growers' Chapter.

And thank you for your service on the Board. I've just got a couple of topics I'd like to comment on.

That is the certificates that do not have acres on. I was totally surprised that not many certifiers do that at all. And that just kind of astounded me. I thought that was just a required standard. I think it needs to be, to help defer any kind of fraud, and that would be a wise thing to do. I think it should be a standard on all of them.

The other comment is bill of lading. They should list -- for me, every load of grain goes out of my Shively Farms has a bill of lading. It has my name, the address, the buyer's name and

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address, the date, crop, lot number, which includes date, bushels, field, bin, crop, and what load you have. And that creates my lot number.

And that pretty much is everything that needs to be on there, and a possible scale ticket, which I usually have on every one of my loads. So, I know that, when a load leaves my place, it should be pretty close to a few bushels when it ends up at this destination. I guess I feel it would be very helpful to be very transparent and traceable.

And the other thing I want to comment on is I'm probably going to beat the dead horse again about this time of this thing. I agree with January and July would be two excellent times. It's going to be hot in July and I'd rather sit in a house with air conditioning and listen to this, and January it would be in where it's warm. So, yes, I agree with Jeff on that one and others too. This is just a really tough

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time.

And if you move it back two weeks every time, pretty soon it's fair to everybody then. That's my comment on that one.

Thanks for taking my call and my personal comments.

CHAIR POWELL-PALM: Thanks very much joining us. We really appreciate your time and insights.

And thanks for the very specific information that you would like to see on this BOL. The more specific we get, the more we can shake ideas loose for how to write these documents better and incorporate ideas. So, thank you very much.

Any questions from the Board?

(No response.)

All right. I think you're off the hook. Thank you again for calling in today.

MR. SHIVELY: Thanks.

CHAIR POWELL-PALM: Next up, we have

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Lily Hawkins, followed by Cindy Elder, and then Gwendolyn Wyard.

MS. HAWKINS: Hi. Thank you, NOSB Members, for the opportunity to speak before you today.

My name is Lily Hawkins, and I'm the new Policy Director of the Organic Farmers Association. OFA was created to be a strong national voice and advocate for domestic certified organic farmers.

Today, I'll be addressing issues of climate-smart agriculture and of contamination.

OFA members agree with the NOSB that certified organic production should be automatically considered climate-smart, and therefore, eligible for any and all funding opportunities and support through relevant USDA programs.

Organic agriculture has tremendous potential to address climate change, while making sure that family farms flourish. But, to meet

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its full potential, we need the USDA to take several steps to protect the integrity of the USDA certified organic label.

This is needed to maintain the standing of the organic label with consumers; to ensure a level playing field for organic farmers, and to make sure that organic methods provide the maximum benefit in addressing the climate crisis.

There are several critical areas of NOP rulemaking and enforcement necessary to ensure that organic agriculture is truly climate-smart.

First, the NOP must finalize the long overdue organic livestock and poultry standards rule as quickly as possible to strengthen standards that ensure outdoor access and prioritize pasture-based systems.

Second, the NOP must ensure that organic farming is soil-based. The NOP's decision to allow hydroponic operations to be certified organic, as well as inconsistent

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interpretation of the NOP's guidance for how container operations transition to organic, could undermine consumer confidence in the organic label overall and reduce the potential for organic agriculture to sequester carbon.

For organic agriculture to maximize its potential as climate-friendly agriculture, soil must be recognized as the cornerstone of organic production.

Another area where NOP can support farmers in their efforts to ensure organic integrity is in providing support and guidance to farmers dealing with contamination from outside sources. This can come in the form of genetic contamination from GMOs or in the form of pesticide drift, like what's being caused by dicamba, which we know can travel great distances.

And more recently, we've been seeing legacy contamination from per- and polyfluoroalkyl chemicals, also known as PFAS or

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"forever chemicals." This has been coming to light only recently, even though the contamination comes from spreading municipal and industrial sludge decades ago. It's only recently being tested for.

The problem isn't limited to organic producers, but organic farmers have bravely been leading the way in pulling products, once contamination has been discovered.

And farmers need help from state and federal agencies to cope with this contamination, including assistance with soil and water testing; technical assistance for determining whether farm operations can safely continue, and compensation for lost production and lost farm value due to contamination.

CHAIR POWELL-PALM: All right. We appreciate your comments.

Any questions from the Board for Lily?

(No response.)

Thank you so much.

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MS. HAWKINS: Thank you.

CHAIR POWELL-PALM: Next up is going to be Amanda Brewster, followed by Gwen Wyard, and then we're going to finish the day with Alan Lewis.

So, Amanda, if you are there?

MS. BREWSTER: Hi, Nate. Yup, I'm here.

Can you hear me?

CHAIR POWELL-PALM: Yes, we can. Please go ahead.

MS. BREWSTER: Perfect.

I'm Amanda Brewster, the Executive Director at OCIA International, and I am commenting on the behalf of my Board of Directors.

So, thank you for the opportunity to provide public comment on the Compliance, Accreditation, and Certification Committee's oversight and improvements to deter fraud with the acreage reporting proposal, as well as

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minimum reporting requirements discussions.

These comments are submitted on behalf of the Board of Directors of OCIA International. We represent the producer, processor, handler members of Organic Crop Improvement Association. OCIA functions in the United States as a network of chapter and direct members, as the USDA National Organic Program Accredited Certifying Agency that provides certification to more than 9,000 people in North America, Central and South America.

Acreage reporting proposal. Our Board of Directors has reviewed the proposal drafted by CACS and is in full agreement that the increased efforts to deter fraud are of the utmost concern. OCIA has long been a pioneer of developing protocols to protect and maintain the integrity of the organic seal. We agree with the mandatory listing of harvested acreage by crop type and total acres in the operation on organic certificates is an important element necessary to

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verifying production statements.

OCIA already includes crop acreage information on the organic product listing addendum portion of our organic certificates. Total acres are included in the annual application and can easily be added to the certificate. These details are key to enabling inspectors, certification, bio reviewers, and organic buyers to accurately determine the authenticity of amounts sold in the market and are necessary for identifying potential fraud. There are no insurmountable barriers to including this essential information on organic certificates and making it mandatory.

Minimum reporting requirements discussion document. OCIA International is in support of developing universal auditing via documents, such as mass balance and trace-back templates, to increase uniformity and consistency in organic inspecting and reporting.

OCIA already utilizes mandatory

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inspection reports, report forms, and provides mass balance, trace-back, dry matter, and take bills of lading forms to our producers and inspectors. However, creating universal documents used by organic producers, handlers, certificant is essential for eliminating gaps in production. Reporting and strengthening fraud detection, these universal documents are all seminalized (phonetic) in questions and uncertainty about best recordkeeping practices for grain operations.

OCIA recommends further discussion regarding which (audio interference) legal forms and other reporting documents are most critical for maintaining organic integrity and working with organic certifiers about these documents for the widest usage.

Respectfully, OCIA International
Board of Directors.

CHAIR POWELL-PALM: Thank you,
Amanda, for your comments. We really appreciate

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them.

Any questions from the Board for Amanda?

(No response.)

I have a question for you, Amanda. Is it a current practice of OCIA to list acres by certificate -- or sorry -- on the certificate, crops by acres?

MS. BREWSTER: Yes, we list them on what we call Product Listing Addendum. So, it goes along with the certificate that we issue.

CHAIR POWELL-PALM: Okay. And any concerns about business privacy and respective privacy of business information?

MS. BREWSTER: No. We have been doing this for a long time. I would say probably like 12 years we've been doing this practice, and we've had no backlash at all on it.

CHAIR POWELL-PALM: All right. Well, we really appreciate your making the time to call in today.

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Any questions from the Board for Amanda?

(No response.)

All right. Thank you so much for your comments.

MS. BREWSTER: Thank you.

CHAIR POWELL-PALM: Thank you.

Next up, we have Gwendolyn Wyard, and then we're actually going to end today on Doug Currier.

So, Gwendolyn, the floor is yours.

MS. WYARD: Sound check. Sound check.

CHAIR POWELL-PALM: Sounding good.

MS. WYARD: All good. Fantastic.

Well, good afternoon, NOSB Board Members, NOP Staff, and ladies and gentlemen of the virtual gallery.

My name is Gwendolyn Wyard and I'm the Vice President of Regulatory and Technical Affairs for the Organic Trade Association, and my

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oral comments today will focus on ion exchange and the pieces and parts that are subject to National List review.

I'll start by saying that filtration technology has been allowed since the regulations were first established. I personally started reviewing and researching it as a food science student in the late '90s, as an inspector/certifier starting in the early 2000s, and in my role at OTA since 2011.

It's a filtration method that relies entirely on the basic laws of ionic bonding. It's powerful and it's the most effective filtration technology available for removing heavy metals, such as arsenic and other inadvertent harmful compounds, from organic products.

So, three points that I want to make, and then I'm happy to answer any questions that you have.

The first point on the proposal, the

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recharged materials -- so, sodium chloride, hydrogen peroxide, potassium chloride -- ultimately, the mobile ions that are exchanged with the ions that we want to get rid of in the material that's being treated.

Those are subject to National List review because they meet the definition of a processing aid at 205.2. So, the mobile ion that's housed on the fixed covalently-bonded functional group of the resin, it's added to the product, but it's present in the finished product at insignificant levels and does not have a continuing technical or functional effect.

So, chemical change/no chemical change, synthetic/nonsynthetic, it really doesn't matter. The recharged materials are non-organic, non-agricultural processing aids and must appear on the National List.

Point No. 2 for the discussion, the ion exchange resins, on the other hand, function as an inert delivery or holding system from which

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the ion exchange occurs. So, the resin or that little bead that Garth was talking about remembering, it's the filtration apparatus. It's the equipment from which the mobile ion is released.

The resin or the membrane itself is not added to the food and it's not intended to become a part of or have any technical effect in the finished food. You don't have to filter it out. It doesn't meet the definition of an ingredient. It doesn't meet the definition of a processing aid.

So, for National List scope review, per the statute and the clarification of the Harvey lawsuit, that's really all we need to know. It's helpful to know that the resins meet FDA's definition of a food contact substance, which reiterates that the substance is not intended to have any technical effect on the food.

So, my third point -- and my last

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point -- is that the use of ion exchange in organic processing holistically, right, as a systems operation, all of it must be reviewed, approved, and inspected as part of the operations of OSP and as part of the annual certification process.

So, in our comments, we support Option 1. We're also recommending a recommendation and issued instruction that will clarify, once and for all, the overall review and approval process of ion exchange and also seated media to ensure consistent certifier and operator practice going forward.

Thank you.

CHAIR POWELL-PALM: Thank you.

Questions from the Board?

Kyla has a question for you.

MEMBER SMITH: Thanks, Gwendolyn.

Super helpful comments, written and in your oral presentation.

I'm going to ask you the same thing

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I've been asking everybody. We've been focusing a lot on the definitions "processing aid," "ingredient." Would it help us if we had our own sort of definition of "food contact substance" that we develop when we move forward to proposal?

MS. WYARD: Sure. Thanks, Kyla.

The answer that everybody loves, it depends, I suppose, on the purpose and why you want this definition, and why the FDA definition of the "food contact substance" is not adequate or appropriate.

I think for interagency purposes and general use and understanding throughout the food processing sector, it's really helpful if we have the same definitions -- if it works. But it doesn't always work, right? We have our own "excluded method" definition that's different than the bioengineering definition, and I'm thankful for that.

But creating separate definitions could also create a lot of confusion, and I've

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seen that just in differences between "natural," for example, in how we use it and how it's used elsewhere.

But I think, you know, again, I'd really want to understand the purpose. So, if ingredients and processing aids are subject to the National List review, and we have definitions for both -- I might add that, you know, those are the same as the FDA's definitions -- then why would we need that food contact substance definition?

We don't recommend including food contact substances on the National List unless they're also processing aids. So, if adding the definition is to support the inclusion on the National List, I would say no.

If the definition, though, is to somehow support instruction or guidance that pertains to the role of the certifier or inspector in reviewing food contact substances, then that would be definitely helpful. Or if

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it's to help better distinguish between a processing aid and food contact substances for the purpose of help to better understand what was on the list, then I can see its utility.

I personally like the FDA definition of a food contact substance, but I'd be curious in a conversation to see how it could be tailored to better fit our use and our purposes.

Does that -- anything else?

MEMBER SMITH: Yes. No, thank you.

Yes, I think I have one more, Nate, if you --

CHAIR POWELL-PALM: Yes, go ahead.

MEMBER SMITH: Okay. So, again, processing aid, food contact substance, I feel like there's been some comments -- it's in the written comment and maybe a little in the oral -- about being careful about the precedent that this may set if we do put resins on there. So, like if there was a food constant substance, like what could that -- like what's that impact

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that we could be looking at for ourselves or a future Board? Or what could we be setting ourselves up for?

MS. WYARD: Okay. Well, first, I think it's important to be really clear that the proposal that you pass, which you're working on, is specific to ion exchange recharge materials and resins, right? That's what you're working with right now. It's not a broader policy on food contact substances. This is a material review.

So, if your conclusion for adding or not adding is based on the statute and the existing regulations, then I think that you're going to protect yourself against unintended consequences. So, if you vote to add ion exchange resins to the National List, because you determine that they meet the 205.2 definition of a processing aid, unintended consequences are probably less.

And I think that that's what I read,

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anyways, in the NOP memo under the implications. It's like stick to our regulation and our definitions.

If you decide that ion exchange resins should be added to the National List because it's a food contact substance, and you're saying, and therefore, not subject to the National List review, if you take that route, well, then, essentially you've set a precedent for a single material review. And that really should be part of a much larger policy decision.

I'll say I wouldn't advise against setting a policy that all food contact substances are allowed or not allowed, because I do think that there's some murky function in definition territory, and we need some room for individual review to be able to distinguish between a food contact substance and a processing aid.

So, you know, again, just really sticking to an ingredient/processing aid evaluation, and then let the review of new or

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uncertain materials come to light through the process that we've established.

Also, I'll say, like specific to options 2 and 3, if you decide that resins are processing aids, and your analysis comes down and you're like they are processing aids, they meet our definition, then I would highly recommend a categorical listing.

We're not suggesting that they go on the National List. If you go there, a categorical listing would, generally, I think that would capture all of the 30-some resins that could potentially need to be petitioned, right? Because there's about 20 listed under 173.25, where ion exchange resins are regulated under FDA, and then there's about another 10 that I pull up on the food contact substance policy list.

So, there's around 30 that are potentially in use, I believe could be in use. A categorical listing would make that job much

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more manageable, and I think could have the same ultimate goal in terms of the OEFFA criteria that you're looking at.

CHAIR POWELL-PALM: Any other questions for Gwen from the Board?

(No response.)

I have one for you, Gwen. Let's talk about leakage, degradation, and that is of, again, resins. So, could you speak a little bit -- we asked, I asked this to Garth this morning and Jay yesterday -- but could you speak a little bit to sort of that question of unintended becoming part of food; that it would actually degrade, and where we would look for assurance that that's the case?

MS. WYARD: Sure. Thanks. You're holding up the leakage card.

I think that Garth did a great job addressing leakage. I don't know if there's anything more I can say on that.

I mean, I think this is an important

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topic because, you know, I did hear on Tuesday at least once, if not twice, that the Board already voted down or rejected listing only the recharge materials. And the fall 2020 was 9 to pass and 6 not to pass, and it was an indecisive vote.

And those that voted to not pass wanted to better understand the comments around degradation. There were concerns, rightfully so, about leakage and contamination, and concerns about the implications of deciding that food contact substances are not subject to review.

So, I mean, this is it, right? This is why it went back to the Subcommittee for a closer look.

So, Garth explained the leakage. It's not the resins going into the product. It would be the ions, once the capacity is full.

The word "degradation," I think understanding that this is a term that refers to aging conditions that compromise the charge capacity of the resins. So, it's brought about

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from high/low temperatures, fouling from poor quality recharge materials, oxidation.

Resins do not last forever. You know, they need to be maintained and at a certain point they must be replaced, right, just like any other piece of equipment that needs to be maintained, particularly plastic tubing, extruding equipment, rubber gaskets, any soft materials that are more prone to degradation.

And this is like really like matter-of-fact processing kind of stuff. It's carried out through inspection, cleaning equipment, rubber gaskets. You know, they are not intended to get in the food, not even at incidental levels. This is a purification process, right? This is all about getting stuff out.

And also, from an economic perspective, it is very expensive technology and you want the system to be as effective as possible. So, through system design and all of the servicing and inspection and testing, you

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know, it's kept squeaky clean.

I think, also, just keep in mind that the maintenance of ion exchange, it's subject to basic food safety and GMP requirements at the local, at the state, and federal level. Contamination prevention is a basic requirement of the organic regulations.

And, you know, this is something that all gets described in the OSP. It's reviewed; it's approved; it's inspected annually, just like all the other equipment out there.

So, I just really want to emphasize that, while we're saying that the ion exchange resins are not subject to National List review, they're absolutely subject to inspection and review at the inspection and certifier level, as well as they're regulated under the FDA, if you look at the prescribed conditions and all the food safety requirements. So, making sure that those resins aren't going to actually fall apart and go into the product, which would be a

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contamination event, right? That's a food safety issue.

So, I'll stop there. I said a lot.

CHAIR POWELL-PALM: All right. We really appreciate it. Thank you for that.

Any other questions for Gwen from the Board?

(No response.)

All right. Well, thank you for your comments today, Gwen.

MS. WYARD: Yes, thank you, everyone. Appreciate it.

CHAIR POWELL-PALM: Next up, we have Doug Currier, and we're going to end on Alan Lewis.

So, Doug, please go ahead.

MR. CURRIER: Thanks, Nate. And thank you to the Board. Good afternoon.

My name is Doug Currier. I'm the Technical Director at the Organic Materials Review Institute, or OMRI, and I am also talking

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about ion exchange resins today. So, this is a bit following up with Gwendolyn.

So, back in 2004, OMRI published a category called Ion Exchange Media along with annotation that remains unchanged to this day, along with the published compliance criteria that all ion exchange resins, membranes, and other media must go on the National List of the NOP rule. It's a statement, "and are subject to further clarification of NOP policy."

I highlight this as a way to signal that, while OMRI stands behind our published policy, we knew way back in 2004 that the policy was subject to change, which is where the Board finds itself today.

So, in our written comments, a selection of questions posed by the Handling Subcommittee were explored. The first question asked whether the fact that ion exchange resins meet the FDA's definition of food contact substance exempts them from needing to be on the

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National List. We believe, no, this is not an exemption. And we give examples of food contact substances already on the National List, such as acidified sodium chloride and peracetic acid. The organic standard is designed in a way that, in general, materials used in or on organic or made with organic products have to be on the National List.

Another question posed by the Subcommittee asks whether resins, as secondary direct food additive, puts them under the purview of OEFFA. And we think, yes, because, again, there are examples of secondary direct food additives already on the National List.

So, there's nothing that says ion exchange resins should not be on the National List. And if the Board continues to go in that direction, OMRI has made a few suggestions in our written comments, mainly, to go to categorization or the addition by category route. We urge caution, though, in using the FDA's definition of

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"food contact substance" or "secondary direct food additive" as the basis for whether something is added to the National List. Doing so, we think, would open the door to many other materials used in organic production not currently on the National List, which most of us would consider not needing to go on the National List.

The Board could also consider how 205-272(a) and (b) applies when considering the organic compliance of resins and membranes.

So, the potential for resins to degrade or otherwise perform in a way counter to that which they are designed has always been at the heart of our concern. Resin charge interacting with organic product, rather than resin counter-ion, so-called recharge material, should be a compliance concern. However, if ion exchange systems were in good working order, the risk of this compliance concern actually happening would seem incredibly low.

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OMRI is continuing to reach out to FDA contacts as a way to seek to understand any and all compliance concerns related to the use of ion exchange resins. We're also looking at Estimated Daily Intake, EDI, for ion exchange resins and how those values compare to other materials used in organic production which are not on the National List.

CHAIR POWELL-PALM: All right. Kyla has a question for you.

MEMBER SMITH: Thanks, Doug.

My question is, back to definitions, do you or does OMRI think that resins meet the definition of ingredients or processing aids?

MR. CURRIER: You know, we didn't go that route. It was more about looking at what was already on the National List, looking at the in or on approach to 605, and looking at the potential to contaminate. You know, those are kind of how we were going about our development of our policy way back when.

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You know, it's hard to comment on that because, yes, we didn't look at that. So, it was interesting to hear Gwendolyn talk about those definitions.

Yes. So, I'll stop there.

MEMBER SMITH: Fair enough. I mean, you know, there's been a lot that's happened since the rule came into effect, obviously, with the National List, and there was the Harvey lawsuit, which has had an impact. There was, obviously, the decision trees that were developed after that. So, there's like a lot of new information now --

MR. CURRIER: Right.

MEMBER SMITH: -- that we have available to us.

So, trying to sort of use what we know now and evaluate substances with all this, the information that we have at our fingertips that was way more than had been available previously is useful to us, and sometimes can be in conflict

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with materials that are currently listed on the National List. So, it's certainly an interesting debacle.

Thank you.

MR. CURRIER: Sure.

CHAIR POWELL-PALM: We have a question for you from Amy.

MEMBER BRUCH: Yes, Nate, actually, I was going to switch gears. I see there's a couple of other questions. So, if Brian, instead, continues on the subject --

CHAIR POWELL-PALM: Yes.

MEMBER BRUCH: -- I'll just go last.

CHAIR POWELL-PALM: Okay. So, Brian, please go ahead.

MEMBER CALDWELL: Okay. Thanks, Nate.

And, Doug, I'm way out of my depth here. So, bear with me.

But one question I have is, are these resin materials pure? In other words, it sounds

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like we're going to be possibly evaluating their constituents, but are they actually like pure, little balls of a substance or are they kind of mixtures of things?

MR. CURRIER: Yes, I think and my understanding is that they are a mixture of things. And they're a mixture of things in order to create the structure.

And by making them, they're going to have a charge. And that charge is leveraged in a way where there's a recharge material applied to it that is the material getting exchanged -- sorry -- the ion getting exchanged with the organic product.

So, you know, Gwendolyn had mentioned FDA, I think it was 173.25, you know, and that's a good list to look at because it does describe these polymer materials that are really a reaction product.

And so, I would classify them as not just one thing; they're kind of a combination of

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things in order to get to that structure.

MEMBER CALDWELL: All right. Well, I can see I need to do a lot more reading.

But the other question I have is I'm just wondering if you would agree with me that it's a little bit of a red herring that somebody earlier on, on Tuesday I think, was saying, well, we might have to like include the paint on your tractor as a reviewable material if we open the kind of floodgates by allowing resins in.

And it seems to me that materials where the total intent of the process is for a thorough mixture of a food product with an ortho material is totally different than like driving by the leaves of a soybean plant with your tractor.

MR. CURRIER: Yes.

MEMBER CALDWELL: So, I'm just wanting to kind of throw that out there, that it seems like we can probably make decisions about what classes of things would be reviewable and

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what wouldn't be reviewable.

MR. CURRIER: Yes, I would agree to that. I think it's a different material that is very much in contact with organic products. So, you know, it's a little bit of an elevated concern, I think, for contamination, which in our comments I think we've highlighted some different ways of looking at it. But, yes, I think it's a unique material for that reason.

MEMBER CALDWELL: Great. Thank you so much.

MR. CURRIER: Sure.

CHAIR POWELL-PALM: Dilip, did you have a question? I saw your hand up earlier.

MEMBER NANDWANI: Well, Brian is always ahead of me. So, he asked my question. Thank you.

CHAIR POWELL-PALM: Okay. Sounds good.

Switching gears, Amy, please go ahead.

MEMBER BRUCH: Okay. Thanks, Nate.

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Doug, thank you for your time today and your written comments.

I wanted to switch gears to synthetic nutrient fortification. That was one of your written answers, actually, last semester in relation to humic acids, as well as this semester as well.

MR. CURRIER: Yes.

MEMBER BRUCH: I just want to learn a little bit more about some of the testing that's available. I do think that you identified a huge risk point. There's inconsistency, it seems like, when these are used on the National List, which you pointed out, in aquatic plants, and then, in the invasive part, using capsaicin hydroxide.

So, you mentioned there's a couple methods to test some of the industry standards, but it looks like OMRI is working on an answer to identify other testing solutions. Could you touch more on that, please?

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MR. CURRIER: Absolutely, and thanks for that question.

So, yes, the entry on 601(j) for humic acids includes a description of which extractants are allowed. And that's a very generic description. What it doesn't include is a requirement that only the amount used to extract is used, unlike with aquatic plant products which does have that.

And so, based on NOP guidance and historical approach to these humic acid materials, we've developed a standard for assessing for fortification, but the standards we have now are very much really only geared towards potassium hydroxide, when that's used, and ammonium hydroxide. And so, we have seen novel extractants that we are not sure how to approach those, given that we have developed a standard for really the industry standard, which seems to be potassium hydroxide and ammonium hydroxide.

So, that's kind of where we're at in

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regards to, well, the National List doesn't require this assessment for fortification. Historically, we've approached it that way. NOP guidance is out there, which also mirrors that.

But we are having discussions now about how to be reactive and get to the point where we can assess for these newer extractants that are not potassium hydroxide and not ammonium hydroxide.

MEMBER BRUCH: Uh-hum. Yes, thank you.

MR. CURRIER: Yes.

MEMBER BRUCH: I mean, from a producer in the U.S., I'm very thankful to have OMRI, you know, your support in testing these products further. I think clarification will be helpful when we apply our standards internationally, too. I mean, you don't always have material review organizations internationally. So, clarification is important on this matter.

Thank you so much.

MR. CURRIER: Thank you for that.

CHAIR POWELL-PALM: Any other questions for Doug from the Board?

(No response.)

All right. Thank you for your time, Doug. We appreciate your comments.

MR. CURRIER: Okay. Thank you.

CHAIR POWELL-PALM: Last for the day is going to be Alan Lewis.

Oh, and you are muted, Alan.

MR. LEWIS: I'm glad I checked. Thank you.

Alan Lewis with Natural Grocers. I manage about 166 organic certificates for retail handling, food packaging, and production.

When a seal becomes a shield, you end up with hamburger made from Brazilian cattle that had been fattened by a global conglomerate in semi-confinement on soil grown in fields that still wreek of the burning of the biodiverse rainforest ecosystem that once harbored

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indigenous tribes. Yet, it could be labeled both as USDA organic and as a product of the USA. That's how a seal becomes a shield -- a shield against transparency, against integrity, against rigorous, continuous improvement.

Now, I will see many of you in person next week in Sacramento, and this comment is meant to give all of us courage and perspective, as we undertake the valuable NOSB process for the organic community.

But organic is about to undergo global scrutiny under the microscope of ESG reporting -- environmental, social, governance. Detailed ESG strategies, metrics, and measurements are being required of every entity that has customers, lenders, or shareholders, and that's everyone.

But USDA organic standards address only a small part of only one of the ESG reporting requirements. It appears we have fallen into the trap of using the organic seal as a shield against

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many things that are inconvenient.

In fact, ESG reporting rules will likely make organic claims a primary target of inquiry. A producer covering its slope with herbicides and plastic sheeting to grow produce using IV nutrients under electric lights may be certified to use the organic seal, but the seal may no longer shield them from being forced to measure and disclose in detail the damage done to the soil; energy use and source; the capture of land and water and labor from local communities; the environmental effects of the plastic; the poor treatment of workers; the anti-competitive tactics and retail markets, or a thousand other externalized costs and unfair practices that may buffer the bottom line of some operations.

I suggest we all become very familiar with ESG reporting and scoring for food and agricultural operations. The Organic 3.0 principles developed by IFOAM do address much of the "S" and the "E" in ESG and are a good place

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to start.

So, as we are barraged with requests to weaken the NOP standards to include even more methods and materials to help scale up some NOP seal bearers, please take precaution to not burden them with haphazard standards that simply won't hold up under the impending ESG scrutiny. Let's not let the USDA organic seal become just a shield that no longer works.

And thank you, everybody, for letting me in today on that comment.

CHAIR POWELL-PALM: Thank you for that comment, and thank you for joining us today.

Brian has a question for you.

MEMBER CALDWELL: I hope it's a quick one, and I apologize if I wasn't paying attention. But what is ESG or EST? I couldn't quite get it.

MR. LEWIS: Environmental, social, and governance reporting. It's a set of metrics and measurements that companies will have to

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begin producing and reporting publicly.

MEMBER CALDWELL: And who is requiring that? Sorry, I just know nothing about it.

MR. LEWIS: Sometimes the SEC requires it. Sometimes the trial bar and consumer protection advocates require it. And the biggest issue is that investors are requiring it and they're differentiating one company from another based on their ESG strategy, their ability to implement the strategy, and the quality of their reporting.

It's a lot, Brian. I'm getting my head around it, too. So, I appreciate the question.

MEMBER CALDWELL: Thank you.

MR. LEWIS: Thanks a lot.

CHAIR POWELL-PALM: Other questions for Alan?

(No response.)

So, Alan, I have a question for you.

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And I wish we had a couple of hours to talk about beef, but we would take up every minute of it and not have enough time for anything else.

When you think about the organic community and what we do on standards development, how would you say we could branch out and be supportive of other groups doing work that falls outside of the scope of OEFFA?

For example, country-of-origin labeling, and in a way, cooperative marketing. All those fall outside of our standards, but they have a deep value to organic farmers and the end goals that a lot of folks talked about on this call -- good, healthy rural economies; real verification, all of those things that are a part of goals, but may be outside of our scope. How do we branch out and effectively build coalitions that empower us to realize more efficacy from our efforts?

MR. LEWIS: Well, I will try to keep this short, except to point out that we are

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captured by the USDA through our own devices, and "product of USA" is something that's near and dear to them to protect their large corporate stakeholders like JBS or Tyson or Cargill, or whomever.

So, man, it's such a great question. We do and we don't cooperate, right? But we're so beholden to the USDA, I think we are afraid of taking that stance of organic has to be a product of the USA. And why are we competing with suspect products from other countries, when we are supposed to be supporting American producers first?

CHAIR POWELL-PALM: I hear that. Still, given the world we live in, rather than the world we'd like to live in, how do we build these coalitions and reach out across all different sectors to make this happen? We need to get this done and we definitely can do it, but we need to get energy, that, you know, we have maybe just focused exclusively on the standards

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to these bigger projects. What's your suggestion?

MR. LEWIS: Well, all of my coalition partners and colleagues and partners in advocacy have been on the call today. Whether it's OFA or Beyond Pesticides or Real Organic Project or Rodale, all of those people are working on these issues. You know, it's a matter of triage. In the world we'd like to live in, that would be the only issue.

We've gotten so close so many times after thousands of hours of work, but do we actually act as a single coalition community? Do the organic beef producers on this call have the social safety and political safety in their communities to advocate for fixing product of USA? I mean, I wish I had an answer. That is the question.

CHAIR POWELL-PALM: I don't think you have an answer, but that's a great question. And I think that's something that we, as a community,

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can really be tackling.

Is that a "get"? You know, get a little bit of a chip on our shoulder about how awesome we are and try to get out there for figuring out how do we organize in a way that makes this change possible.

My last question for you -- since you're the last one, I get to do this -- retailing, how do we get retailers to hawk more organic food? I just heard about the merger of Albertsons and Kroger, and I'm like I don't have indication that that's going to resolve more organic food being sold.

So, what do you say? How do we educate consumers, but also just get retailers to push it?

MR. LEWIS: There's two, a good answer and a bad answer. The good one is we're screwed. The bad one is I'm presenting on this at Real Organic Project in the pre-conference before EcoFarm, but about the consolidation of retail

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and distribution. And that Kroger merger is going to make things worse.

They don't care except if a customer asks for it. And when you travel the country, getting to the second answer, you can go into a Kmart in Minnesota and not see a single organic produce item on the shelf -- not a one.

CHAIR POWELL-PALM: Thank you for saying that. Yes, that's my experience every day in rural America.

MR. LEWIS: However, I was at the Rural Grocery Summit two months ago in Wichita, and the local distribution and rebuilding local food systems in a town or a county is big business right now. They don't trust the government to come help them. They don't trust corporations to come help them. So, they are rebuilding that.

And so much of that turns out to be traditional, non-chemical-invasive market gardening for our community. So, does it get to retail? Partly, and they're working on all of

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this ad hoc retail distribution of that product.

But, in between those two answers, people are growing their own and retail is not going to sell it. I tell you what. That's why I'm continuing to research this and talk about it, because it's the big problem.

CHAIR POWELL-PALM: Big question. We really appreciate it.

I think things like antitrust, they're a concern for all of us, no matter which direction we come from.

So, we appreciate your time and your consideration today. Thank you.

MR. LEWIS: Yes, thank you.

CHAIR POWELL-PALM: As we leave today, I would like to just throw that out to our greater community.

First off, thank you, everybody. We're talking about big issues, big concerns, and it's tough. It's a tough conversation. Not everyone is feeling great in our community about

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the current state of things, and that's all right because this is the place where we get to figure out those problems as a community.

I can't thank you all enough for how cordial everybody was today. Everybody did a really great job bringing and sticking to ideas and facts, and left anything personal out of it. And that's a huge win for all of us.

As we look to next week, I'm excited to bring this energy and see you all in person. I can't wait. It will be my first in-person meeting on the Board, and I think, except for Rick, that is true for all of us. So, we are really excited by the idea of being able to be together again.

So, please bring your ideas. Bring your enthusiasm. And we're going to see you all in Sacramento.

Anything else from the Board before we close out today?

(No response.)

All right. You all are great. It's a privilege to serve with you all.

And thank you so much for your time and attention and heavy, heavy work.

For now, be well, and we'll see you next week.

(Whereupon, the above-entitled matter went off the record at 5:22 p.m.)

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NATIONAL ORGANIC STANDARDS BOARD

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FALL 2022 MEETING

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TUESDAY
OCTOBER 25, 2022

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The Board met at the Holiday Inn
Sacramento Downtown - Arena, 300 J Street,
Sacramento, California, at 9:00 a.m., Nathaniel
Powell-Palm, Chair, presiding.

BOARD MEMBERS PRESENT

- NATE POWELL-PALM, Chair
- MINDEE JEFFERY, Vice Chair
- KYLA SMITH, Secretary
- AMY BRUCH
- BRIAN CALDWELL
- CAROLYN DIMITRI
- GERARD D'AMORE
- LIZ GRAZNAK
- RICK GREENWOOD
- KIMBERLY HUSEMAN
- ALLISON JOHNSON
- DILIP NANDWANI
- LOGAN PETREY
- WOOD TURNER
- JAVIER ZAMORA

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JARED CLARK, National List Manager

ADAM DIAMOND, Ph.D., Agricultural Economist

VALERIA FRANCES, Standards Division

DAVID GLASGOW, NOP Associate Deputy

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Analyst

ERIN HEALY, Division Director Standards

ANDREA HOLM, Materials Specialist

DEVON PATTILLO, Agricultural Marketing

Specialist

JENNIFER TUCKER, Ph.D., Deputy Administrator

PENNY ZUCK, Organic Policy Advisor

ALSO PRESENT

CHRISTINE BIRDSONG, Undersecretary, California

Department of Food and Agriculture

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Agriculture for Marketing and Regulatory

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CONTENTS

Welcoming Address/Agenda Overview	4
Presentation by Under Secretary Moffit	18
NOSB Introductions	38
Secretary's Report	66
SDA/AMS/National Organic Program Update	67
Compliance, Accreditation, & Certification Subcommittee (CACS) Update	137
Topics:	
Proposal: NOP Risk Mitigation	
Table review.....	138
Proposal: Human Capital Management:	
NOSB technical support.....	145
Proposal: Oversight improvements to deter fraud: Acreage Reporting.....	168
Discussion Document: Oversight improvements to deter fraud: Minimum Reporting Requirement.....	212
Discussion Document: Organic and Climate-Smart Agriculture.....	233

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

9:07 a.m.

DR. TUCKER: Good morning, hello, everyone. I am Jennifer Tucker, Deputy Administrator of the National Organic Program. Welcome to all our National Organic Standards Board members and our audience in the room and online.

It is my honor to officially open the fall 2022 National Organic Standards Board meeting. It has been three years since we met in person in Pittsburgh, Pennsylvania.

It is remarkable what we have achieved as a community during that time. For three years we have been applauding each other and our collective work by waving our hands in Zoom.

Today to celebrate the fact that we're all here and to celebrate each other, let's open with a round of in-person applause.

(Applause.)

DR. TUCKER: For the folks online, we

do hope that you will join us with continuing the Zoom clapping traditional alongside of us. It is wonderful to be broadcasting and to have you with us as well.

I can see up on the screen that we have Logan, good morning, Logan, everybody wave to Logan. And so it's helpful to see what the community is seeing at the same time.

Now that we are back in person, Nate, we have a gavel so let's go ahead and use it. Do you want to mark our moment of opening here? Very nice. So, let's start with some official business.

This meeting, like other meetings of the National Organic Standards Board will be run based on the Federal Advisory Committee Act and the Board's policies and procedures manual. I will act as the Designated Federal Officer for all meeting segments. Transcripts for all segments will be posted once completed and obviously we are broadcasting.

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Now, let's take a quick look at the agenda and then I will welcome and introduce our opening speakers, CDFA Undersecretary Christine Birdsong and USDA Under Secretary Jenny Lester Moffit.

Then I'll introduce members of the NOP team. I'll then turn the floor to Nate Powell-Palm, our Board Chair for Board introductions. First, the agenda.

The morning will include some welcoming talks and report-outs, introductions, and a program update with questions and answers with the Board. We will break for lunch and then return to begin Subcommittee work. We'll continue Subcommittee work through tomorrow along with an update from the Organic Farming Research Foundation.

That work will continue into Thursday and then we'll close with elections, a reflection, and visit with some old friends and colleagues and with a farewell to Rick Greenwood,

who starts his last NOSB meeting with us today.

Rick, thank you for all your wisdom and your service.

(Applause.)

DR. TUCKER: Now let's turn to our welcoming speakers. We are lucky, very lucky, today to have two very special guests for opening remarks. First, we will hear from California Department of Food and Agriculture under Secretary Christine Birdsong.

Undersecretary Birdsong was appointed by Governor Newsom. Previously she was senior Vice President and General Counsel and Director of People and Culture for the Sun Valley Rice Company. She has also served as General Counsel for the National Cotton Council of America, Counsel for the Committee on Agriculture for the United States House of Representatives, and Federal Government Affairs Leader for Crop Life America. Birdsong earned a juris doctor degree from the University of California Hastings

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College of Law and is a University of California at Berkeley alum.

So, please join me in welcoming Undersecretary Birdsong.

UNDERSECRETARY BIRDSONG: Good morning. Thank you, and welcome. Am I on? I'm on, right? Okay, I couldn't tell if the microphone was on or not. I'll bring it closer, I can do that.

I want to welcome our Board members. Thank you so much for making the trip to Sacramento. It's so exciting to be together and in person, like Jenny said, for the first time in three years.

And I know we all, you all, and then myself in my job as well, we were all able to accomplish actually quite a lot back in the day of Zooming but I think there's a human chemistry when we gather together that I think is energizing and really deepens the work that we do when we're working together as a team.

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It is great to be with you here again. I want to also thank the members of the public, our farmers, our certifiers, the businesses and advocates who are also participating in these various meetings over the next few days.

Public input and engagement are vitally important to policy-setting and implementation. Everyone's expertise, experience, and passion for organic agriculture is valued and welcome.

Thank you so much for contributing. I also want to thank the USDA Staff who helped organize this event and who really run the day-to-day operations of our National Organic Program.

It's because of your work that the organic seal means something and holds so much value for consumers both here and abroad. We are honored that you chose California for your first in-person NOSB meeting, again, the first in three years.

I think we can't say that enough. And it's particularly appropriate that we're meeting in our state capital city where progressive policy continues to create and expand opportunities for all in the space of agriculture and the communities that we serve.

We are very proud of our state organic program, which has continued to work with industry leaders, the National Organic Program, representatives of COPAC to receive that critical insight and recommendation on the future and the vision for organic agriculture in California.

And we are abundantly proud of our farmers and ranchers and the nutritious and delicious bounty that they bring to the table for our state, our nation, and even the world.

Speaking of our California organic program, I would like to thank employees in the program, specifically Mayze Fowler-Riggs, for helping our marketing program prepare the California organic statistics every year so that

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we can track the changes and the growth that's important to our organic sector.

This is my segue to pepper you with some exciting numbers. Here you go.

For example, California organic sales increased more than 17 percent from \$11.9 billion in 2020 to \$13.9 billion in 2021 with 95 percent of the sales from operations certified by an accredited certifying agent.

And according to the 2021 California Ag Organics Report, in 2020 California accounted for 36 percent of all organic production in the United States.

Our organic production site acreage was over \$2 million acres and the top-five counties in terms of overall gross organic sales were Monterey, Los Angeles, Santa Cruz, Kern, and Merced.

Here's our list of our top-five commodities by state organic harvested acreage, number one, was beef cattle, with over \$1

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million. Number two is what we call the all-other field crops, which includes pasture and range land.

Of course, you've got to feed your organic beef something. And number three, this is an interesting one, is fallow.

Fallow means, of course you probably already know, that although nothing was being harvested at the time of census, the reported acreage was intended for future organic crops.

And that was 75,297 acres so I think we'll be seeing another leap in organic production ag in coming years. Number four was our dairy cows and they're around 75,000 acres. And then last but not least is the all-other vegetables category. And they were on 59,751 acres. We at CDFA are very committed to doing our part to uphold the integrity of the organic label.

We know that the organic label carries value throughout the entire supply chain from

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growers all the way to the consumers who make a conscious choice in their purchases. Our state organic program works hard to protect the integrity of organic products sold in California.

This past Fiscal Year they conducted 1562 inspections, collected 450 samples for pesticide residue detection, enhanced our outreach and education to organic stakeholders through county staff trainings and attending conferences and workshops with organic farmers throughout the state. They also investigated 133 organic complaints.

Our California State organic program also continued to collaborate with the NOP's pasture surveillance program by conducting seven inspections of organic dairies in Sonoma and Humboldt Counties just this past year.

These inspections are of course done in partnership with our local county agricultural commissioner inspectors.

Another large part of California's

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involvement with organic agriculture is our fertilizing materials inspection program, FMIP, and the organic input material program.

Over the last Fiscal Year, OIM reviewed and registered 1245 OIM fertilizer labels, obtained 486 OIM samples for lab analysis and investigated 11 complaints about OIM fertilizer products.

They also conducted an investigation of an adulterated OIM, which led to the most significant administrative penalty in the program's history, and that penalty was \$1.89 million.

Our FMIP environmental program manager, Nick Young, is also the Chairman of the Biostimulant Committee for the Association of American Plant Food Control Officials.

This Committee is working towards formal recognition of biostimulants, many of which are organic input materials.

This includes the adoption of a

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universally recognized definition, label requirements and a uniform legislative bill that states can utilize for standardization across the U.S.

We're very hopeful that this work will be finalized by February of next year at the Association of American Plant Food Control Officials' winter annual conference.

Now, I mentioned earlier that California lawmakers' and Governor Newsom's administration are active in progressive policies that help support our farmers, our ranchers, and our local communities.

So, before I close, I'd like to share just a few examples of those with you.

In our office of Farm to Fork, we're continuing our farm to school incubator grant program and are working on grant programs like the farm to community food hubs program that will support local food hubs, and the urban agriculture grant program that will support urban

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farmers and consumers.

Speaking of Farm to Fork, another benefit to meeting in Sacramento is that the Farm to Fork ethos is particularly strong among our vibrant restaurant scene, which I hope you get a chance to explore while you're here.

CDFA is also continuing with our progressive climate smart initiatives in the Office of Environmental Farming and Innovation through grants for our Healthy Soils Program, our state water efficiency enhancement program, our alternative manure management program, and many more.

We are very proud of our CDFA team's dedication and professionalism to ensure the integrity of organic agriculture and we appreciate the opportunity to participate in this Board Meeting to hear more about emerging issues and new technologies that may be available to help us advance growth and success in organic production systems.

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We again thank everybody involved for your work in supporting the public participatory process and finally, before I turn the floor back to Jennifer, I would like to acknowledge you, Jennifer, and your team for the strong partnership and collaboration with California.

Thank you.

We very much appreciate this close working relationship with our federal partners and on the important topic of organic ag. And Jenny, your leadership is being felt across the nation and I want to thank you for that.

DR. TUCKER: Thank you so, so much for that talk and for being here today, I know you had a healthy drive up here so thank you so much for being with us.

And now we will turn to Under Secretary Jenny Lester Moffit. She is our Under Secretary for Marketing and Regulatory Programs.

The Under Secretary previously served as Under Secretary of the California Department

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of Food and Agriculture, where she was also Deputy Secretary from 2015 to 2018.

Prior to that, Jenny spent 10 years as Managing Director at Dixon Ridge Farm, her family's organic walnut farm and processing operation. She also served on the Central Valley Regional Water Quality Control Board and worked for American Farmland Trust.

Under Secretary Moffit leads the mission area that's responsible for both the Agricultural Marketing Service, or AMS, the agency that holds the National Organic Program, and APHIS, the Animal and Plant Health Inspection Service.

The Under Secretary has been a key lead in visioning and implementing Secretary Vilsack's food systems transformation work including the organic transition initiative. She's a former 4H and FFA member and 4H volunteer.

She's a graduate of Brown University and the California Agricultural Leadership

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Program. So, please join me in welcoming Under Secretary Moffit.

UNDER SECRETARY MOFFIT: Thank you, Jenny, for that warm introduction. And thank you, Christine, for being here today and for all of that really great information on organic agriculture, the stats on organic agriculture, here in California.

I just want to take a breath here. It is really nice as we acknowledge, of course, for the first time in three years to be back here in person as well as in a hybrid mode as well, which is incredible.

This is an opportunity for more people, more people around the country and around the world to really be able to engage in the National Organic Standards Board's process.

That has taken a substantial amount of work and I just want to recognize the NOP Staff for the work that they've done to make this happen.

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Thank you all for the work that you've done, it is really a pleasure to be here in person and to be at the National Organic Standards Board meeting that is happening here in California.

As Jenny mentioned, I'm proud that my home state continues to be a leader in organic production and I'm proud to see so many faces here, very familiar faces in the organic industry.

And so let's see, we'll get onto it. 2022 is really a year of a lot of celebration for that organic community.

At our meeting last April, we celebrated the public-private partnership by recognizing the 20th anniversary of the very first class of accredited certifiers and the first official use of the USDA organic label.

20 years of that green organic seal, that's incredible. I'd like to recognize all of the organic farmer certifier inspectors that are here in the room and joining us online today.

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Thank you for your work supporting and growing the organic market. This year also marks the 30th anniversary of the National Organic Standards Board.

This morning I want to take a few minutes to recognize the work of all of the volunteer Board members who have been part of this really, really important institution.

They, you, represent all parts of the organic community and collectively donate hundreds of hours of your time and experience for continual improvement in our community and the market.

As Christy mentioned, this robust engagement that happens twice a year and throughout the year is very important to informing the work of the National Organic Program, it's very important to the work of organic across the country and around the world.

We have many Board alumnae who are actively engaged and are here with us today. If

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you wouldn't mind, anyone who has served on the Board in the past, if you wouldn't mind standing up to be recognized for all of your really hard work?

(Applause.)

UNDER SECRETARY MOFFIT: Thank you, thank you for your work, your leadership, your expertise, and your willingness to really serve the organic industry.

So, since our last in-person meeting, we've had a number of members who have completed their service on the Board. I want to take an opportunity to personally acknowledge them. I believe four of you guys are here in the room so please stand when I call your name. The first one is Asa Bradman.

Asa has served as the Environmental Protection and Resource Conservation Representative from 2017 to 2022. As a professor of public health at the University of California at Merced, he served and chaired at the Handling

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and Crop Subcommittee. Thank you for your service.

Jesse Buie. Jesse served as the organic producer seat from 2016 to 2021. Jesse served as the Board's secretary as well as a number of several subcommittees. He runs Ole Brook Organics in Jackson, Mississippi, which produces vegetables and melons. Major Buie is also a veteran of the United States Army Medical Service Corps. Thank you for your service on NOSB, as well as in the Army.

(Applause.)

UNDER SECRETARY MOFFIT: Steve Ela. Steve also served in a organic producer seat from 2017 to 2022. Steve chaired the Board as well as the crop-handling Subcommittee for two years during his term. He is a fourth generation Western Colorado fruit grower who started the organic certification in 1994 on his farm.

Ela Family Farms sells peaches, pears, apples, plums, and heirloom tomatoes, and

artisanal produced goods made from their own commercial kitchen, farmers markets, CSAs, restaurants, and wholesale. Thank you so much for your service.

(Applause.)

UNDER SECRETARY MOFFIT: Scott Rice. Scott served as the certifying agent seat on the Board from 2016 to 2021. Scott works for the Washington State Department of Agriculture in Olympia, Washington as the External Affairs Coordinator and served as the NOSB Vice Chair and Secretary and also chaired the CACS Subcommittee. Thank you for your service.

I'm really glad that you guys have been able to make it here to this meeting in Sacramento this week. We also have a handful of former Board members who are also able to join us virtually.

Hopefully we can bring them up on the screen as we mention their name. If not, that is okay.

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Sue Baird served as our public interest our consumer industry representative from 2017 to 2022. Sue is the Executive Director of the Missouri Organic Association, known as Mid-America Organic Association, which educates consumers and farmers about the knowledges and advances of organic food and production practices.

Dr. David Mortensen. Dr. Mortensen served as the scientist seat on the Board from 2017 to 2022. Dave is a professor at the University of New Hampshire where he is the Chair of the Department of Agriculture, Nutrition, and Food Systems. He holds a Ph.D. in crop science and soil physics. Thank you both for your service.

Emily Oakley served as an organic producer seat from 2016 to 2021. Emily served on several committees on her board tenure and she owns and operates Three Springs Farms in Oaks, Oklahoma, a 20-acre certified organic vegetable

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farm. Thank you, Emily, for your service.

Finally, but not least, Dan Seitz served on the public interest consumer interest seat from 2016 to 2021. Dan is Executive Director for the Council on Naturopathic Medical Education. Thank you also for your service.

(Applause.)

UNDER SECRETARY MOFFIT: Growing up on my family's organic walnut farm that I later ran, I know the challenges and rewards, huge rewards, of organic farmings.

I also know what it takes to lead and make a classic difference and where USDA can play a role in supporting farmers and they bring product to market. Together we're really building a growing and accessible and diverse organic sector across the board.

I'm going to give a little bit of background on some of the work that we have been doing at USDA in the past two years or year and a half under the Vilsack administration and the

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Biden-Harris administration.

I hope you all have heard the announcement that Secretary Vilsack made in August, announcing \$300 million for the organic transition initiative. This is the largest investment ever that USDA has made and one time for organic writ large and certainly for organic transition.

(Applause.)

UNDER SECRETARY MOFFIT: We're really excited about this and I know in meeting and talking with many of you guys there is enthusiasm across the board. What's really important, when I worked at my family's farm I learned a lot of lessons.

And one of the big lessons I learned is that it takes a holistic approach to problem-solving and to approaching any sort of thing that we tackle, whether that's on the farm and approaching soil health and pest management or whether that is in policymaking, really taking

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the holistic approach, knowing that if we really want to grow and advance organic farming, if we want to support the transition to organic farming, it must be not just that at a production level and a marketing level but everything in between.

And so that's where this \$300 million has many different components, everything from organic farmer transition support, mentorship, technical assistance, marketing assistance, as well as direct on-farm conservation support through NRCS, crop insurance support through the RMA.

And then, finally, market development support so that we're not just bringing organic farmers or transitioning organic farmers into certified organic, but they have a really vibrant marketplace to sell into.

Yesterday I had the wonderful opportunity to visit and join a group on Javier Zamora's farm. Thank you so much for hosting

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us yesterday. Along with Representative Panetta, and a really robust group of folks in the California area who are starting to work on the development and enhancement of Transition to Organic partnership program, one of the key pillars of the organic transition initiative.

And what I heard there in that conversation was the importance of community, the importance of partnership, and the importance of all of the different layers, the beautiful layers that we have in agriculture and the organic community coming together, each person bringing different experiences, a different perspective, a different wealth of knowledge together to support the community of agriculture, particularly those who are interested in becoming organic farmers or are already in the process of transitioning to organic farmer.

We saw institutions, certainly higher education institutions, we saw it with the Department of Food and Agriculture, who was

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there. We saw many nonprofit organizations who have a long history of working with organic farmers at the table.

We saw farmers like Javier and others who are experienced organic farmers excited about mentoring and really being part of this initiative to really support transitioning organic farmers.

And then we heard also from new and aspiring organic farmers, farmers who are either getting their start in a career in organic or are looking to convert to organic.

And I think that really was an interesting and beautiful mix of the beauty of our agriculture and organic communities coming together really to solve many of the challenges that organic farmers face when they're looking to convert to organic.

I know back in the 1980s when my family was looking to convert, my dad too benefitted from having mentors, benefitted from

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having technical assistance, benefitted from being part of and identifying new markets.

And so all of those people coming together to really take a much more community-based approach, farmer to farmer mentoring is key, supplementing that with the technical assistance and all of the wealth of resources that are there, the National Organic Program is really excited to invest \$100 million in the Transition to Organic partnership program.

There are six regions around the country. I think in Jenny in your presentation you're going to have a slide that shows just the beginning of the wealth and the diversity of organizations.

What is really key is that everyone plays a really important role, whether that is folks who are really experienced in the agronomy and the conservation practices, whether there are folks that are really experienced in how to bring organic farmers to markets in different and

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dynamic ways, whether that is the all, very, very important organic system plan and developing that and navigating all of that, to identifying inputs, whether that's organic seeds or fertilizers or what have you.

All of these things can be really challenging for a new transitioning farmer to navigate and so we're really building a community to support that navigation process.

This is certainly a big part of and we're excited to announce the Transition to Organic partnership, we were excited to announce the beginning of the partners and you'll some more of those partners.

I know many of you guys in the room are already partners and so I want to thank you guys for being part of this really incredible effort.

You've been part of this incredible effort for many, many, many years and we're excited to be able to really invest in the work

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so that we can grow it and expand it and have more organic farmers across the country, particularly farmers who are small, who are underserved, who haven't had the resources to convert to organic.

We're really, really excited to be able to bring resources and support to make sure that we have a much more broad, diverse, and equitable organic system across the country.

I also just want to make sure we're also talking about market development. We can't just like to how we're transitioning farmers, we also need to make sure those farmers have great flourishing markets.

So, November 15th, we will be doing a listening session for the Transition to Organic pinpointed market development initiative. We'll send out more information.

I'm sure that all of you guys are getting the Organic Insider, and you'll get that information through the Organic Insider if you

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haven't already. I think I just want to close with a few things.

Some final words about just organic is resilient, organic is trusted, organic is vibrant.

We have been, and certainly it's been a priority in the Biden-Harris administration under Secretary Vilsack to really end with, of course, an absolute priority as well as the National Organic Program, to continue the robust rulemaking that you guys at the National Organic Standards Board debate, dialog, bring all sorts of information to the table to really charge ahead of where should we go?

Organic is vibrant, organic is always constantly changing. That's the beauty of organic, and rulemaking is an important part about that.

We have the strengthening organic engagement rule that is in its final legs, hopefully we get that across the finish line

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very, very soon.

It is at the Office of Management and Budget right now and we hope to be able to get that implemented right away.

That is such an important one to make sure that across the board we have very strong organic standards, we have enforcement practices that were closing some of the gaps on imports and making sure that we are really continuing that trusted label that everyone depends on.

At the same time, we're also working very hard on the organic livestock/poultry standards. I know, actually, at this point, you guys are probably making the most work as we're in the comment period right now. We are really looking forward to hearing your comments.

We are committed to working quickly to make sure that we can review those comments, analyze them, and then move forward with the final rule so that we can get this implemented.

I know this is a long overdue rule

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that you guys have been wanting to see for some time. We share that and we're looking forward to getting that implemented. I just want to thank you guys for your participation.

I know there's going to be a conversation about climate-smart agriculture, organic farmers, as you guys know, I know on our own farm, focus on national resource conservation, soil and water quality, biodiversity, the cycling of resources.

Organic farmers are really building resiliency across agriculture, not just in organic farming which is in and of itself incredible but farming around the world.

Organic sales, of course, are continuing to flourish and I hope to see that grow under the organic transition initiative.

And then finally, organic label, that label that consumers have now trusted and know and depend on and know that there are really strong standards behind that green organic seal

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for the past 20 years are so important.

We stand by that seal and all of the value that it provides to farmers and ranchers. I think Congressman Panetta said it so well, it's not just a seal, it really stands for a robust set of production practices and so much more in that seal.

Thank you all for participating here in person, it's nice to see your faces, and thank you also for participating virtually with your dedication and opportunities, such as this one, to engage and make our connections.

We are all moving in the right direction. Thank you.

DR. TUCKER: Thank you very, very much, and thank you so much for being here. Thank you.

Okay, so I want to close this segment by thanking the National Organic Program team. First, let's all thank Michelle Arsenault, our Advisory Board Specialist. Michelle is so

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devoted, clearly, you can see from the rum. That makes me cry, it's so sweet.

Michelle is so devoted to keeping us going. I've now worked with Michelle for a lot more than 11 years now and navigating this re-entry back into being in person, so, Michelle, thank you so much.

We also have a number of team member from Standards and from the broader NOP team to both support this meeting and to learn with us and with you today.

So, I'm going to ask them to stand and wave when I call you and we don't need to applaud after each one of them, we'll just hold it until we have the full group read. So, we've got Standards Director Erin Healy. Erin, do you want to stand up?

Devon Pattillo, our Assistant Director. Stay up so the folks can get to see you. Jared Clark. Jared will be seated with me later today as our national list manager. Andrea

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Holm, who is running the Zoom show and a myriad of other things today.

Jason Edmonson, Adam Diamond, Valeria Frances, Frank Halprin. Frank, you're out there. And then we have Penny Zuck out there, and my Deputy, Dave Glasgow. Dave, where are you?

There's Dave. Now let's give them all a hand, they're a wonderful team. And now I turn the mic over to Nate Powell-Palm, our Board Chair. He'll be introducing or having Board members introduce themselves.

All of these individuals devote hours and hours of volunteer time to serve the organic community. This is the first time many of them are meeting each other face to face and yet they have just done a fabulous job over the last few years here.

And so we're going to give the full Board a round of thanks and appreciation. Nate, it is great to see you in person. I thank you for all your terrific work as Chair over the last

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year and I thank you in advance for a great meeting.

I will turn the mic now over to you.

CHAIR POWELL-PALM: All right, thank you, Jenny. We're going to go around and I would like to everyone to say your name, where you're from, what seat you hold. And I know Jerry told me no ice-breakers, but I'm going to get a little one in here.

What has been your most exciting part of the organic industry in your world this round? If we could start with Jerry and we'll move over?

MEMBER D'AMORE: Good morning all, my name is Jerry D'Amore and I live in Northern Monterey County here in California. I am in my third year as a handler on the Board.

My life has been heavily influenced by having spent 25 years living in foreign countries.

I have been involved in agriculture for 47-plus years, starting in Saudi Arabia,

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where I built and operated hydroponic facilities that grew 14 varieties of fruits and vegetables using both low-profile NFT and vine crop systems.

Directly thereafter I moved to Virginia and constructed and owned and operated a hydroponic facility that specialized in lettuces. Within a year of that, we opened up a glass greenhouse and produced tomatoes, cucumbers, and bell peppers.

In the same year, I founded and ran to have Northern Virginia Hydroponic Co-op. In 1991, I joined Chiquita Banana Company and moved with my family to Izmir, Turkey. There, as regional manager for the Black Sea ports, I opened up Bulgaria, Romania, Ukraine, and Russia to what was referred to as the forbidden fruit, bananas. I also managed and distributed the distribution process within Turkey.

From 1999 onward, I had the great fortune to work for Driscoll's, Dole, among others. And here I got to participate in the go-

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to-market side of our great business.

It's an honor to be on the Board.
Thank you.

MEMBER ZAMORA: Gracias, Jerry. Good morning to all, buenos dias, my name is Javier Zamora and I represent the farmer's seat out of our beautiful Watsonville, Santa Cruz area, Jerry's neighbor.

It's truly an honor for me to be part of this board and seeing everyone in person and how elegant and how beautiful you all look, and how nice you are to me.

Again, it's truly an honor for me to represent the small farmer community that I come from. I'm a strawberry, raspberry, and blackberry grower out of Watsonville.

I always say that I'm a blessed individual that I'm a first-generation farmer born and raised in Mexico. I came to the States when I was 20 years old, I come from farming parents, not necessarily farm owners.

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I am the first generation here and hopefully I can teach others, including my kids, to continue farming in an organic way.

Thank you all for being here and thank you for allowing me to be part of this board that represents and has a lot to do with our likelihood and the farming communities that I represent.

Muchas gracias.

MEMBER JOHNSON: This is my first time on one of these mics. Hi, everyone, I'm Allison Johnson, I'm in the public interest, consumer interest seat based in Oakland, California. I'm honored and humbled to be here with you all.

I'm an attorney with the National Resources Defense Council and we work to safeguard the Earth, its people, its plants and animals and it's natural systems on which life depends.

So, organic is a natural fit for us. I'll use your icebreaker, Nate, as an excuse for a plug.

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NRDC is getting ready to release a report in partnership with the Swette Center at Arizona State University and California's Pesticide Reform that talks about the climate health and economic benefits of organic agriculture.

It comes along with a list of policy recommendations, top of which is to support organic transitions. So, I'm really excited to see us already on our way.

I'm looking forward to being here with you all, thank you.

MEMBER CALDWELL: Good morning, everybody, I'm Brian Caldwell. I'm in my second year in consumer and public interest seat here on the Board. I have a small farm in Central New York State.

We raise apples, chestnuts, hazelnuts, pears, and we've been certified again since 1986, And I think, boy, Nate said last night that he wasn't going to do an icebreaker and you

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almost threw me, Nate.

But I think that one of my most exciting moments was the first year that we actually had a saleable organic apple crop. And back in the 1980s, they used to say it was impossible and it was not impossible, which is a really good thing.

And so that was an exciting moment. I just want to say how honored I am to be with this board of really amazing people. It's just a wonderful experience for me so thank you all.

MEMBER NANDWANI: Good morning, my name is Dilip Nandwani. I started on an OSP Board earlier this year in January and I'm on the scientist seat.

I work for Tennessee State University as a professor of organic agriculture, the lead dedicated faculty to this program.

And I do research extension and teaching in Nashville, Tennessee. Serving for 18, 19 institutions like TSU and working with

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other minority-serving institutions, it's a great pleasure here on the Board, it's an honor.

And I have an organic philosophy and it's my great interest not only as a job, as a scientist, as a researcher, but as a teaching organic in principles of organic culture class to undergrad and grad students.

And I did not realize that when I started teaching my first course, principles of organic ag, and I was telling the first class talking about history of organic agriculture and saying that NOSB came into 2002 Federal Register for organic regulations and standards and I did not realize until recently that I'm going to serve one day on this board.

So, it's a great honor and pleasure serving on the Board. Thank you.

MEMBER GREENWOOD: Hi, I'm Rick Greenwood. As you probably heard, I'm finishing my fifth year on the Board. I'm in the environmental protection seat, I'm a certified

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organic avocado farmer from the San Diego County area.

I have been for I think about 15 years. My background is in public health and epidemiology so I've been spending a lot of time on COVID-19 recently but beyond that, I've been pleased to serve on the Board.

I've chaired the Crop Committee for two years and it really is an amazing board. I think what I've always enjoyed is the fact that we have diversity of opinion and we can usually come together, but everyone does it in a very thoughtful way and I think to me, it's always one of the high points of our American system, that we can meet as volunteers and accomplish so many things.

I've just been pleased to be on the Board. And it is a lot of work, when somebody tells you it's a lot of work to get on the Board, I was thinking, yes, not really.

And it turns out it is. So, again,

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all of the people that are on the Board, I really appreciate all the work they put in. Thank you.

MEMBER BRUCH: Good morning, everybody. I'm a rookie at this too. Good morning, everybody, I'm Amy Bruch, I'm a sixth-generation farmer and I'm really honored to be here today.

I'm in my second year on the Board and I serve in a farmer's seat.

I have an ag engineering background from Iowa State University and I have about two decades of experience in production agriculture, consulting, helping fellow farmers transition to organic, and agri-business.

I lived in Brazil for six years and farmed there with my husband and I've done many different ag projects across several different continents and countries including South America, Africa, and Europe.

With the passing of my father and the desire to keep the family farm into my family, my

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primary and favorite job is a farmer. And I do that on my farm. My family farms are located in East Central, Nebraska.

We're 100 percent organic or transition to organic, we're 100 percent irrigated as well, and we primarily grow crops such as food-grade corn for tortillas and chips, food-grade soy beans for the tofu market, and a variety of different small greens, pulses, and oil seeds.

Going back to your ice-breaker question, Nate, I just can't say enough about the organic program. It's just an honor to be able to farm this way.

It's a very challenging method of farming but I really think it pushes us farmers to be more creative and innovative.

And I'm excited, my son is one today so he we may have to sing him happy birthday later but he's a next-generation farmer and I'm just excited for what's going to be in store for him

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with this program.

So, thank you.

MEMBER SMITH: Hi, everybody, my name is Kyla Smith. I am from Pennsylvania, I serve in the certifier seat. This is the end of my second year as well. I also serve as Secretary and Chair of the Handling Subcommittee.

My day job is working for PCO. We're a USDA-accredited certifier that certifies mostly in the Mid-Atlantic, but nationwide. And I've been in certification for 20 years, I've done most of the jobs that it takes to get a farmer or food processor through the certification program.

So, inspector, reviewer, policy work, and I started my week coming here and watching the Phillies get into the World Series, so that was super exciting. And I was just so grateful to get to meet all my fellow Board members in person.

It's like your lost family that you don't know you love so much until you get to meet

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them all in person. And I think serving on this board has been one of my greatest career accomplishments.

And the other thing I will add is I'm just super excited for the top program and PCO is honored to be one of the partners in that program. And I can't wait to see what comes out of it. It's going to be awesome. Thanks.

VICE CHAIR JEFFERY: Hello, my name is Mindee Jeffery.

I am serving in the retailer's seat. I am also serving as the Vice Chair this year and it's been a pleasure to work with this group and the program. I appreciate everybody's hard work.

I also get to make composts so I'm having a lot of fun learning about what's happening on the farm. One of the Good Earth owners also has a farm. So, that was my pandemic silver lining.

For me, I think honestly, this is the finest example of democracy in America and that

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is what I love about this community and about this board.

CHAIR POWELL-PALM: And then we're going to have Logan virtually jump in here. You're still muted.

MEMBER PETREY: How about that? Thank you. Sorry, I'm using my phone for that.

I'm Logan Petrey. I'm eight and a half months pregnant, if you didn't see that. So I want to appreciate all of you allowing me to be here, but also there at the same time.

Apparently, Amy and I are the first pregnant women that have been on the Board and so new protocols are coming along. But anyways, I'm honored to be here, it's exciting, I'm jealous.

It looks really fun, you all look really cool, the backdrop of everything looks really neat and so I am in the farmer's seat, it's my second year. I'm a farm manager for Grimmway, I manage the southeast farm here.

We're a little bit smaller than

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California but we're getting bigger, and I will say that's probably the most exciting part for me even though there's a lot going on nationally with the organics and the programs advancing, that's great.

It is neat, though, to see organics working well in an area that people didn't think it was going to work well. And so I know there is lots of potential for the organic program to expand and it's fun here where we didn't have a lot of people doing it.

And even conventional farmers are taking up things we're doing here because it's a more sustainable way to grow.

So, that's neat, I enjoy watching that as it's developing more, but again, I wish I could see you guys, I'm jealous, but I thank you for letting me be here.

CHAIR POWELL-PALM: We decided we're going to come get you in Atlanta in the spring time.

MEMBER PETREY: I'll be here.

CHAIR POWELL-PALM: Thank you for joining us. I'm going to take the Chair's prerogative and go last, so if Kim wants to go next?

MEMBER HUSEMAN: Good morning, everybody, my name is Kimberly Huseman, I sit in a handler's seat. I have been with Pilgrims for the past eight years.

I'll start with my background, I grew up on a large farming and ranching operation in Wyoming where it does take a large operation to be able to house 300 cattle, a significant amount of range land coupled with both row crops and forage as we grew alfalfa as well.

I followed the FFA and 4H chain going through my college career, ending with a degree in agriculture, business, and economics. From there I worked in the cattle feeding industry and then joined Pilgrims eight years ago.

I have been part of the development of

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the organic program of producing chickens for Pilgrims, I head up the origination of grains, oilseeds, any of the macro ingredients that feed the birds.

I'm honored to be part of this group. Being in a champion in this industry, seeing the voices, the faces of all of the individuals that make this program succeed is very humbling.

I chair the Livestock Committee even though I am in the handler's seat. My background in the livestock sector has been beneficial and very rewarding in that space as well.

So, to bypass Nate's question I'm going to turn it over to Liz.

MEMBER GRAZNAK: Good morning, Liz my name is Graznak. I own with my wife Happy Hollow Farm, a very small, very diversified organic vegetable and fruit farm in Central Missouri.

I'm definitely a first-generation farmer.

I'm in my 12th year of farming full

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time and my day job is anything from pulling weeds in the carrots, welding a broken piece of machinery, harvesting a beautiful head of lettuce and all of the things in between that it takes to grow vegetables.

I'm really, really honored to be here and especially to represent the many, many small-scale producers that I know across the country. There are lots of us out there that are trying to make a go of farming as new-generation farmers.

So, I'm really glad to be representing those folks. And it's all you, Logan.

CHAIR POWELL-PALM: Wood next.

MEMBER TURNER: I think you can have that Logan. I'm Wood Turner, I'm in my third year on the Board. I'm in an environmental protection and resource conservation seat.

I'm with Agriculture Capital, we are focused on bringing responsible scale and food access through organic production. We specifically grow organic blueberries and organic

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table grapes.

I've been with ACE for about eight years. Before that, I had the great honor of being with Stonyfield Farm for many years and I'm really pleased to be a part of this board.

I spent 30 years of my career with a laser focus on environmental conservation, biodiversity protection, and climate solutions. It's all I ever wanted to do, it's all I ever intend to do, and I feel like this community and this board is a great opportunity to think about all those issues in a very interconnected context.

And I think for me, that's what's so special about this community, is how organic really represents the interconnectedness of things. It's all about systems, it's all about systems design, systems management, systems approaches, and I think we do that every day.

I'm an environmental designer and planner by training, my grandfather started

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Allis-Chalmers Tractors in east North Carolina where I grew up.

And I am in the process of trying to transition some land of his to organic, which is something I'm really excited about and I'm hopeful for the future.

I'm sure I wanted to say ten other things but that will do it for now. Thanks.

MEMBER DIMITRI: Hi, everyone, I'm Carolyn Dmitri. As everyone was talking, I thought what interesting backgrounds we have and I will say that I am not from a farm family.

I came into my work on organic as a consumer before the National Organic Program actually existed. I'm an applied economist by training and my first professional job was actually at USDA's economic research service.

And when I was hired the very first thing they told me was under no circumstances should you work on organic because we have too many resources already allocated to organic.

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And I'm a little bit of a rebel so I took that as a challenge and I quickly developed a rather robust research program on organic.

I'm currently a faculty member at New York University where I teach classes on the food system and I have what I consider a robust research agenda on organic and food systems.

And just as an example, I had seven things I wanted to say, I have a paper that's in press now that looks at the organic dairy industry over the past 30 years and we like to financial indicators to show profitability and how it changed in the different regions of the country.

And we also looked at how the feeding practices changed over that time period. So, when it's finally released I will definitely send it looking to everyone because I think it's very relevant to the kind of work we do here.

I like to be a little bit nerdy, because I feel like among all the farmers it's

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that one thing I can claim, is a little bit of nerdiness. So, recently, I read this really interesting paper written by one of the European experts on organic

And in it she says organic was created by farmers but as markets developed there became this need for regulations to regulate it but the regulators should always remember that organic is really owned by the farmers.

So, for me being on this board is the living embodiment of that phrase that this scholar in Europe stated. So, it is an honor to serve with everyone on this board. Thank you.

CHAIR POWELL-PALM: Thank you for humoring me, everyone, and I think that in opening this meeting today we talk a lot about resilience and why organic is more resilient and all the different technical agronomy reasons that we can claim a more resilient growing system.

But I think the greatest evidence of that resiliency was when we all got off an

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elevator last night and after three years of looking at each other in little boxes, squealed with delight at being able to see each other's faces, hug each other, and realize the work we've been doing for three years now virtually was so worth it.

We still were able to create these connections around something we so value and so love, and I think that is really unique to our industry and to our community.

So, I want to thank you all very much. A couple of shout-outs as we get started, we had a pandemic as you might have heard and we on the Board had our own resident CDC in the form of Rick Greenwood, who we could say, so Rick, what is really going on?

What should we do here?

And he was always there to provide a very sensible, level-headed answer.

Today is Beck Bruch's first birthday and I think when we talk about what this community

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gives to keep everything going, Amy giving birth one week after our last meeting, being here and not able to be with her baby on his first birthday is a kind of passion that we all bring, and I am so grateful.

Because it is a sacrifice. We all have other things to do and it is a sacrifice and I am so grateful for everyone being here and giving so much to make this community what it is.

I'm getting to it, I'm getting to it. There's a lot of feels, folks. So, I'm Nate Powell-Palm and I'm a grain farmer and cattle rancher based off of Bozeman, Montana.

And when I think about the worries I had being a gay kid growing up in Montana and how I didn't know if I would ever get to be a farmer, and how that opportunity to realize the life, the career, the passion that I so love was only possible because of this community, I think when we look around and think about the hard work that goes into these very nuanced and complicated

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discussions around materials or pasture practices, we have I think a really awesome opportunity to pat ourselves on the back and say that for a lot of us in the family, you all have organically created a home.

And I can't thank you enough for that. And so as we all gather back together today, I think the greatest thing I came to realize was that this community has done so much more than just get pesticides out of our food.

It's given us the opportunity for so much love and consideration and truly a caring community to be a part of as we do this hard work together. So, thank you.

(Applause.)

CHAIR POWELL-PALM: Now, I promise I won't lose it anymore. Let's get down to business, folks.

We've got a really exciting agenda for you, chock full of interesting things but first, we wanted to acknowledge the organic livestock

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and poultry standards is in comment right now.

And, with that, we have an imperfect method of, as a board, communicating that we want, Under Section, to give our full-throated support on getting this thing done and done quickly.

And so if we have a slide -- you're all going to have to give me a minute, I thought I was going to be able to read that but I definitely can't. Can you read it? It's farther away than I thought. Perfect.

The National Organic Standards Board affirms the position that USDA needs to finalize the organic livestock and poultry standards, LOPS, rule to clarify the expectations for animal care and organic livestock production.

Previously characterized as the organic livestock and poultry practices rulemaking, the Board has consistently supported action to establish clear requirements for space, density, outdoor access and general animal care

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provisions for avian and mammalian species.

USDA issued the OLPS rule on August 9, 2022, seeking public comment and is correct in asserting both the statutory authority and the conditions of market failure that necessitate action.

This federal rulemaking is essential to alleviate instances of competitive harm among market participants and to ensure alignment with consumer expectations of organic production.

Therefore, be it resolved that the National Organic Standards Board, as USDA's Federal Advisory Board on organic issues and representing organic farmers, ranchers, processors, retailers, and consumers urges the Secretary to finalize the organic livestock and poultry standards rule expeditiously to strengthen organic animal health and welfare standards, protect communities and the environment, and prove consistency, better meet consumer expectations, and address market

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failure.

And the Board has already voted to confirm this resolution so off it goes. I'm going to hand it over to -- real quick, before we do that, when I first had right before COVID-19 my training with Jerry and Mindee, and as I quickly think about my class, Wood and Kim, we had the chance in February of 2020 to meet and to get to know each other right before we went totally virtual.

And I could never have had as much support and fun on this board than if I hadn't met, or if I had met, Mindee Jeffery.

So, in a spirit of collaborative leadership, Mindee and I are technically Chair and Co-Chair, but have been really exercising somewhat of a Co-Chair relationship.

So, Chair, Vice Chair, Co-Chairs. And with that, I'd like to hand it over to Mindee to say a few words about reflecting on our progress over the last year and all we've done.

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Backing up, folks. Be it resolved.
I'll hand it off to you for the motion, please.

VICE CHAIR JEFFERY: I motion to
resolve the NOSB's resolution on the organic
livestock and poultry standards.

MEMBER GRAZNAK: Second.

CHAIR POWELL-PALM: It has been
seconded. All right, thank you, please go ahead,
Secretary.

(Voting.)

MEMBER SMITH: 15 yes, 0 no. The
resolution passes.

CHAIR POWELL-PALM: Let's keep
getting to work, folks.

VICE CHAIR JEFFERY: I just wanted to
take this opportunity to presence the good.

In the tradition that raised me, I'm
given to understand that for individual and
community health, it's really important that we
take time to receive the pulse back of the
goodness of what we are and the work that we do

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in the world.

And in that light, I'd like you all to please today and as we make our way through this week, take the time to rest as if you were drinking the best cup of water of your life in the goodness of what we are and what we are accomplishing in this world.

I know very clearly that I am grateful to all the work that has gone into this community and having had the opportunity to be challenged constantly for 15 years by an organic originator, I'm here.

And for that I'm grateful and the pollinators are grateful and water is grateful and our children's children are grateful for the work of this community.

So, in that light, as we make our way through the work this week, please do also rest in the goodness of what we are.

CHAIR POWELL-PALM: We'll then move to the Secretary's report for Kyla Smith.

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MEMBER SMITH: Okay, Board members, you all received the minutes from the April 2022 meeting. Does anyone have any corrections or do you accept the minutes as they were received?

I did have one correction. There was a typo in the second paragraph, 2022 should be 2021. So with that, any other corrections or concerns? Seeing no others, we accept the April 2022 minutes with the one correction.

CHAIR POWELL-PALM: Let's take a break, folks. Let's grab some coffee, we're going to come back in 20 minutes and we're going to jump into our dialog with the program if that sounds all right.

Great, we'll see you all in a minute.

(Whereupon, the above-entitled matter went off the record at 10:19 a.m. and resumed at 10:41 a.m.)

CHAIR POWELL-PALM: I'm going to hand it over to Jenny Tucker.

DR. TUCKER: Can we put up the slides?

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Somebody has the magic clicker, so are you doing the clicker or are you going to hand me the clicker? I'm just aware the real power lies in the clicker.

I have been instructed not to use the laser pointer. Welcome back from break, we're doing very, very well both in terms of process and time, and I appreciate you all finding your seats.

Again, it's really nice to see folks really connecting again in the real world. Now we are going to turn to a program update, so an update from USDA marketing service. Wow, that happened without me even pushing anything.

I guess I have less power than I thought I did. Moving along, Jenny, get started. So, first, it used to be in before times that we would do a 45-minute update here at the meeting from the program.

As we went into a virtual environment, we started recording the NOP update and putting

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it online in advance of the meeting and we decided to continue that.

And so actually, the full NOP update is online, it was posted last week and it's in the Organic Insider that we sent out as a reminder for this meeting.

And we did that to flip the conversation so it was less time with us talking at you and more time of us talking with you and each other.

So, that leaves a longer time for questions and answers from the Board. So, I do encourage you if you haven't yet seen it to go to the full NOP update. It is in the Organic Integrity and Learning Center, which by the way, now has more than 9000 users.

Not bad for a system that didn't exist five or six years ago, 9000 active users in the learning center. And if you subscribe to the NOP presentations course, it is at the top of that course.

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It provides an overview of activities across NOP presented by everybody on the NOP team, or a lot of people on the NOP team. I wanted to open with a look at our updated goal areas, so here are the areas of emphasis for the program.

The first is growing and developing the organic sector through transition initiatives and technical assistance.

And I want to highlight this is a new goal area for us and it is made possible because of the Organic Transition Initiative and the Transition to Organic partnership program.

And so we are honored to implement TOP at the program level and it did lead to an introduction of what is ultimately a new goal area for us in the program.

Second, we are continuing to develop and implement organic standards. You've heard a lot about standards so far, I'll talk a little bit more about that in a couple of minutes,

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through open and transparent and collaborative processes, like being together here today.

Third, we are protecting organic integrity through a strong oversight system and fourth, we're protecting organic integrity through robust enforcement.

And so we talked a lot about, well, should we really have two goal areas that say protect organic integrity?

And we decided yes, organic integrity from farm to table, consumers trust the organic label, is our vision. And so having two goal areas that relate to organic integrity is important.

And there's a distinction here, strong oversight systems are the continuous improvement structures like accreditation and surveillance and international agreements, and all of the things that we do to implement the structures that help manage controlled systems worldwide, where enforcement is really about catching the

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bad guys and both are equally important.

So, let's talk about that first goal area. You've already heard a bit about the organic transition initiative and the impact that it is already having and it's opening steps of bringing people together.

I just want to walk through the three components of OTI -- again, we all have to learn new acronyms here -- Organic Transition Initiative. You've already heard about the Transition to Organic partnership program.

The areas of emphasis there are the farmer-to-farmer mentoring, technical assistance, community development, workforce development. And so that will also embrace the work that has happened on human capital over the last year as well as data and reporting.

So, we really understand the impact that we're having at different levels of the system. A second part of OTI is in indirect support through conservation and crop insurance.

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This is another \$100 million.

This is conservation support for transitioning farmers, so this is over at NRCS. I don't know why it keeps advancing, don't move. They have already posted a draft organic practice standard that relates to this program.

And then there's also the crop insurance assistance for transitioning organic growers from RMA, the risk management agency. And then the third piece is the pinpointed organic market development, so a lot of discussion on that at the meeting so far.

That will support innovation by building organic supply chains in very targeted markets and so as the Under Secretary mentioned, there is a listening session on November 15th.

You can sign up for it online to have your voice heard on your ideas related to that program. Let's take a closer look, an incremental look at each piece of the top program.

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So, Transition to Organic partnership program, as the Under Secretary mentioned, there are six regions. I wanted to show everybody the six regions so you kind of know what we are talking about here.

So, again, the five areas that the regions will be working on and the orange lines delineate the breaks between the states. And so I wanted to explain how the regions were developed.

What we were looking to do was to group in regions states that already have a heavy organic representation, so those are the dark green states. If it's a dark green state, that means there are a lot of organic farms and businesses.

California, as you can see, is the darkest state in terms of the account of certified operations. There's a number of other dark states, meaning they have a lot of organic businesses.

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The very light states don't, those are the states that right now are the most underrepresented in organic.

And so we've built the region so there is in general a mix of high representation of organic with states that are perhaps underserved or don't have as high an organic count.

Because when we're thinking about mentoring and mentor pairing and making sure we're getting good coverage across the United States, we want to make sure we're touching all the states and in organized entities that can bring together maybe over -- not over, but well represented with underrepresented.

So, that's how the six regions are established, that's what the six regions look like. And so the Under Secretary also mentioned the fact that we are building partnerships across the country.

We're at the early beginning conversation of building those partnerships and

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because of the robustness of the organic community and the existing collaborations that already exist in the community, those opening conversations ultimately involve a lot of organizations.

And so this is a look at the initial organizations that are helping to establish the top partnership network across the country. So, this is as of early this week and new partners are joining the conversation every day.

And so this again shows those regions that I just reviewed but it also shows some of the partners that are already involved in helping to build this network.

The Under Secretary mentioned the visit that she did in the Southwest area yesterday and a lot of the folks on the screen I think were at that session. So, those conversations are happening across the country as we build the network.

We also want to stay very attentive to

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the groups that are not yet here. Those are the underserved groups. We want to reach out to the BIPOC populations, traditionally underserved groups that have not been at the organic table.

It takes time to build those relationships. They're not on our map quite yet because we're starting and building those conversations over time.

Our goal is I'm a big fan of agile project management, which means you build something and then you learn and then you build something else that grows on it.

And so this map will continue to grow over time as we continue to add voices from across the country into these partnerships.

And that's pretty cool, that there are this many partners that are interested in helping to build this collaborative process who are already joining hands across the country.

So, I would like to acknowledge all of the partners that we have both in the room and

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online. Can we just give them a hand? They've done a lot of work to get us here.

That is an overview of where we are. Our next steps are for each of these regions to really stand up so that they can start providing services to transitioning farmers who are ready to start or existing farmers that want to expand their organic acreage or want some technical assistance in certain areas.

We do want to emphasize that we are really looking for new organic farmers but we're also supporting existing organic farmers who really could use that extra technical assistance and just be part of that community-building.

So, this initiative is for everyone.

Now let's look again at some rulemaking updates. There's already been some conversation about strengthening organic enforcement, that final role is at the Office of Management and Budget.

I know government structures can be a

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little overwhelming for those who aren't around it every day, they're a little overwhelming for those who are around it every day.

OMB is a relatively small agency, actually, and they're within the White House infrastructure, and they review all significant and economically significant rules that go through the Federal Government.

And so that rule right now is in OMB review, it went there in August. Officially, OMB has 90 days to review a rule, they often take a bit longer than that.

We did publish the origin of the livestock final rule in April and in September we launched training for certifiers and producers in the Organic Integrity Learning Center.

We have published the organic livestock and poultry standards proposed rules, as mentioned. That is in public comment right now. Another one that's in public comment right now is advanced notice of proposed rulemaking on

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inerts.

So, the shorthand for this is List 3 and 4.

This has been the topic of a number of Board Meetings over the past couple of years here and so we have moved that advanced notice forward and we do invite public comment on the different alternatives that will best accomplish the trade-offs needed on that one.

We have also published and are working on additional national list rules and we are writing what we're calling the nitrogen rule. That addresses recommendations from the Board related to ammonia extracts, the high nitrogen fertilizer recommendation, and sodium nitrate.

So, we really are moving forward with these rules. Somebody wants me to talk a lot faster, I guess. We are also working on a market development rule. This rule will combine pet food and mushrooms.

These are two proposed rules that were

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actually underway what we call Vilsack 1 and so now we are in Vilsack 2, we have dusted off of those and are working on that market development rule.

I do want to pause and a lot of them are here today to give a shout-out to the standards team. This takes a bunch of work and I'd like to acknowledge all the writing and analysis that goes into this work.

Now I want to turn to the two other goal areas that are really about strong organic control systems and enforcement.

And so this is a graphic that we use as a little bit of a roadmap to explain both how we approach oversight, compliance, and enforcement and explain some of the distinctions in what we do and why certain things may take different paths than others.

I'm a big fan of matrices so here we are. On the bottom on the X scale, we have activities that are orientated towards capability

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development, so developing the capability of the community.

This is also continuous improvement and enforcement, so that's the catching bad guys and that's the bottom.

And then on the side we do activities that are at the operation level, at the certifier level, and that are broad-based, so at industry and even country-level.

And so what we've done here is plotted the types of activities and deliverables and outcomes that we do, depending on where we are on the grid. And sometimes we use the grid to decide what to do next.

And often, a distinction in continuous improvement versus enforcement comes down to the amount of evidence we have. And so evidence drives enforcement, you cannot enforce without clear evidence.

Often when we're thinking about systems oversight and enforcement activity, the

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question is what do we have in terms of evidence that a violation of the regulations has occurred?

And so staying on the information side, there are times where we believe there might be a problem in a market or we see an area where more continuous improvement is needed.

Or, for example, we get a recommendation from the Organic Standards Board on certain items, and that leads to certain activities. So, at the highest level, broad-based industry or country level, that can lead to new training programs.

For example, we have gotten feedback about soil health, natural resource conservation, and organic seed use.

And so for the last two to three, years we have developed training programs because our first hope is when we provide training, that helps develop that level playing field by helping everybody understand what they need do.

And so training is often a first step

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when we hear there may be a problem, and that often has a good impact, certifiers will adjust their system based on training.

We also do webinars, fact sheets, enforcement updates to share some of the work that we have been doing, and then new rules and policy where needed and appropriate.

At the certifier level, accreditation audits, while they can lead to enforcement, often they lead to continuous improvement, so non-compliance findings lead to corrective actions that improve the certifier system, that then improves the operations system.

And I think we've seen that extensively in the livestock market. The livestock market is getting better because of this work.

We also do regional directives and surveillance activities for higher-risk markets where we may or may not have enough evidence for enforcement.

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We also do company-specific alerts so if we think there's a problem with a shipment or a particular area, we do company-specific letters and calls for information.

At the enforcement side, we can take enforcement action at a region, country, or commodity level. An example at the country level is, for example, we ended the India arrangement, recognition arrangement, in organic.

We also do trade arrangement oversight with all of our different trade partners and they do with us as well. On the enforcement side, we can issue certifier non-compliances.

Sometimes we'll enter into settlement agreements with certifiers to bring them into compliance and sometimes we issue proposed suspensions that go into an appeals process or can simply be accepted as final, and we do the same at the operation level.

At the most egregious level, we have civil penalties which we often use for non-

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certified operations, and even prison time.

For the prison, we work through our federal partners, Department of Justice is a key stakeholder in organic and has helped advance our work.

I want to touch a bit on import oversight because that continues to be an area of interest for the community. We still have a lot of different tools and we continue to deepen those tools for import oversight over time.

And so we have teams that conduct yield analyses, mass balance analyses, and traceability analyses so we can see how much our farm is producing, how much is being shipped, how much is being accepted here in the United States, what does that look like?

So, we're doing that at country levels, at commodity levels, and as part of surveillance-specific supply chains. And the good news is we're seeing certifiers doing a lot more of this work directly.

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So, often now we're checking their work rather than doing it ourselves. And we have put training in the Organic Integrity Learning Center on those topics.

We have dramatically increased the number of HTS codes, that's harmonized trade system codes, that help us track organic imports coming into the United States.

That's an area where we have collaborated with AMS Market News as well as ITC, the International Trade Commission, and worked with industry.

Those codes are very helpful in tracking at specific commodity levels what's coming in. We also now have access through our customs and border protection memorandum of understanding.

We have access to be able to see manifest-level data for imports, which is a huge help in investigations and in surveillance. Country commodity assessments, we continue to

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look at what we consider high-risk commodities in high-risk countries in doing assessments and getting ahead of the market.

So, organic is growing, when we see rapid growth in a market we have tools to get in there right away and discover what's going on. That leads often to shipment and supply chain surveillance to let all the actors know in those supply chains that we are paying attention.

We know who they are and where they're going. And then finally, I mentioned that we work with other governments on both government reviews and collaboration.

For example, right now we've been doing a number of technical supply chain surveillance activities with Canada due to the nature of our equivalency arrangement with Canada.

Watching those supply chains move around the world, is very, very important and both countries have learned a lot through that

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technical collaboration process.

Those are some of the activities we're doing on import oversight. I want to close by emphasizing where we are as a team.

The National Organic Program team is now 85 people and that is due in large part to the advocacy and investments from this community in talking about the importance of organic oversight.

85 people is a lot of people and in the advent of remote work through the pandemic, a lot of them are working across the country, so where you are they are now. And so have a team in Washington D.C. but we also have a lot of folks around the country.

And so I wanted to just emphasize the growth we've had. I also want to, since I am closing here, pause.

We've talked about the standards team and the work they have done, I want to share an update and this group is going to be the first to

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hear this.

Every quarter we have what's called the employee of the quarter and we've actually given a couple employee of the quarters at this meeting for folks who have contributed.

And so I want to announce -- I don't have your plaques today because I'm just not that organized but you're going to get your plaque -- this quarter we're doing a joint employee of the quarter for two members of our standards team who have been particularly pivotal in working through the clearance process for our livestock rule.

So, we've talked about OLPS proposed rule, origin of livestock final rule, both of those rules made it through Office of Management and Budget and those are very active meetings with OMB.

They have a lot of questions about numbers, they have a lot of questions about approach, and we have two members of the team that were particularly stellar at navigating

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those dynamics.

I am pleased to announce this quarter's employee of the quarter is a joint award for Devon Pattillo and Jason Edmondson. Will the two of you stand up?

The two of these guys worked so well together. Jason is fairly new to the program, Devon's been here a long time and we are grateful for both of you.

We're grateful for the entire standards team, a lot of people contribute to writing the rules that we generate out of the program. The clearance process has been particularly just intense and so that's why we wanted to highlight those two in a joint award.

And Devon is a second-time employee of the quarter. See, stay long enough and you get it again. And that brings us to the close of our program. I think we are going to turn it now to Nate to facilitate our Q&A.

CHAIR POWELL-PALM: One of the

coolest things about this is that we get to have really clear access to the program and be your voice to get the questions of the day answered.

So, we are going to open it up to my fellow Board members to ask questions to Under Secretary Moffit, to Jenny Tucker, and we'll get started. Who wants to go first with a question? Rick, please go ahead.

MEMBER GREENWOOD: Jenny knows I will ask this question.

DR. TUCKER: The problem is now you have to be specific because we're both Jennys. We'll need to go with either Under Secretary or --

MEMBER GREENWOOD: I don't want to choose who is Jenny 1 or 2. Either Jenny can answer. My question, and hopefully I won't get killed asking it, do either of you see a role for a GMO in the future in the organic program?

And the reason I say that is we always think about GMO in terms of pesticide resistance

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and I think there's more to it. I think there's root stock now that can grow in air and climates, in high-salinity soils.

And my concern is for the organic program, we're going to see expansion of agriculture in places like Africa and the deserts that won't be able to enjoy the benefits of organic processes, they won't be able to be certified.

So, I know it's part of the legislation but even the constitution was amended. I was just curious to have you give me or your take on it? Jenny 1 or 2?

UNDER SECRETARY MOFFIT: I'll certainly start, and Jenny 1 can take the reins after that.

That's a big question, that is a huge question that you're asking and I think especially as we talked about, and Mindee, I really loved what you talked about as the NOSB is one of the finest examples of democracy in

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America.

And I think it's a question really that I would pose to the community and I am a big advocate for bringing people to the table to have really, hopefully, hard conversations where we can all really discuss pros and cons.

So, I'm not going to answer your question aside from to throw it back to the community and say I think this is a question that the community that needs to tackle as a whole and I am interested in how the community tackles that question and some of the things, and certainly, as always, USDA has a lot of wealth of technical and scientific resources to be able to support the community as the community navigates that.

MEMBER GREENWOOD: And I appreciate that, I think one of the problems is if you mention GMO in this community, you can be dead meat. And so it's hard to get people to have discussions.

I've mentioned it to some of my Board

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colleagues and said, I don't know if you should even bring that up. So, it's hard to get people to understand there can be GMO and GMO.

And I come from the human health background where the equivalent of GMO is savings lives, it's not all about pesticides. So, I appreciate your comment but I see some concerns. Jenny 1?

DR. TUCKER: I actually would echo what the Under Secretary said, this is a dialog and I do think one of the things we have seen, I'm going to broaden to process, a lot of folks have commented on how respectful this board is in dialog and debate and the fact that actually, you brought that up as the very first question and no one's run screaming from the room, we're all still here.

And so I do think this community is modeling space for dialog, and so what she said.

MEMBER GREENWOOD: I appreciate it, thank you.

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CHAIR POWELL-PALM: Jerry, please go ahead. If you want to mic yourself, Jerry?

MEMBER D'AMORE: That was a wonderful go-around and, Rick, I applaud you for your question and I think what was just said is absolutely true, you said it.

It's part of the dialog, you and I have talked about it a lot, you know my thoughts on it too, which are sympathetic to yours, and we've started

And I thank you.

CHAIR POWELL-PALM: Brian and then Allison?

MEMBER CALDWELL: Yes, thank you so much for those presentations and I have a couple comments first.

One is that I'm so excited to see the movement that Dr. Tucker is doing and creating in terms of enforcement and the integrity of the organic label, I think it's fantastic and I wish it godspeed in the future, the same kind of

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trajectory.

And just a quick comment about the process and rulemaking and the reviews that happen.

I just want to put a plug in for in the economic analysis, I think sometimes it's done on a pretty simplistic level and in my opinion, the potential cost of damage to the organic label and the integrity and the trust of the consumer is something I believe our economists actually can qualify within limits.

And that should be part of the process as well so that we're not just looking at the simplistic direct impacts of a decision but the overall impacts on the entire consumer side of it too.

I just wanted to throw that in there. But then I have a very specific question for Jenny Tucker and that is that on the AMS decisions webpage, there's listings of operations and some certifying agencies that have lost their

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certification or accreditation status, or the decision has been made to deny it.

But there is a final step where it can be reviewed by a USDA Administrative Judge and, Jenny, I think I got the terminology correct on this one.

And I looked on that page and from what I can see, there's several of those and some have been unresolved as far as the webpage shows for many years.

I'm just wondering what that review process is with the Administrative Judge and then what timelines we can expect for those. So, thanks.

DR. TUCKER: Really thoughtful question and I appreciate it. For those who are not as steeped in the ALJ process, let's just back up a little bit in terms of big-picture context here.

So, what we're talking about here is both the complaint investigation process but also

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the appeals process.

And so the regulations really do, while the words aren't specifically in there, they really do emphasize continuous improvement and that plays all the way through the appeals process, so that if an operator has challenges or a certifier has challenges, they have many, many, many, many opportunities to bring themselves into compliance.

So, it's actually a very, very small percentage of our cases make it to ALJ phase. I do want to emphasize that we're talking about maybe one percent, two percent of all cases that end up at that phase, so a big picture.

Most of our complaint cases are resolved by farmers coming into compliance voluntarily or voluntarily entering into a settlement agreement. And so the settlement agreement may be with us, it may be with a certifier.

If a settlement agreement doesn't work

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or if it is breached, then there can be what's called the decision, it is the administrator's decision so the proposed adverse action, so a proposed suspension or a proposed revocation is appealed.

And it could be that a certifier settles a case and then we also settle it again because we do think there's hope for compliance. So, actually, few cases go to a decision level where an administrator actually signs off on the proposed adverse action.

When that happens, when there is a decision that the administrator assigns, there is another appeal step if the operator or certifier does not like that decision.

Now, many, many entities stop at that phase. So, they receive an administrator's decision upholding the certifier or the NOP's decision and at that point, they say, okay, I'm out of the game.

There are also cases where we have

settled the case after a decision, so for example, there might be a decision denying an appeal of a proposed suspension.

It turns out the operation has actually exited the market because they were having a lot of problems anyway.

We will enter into sometimes a settlement agreement where they agree to stay out of the market for the time that they would have been suspended and many of them will accept that.

And we probably need to do a little bit of a scrub on the older, older, older cases on the website to make sure that if they have been closed, it indicates that.

That said, there are a handful of cases that are on that list since 2020 that are slated to go to an Administrative Law Judge and have not gone there yet.

And some of that relates to just like I talk about the rulemaking pipeline, we do also have a pipeline associated with enforcement cases

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to get to the ALJ.

So, just like our rules need to go, for example, through legal review, anything that goes through the ALJ also goes to the same legal review, and by the way, they're the same people.

We've been open about some of the challenges in pipeline management and that does impact those ALJ cases. We have had recent conversations with our legal team to move some of those along and to prioritize some of them.

We are aware of that pipeline problem. So, this is a long answer to your question but it was a really, really important question. I do again want to emphasize that we're talking about a very, very small handful of cases.

We have learned how to use settlement agreements very, very effectively to get bad actors either out of the game or to bring them into compliance, and that's always our goal, either to get you out of the market or to get you into compliance, both as soon as possible.

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And that settlement agreement process has worked very, very well for us over the last several years in achieving those goals. So, I appreciate your raising the ALJ, it's not a question that I get a lot.

It's things we try to work through and move through in the program and I think bottlenecks move through systems, and so you solve some bottlenecks and they move to a different place in the system.

And I think you've identified an area we're continuing to work on.

MEMBER CALDWELL: Thank you so much.

CHAIR POWELL-PALM: Allison, please go ahead.

MEMBER JOHNSON: Thank you. I really appreciate all of your attention and transparency around support for transition. I spent most of the time right now thinking about how to make sure that anyone that wants to eat or grow or process organic can do that.

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So, I'm really thrilled to see so much progress this year and I'm thinking of course about what comes next.

And Under Secretary Moffitt, I appreciated your point about taking a holistic approach across the USDA approach to this problem because it really will take everyone.

So, I have a couple of questions for both of you. Jenny Tucker, I'd love to hear more about the partnership program and how you are planning to roll out the partnerships and make sure this program reaches farmers who don't know about it, don't see themselves in organic, may not trust USDA because of a history of discrimination.

We had to really use this as an opportunity to invite folks into organic who may not already be here.

And Under Secretary Moffitt, I would love to hear from you about what opportunities you see to work across USDA on organic on

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including whether they're plans to fill the senior advisor role on organic and whether there are opportunities for USDA to lead on federal procurement as a market development opportunity.

UNDER SECRETARY MOFFIT: Sure, I will certainly take the second question.

First off, I want to recognize Marnie Carlin, who is in the room, who served as Organic Advisor for six months under Vilsack too, and then also, of course you know Mark Lipson who served in Vilsack 1.

Organic is a priority for Secretary Vilsack, it certainly is a priority for me and all of us here.

And so we are on the question of the organic policy advisor, it is an absolutely priority to fill that position and we are actively working on that.

And I think that we've been able to continue to make really great progress but

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certainly, we could do even more with someone who is dedicated to working on organic issues.

You asked a question, Allison, about working across USDA. One thing, well, there's many different things, first off, the organic advisor, that is an important part of that position's portfolio.

That said, absent that position being filled, we continue to work and as we've talked about the Organic Transition Initiative, that's brought many of our agencies across USDA together to really navigate the system as a whole.

So, we're meeting regularly, we're conversing regularly.

I think an important part of the NRCS piece, the \$75 million for Organic Transition Initiative, is really importantly, of course, making sure that we get important conservation dollars for organic farmers.

Also part of that is training for NRCS field staff on organic systems. And so this is

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just part of growing the wealth of knowledge across USDA. We've been having similar conversations with the Farm Services Agency.

We're working with, of course, ARS and our research agencies to make sure that we have that, again, cross-pollination of the work that you guys are working on and the issues that you're tackling.

Maybe there's research components that we need to be asking ARS to tackle with us. So, that is happening in an organic way. We certainly look forward to when we have our organic and senior organic advisor also doing it in a much more formal way as well.

And then procurement. We have been working across the board at looking at how we do procurement generally, how are we doing procurement in a way that is making sure we have much more equitable access for producers, processors generally, and being able to participate in procurement at USDA.

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One of the being things we've been working on is the local food purchase assistance program as well as local food for schools. And this is really about partnering with states and investing in states, and getting them a little bit more flexibility with their buying power in procurement.

Although, of course, we do what we call cooperative agreements, which means, very similar to the top program, we're going to be very much involved in each one of those programs and how they're developed because key is really making sure that we've got small underserved farmers being able to participate.

So, I think there's a lot of opportunity there. We've instilled a community to practice the program so we're taking into account and learning from the states as they're doing procurement.

And I know as we announce the California one in July that there are lots of

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organic farmers who are participating.

And so I think it will be really helpful for us to see what works, how it works, so that we can really start to take those lessons learned and instill them into the programming that we have across USDA for procurement.

I'll pass it onto Jenny for the first question.

DR. TUCKER: That was actually a great lead-in with the cooperative agreements. Cooperative agreements are really powerful tools and so that is actually the mechanism that we are using with the top regions, we're getting to those.

It's a question of how are we going to build out those partnerships? Cooperative agreements allow us to work directly with a lead organization to shape the partners that are part of the program overall.

And so each of those regions that we talked about has a partner that will be the

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connector to the USDA. USDA actually holds the agreement with that single partner and then that partner will have sub-agreements with other partners in that region.

That allows us to have an ongoing conversation about what is the set of partners, who is at the table, who is not at the table, who do we need to call to find out who to call, who to call to who to call, to find out who needs to be at the table.

And again, I invite the entire community, it's going to take all of us. It can sound a little bit of an abstraction, oh, underserved communities. So, my answer is, okay, tell me who to call, I need a phone number, I need an email.

So, we've got to get to the point where we actually have names and faces that we can connect with and go to their table or build a new table, or have them come to our table, and build the table together.

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But we've got to get to the very, very practical reality of who are we talking about and if we don't know who we're talking about, who do we talk to to find out who we're talking about?

This is hard and I have had some partners say this is going to take some time to build those because in some cases we don't even know who we're talking about yet.

It is an unknown unknown yet and that takes time to bring to the surface.

I think we're also committed to starting services quickly and so balancing those two forces of let's get services out into the world as soon as we can and also continue to build those conversations.

It is something we're going to carefully monitor of what are the partner lists, who do they represent, and do we truly know if we have everyone at the table, and how do we find out if we don't?

MEMBER JOHNSON: Thank you both.

CHAIR POWELL-PALM: Amy, please go ahead?

MEMBER BRUCH: Thank you, Nate, thank you for your time and attention. My question will be on enforcement and oversight and I appreciate all the updates and transparency that was provided.

Dr. Tucker, you briefly touched on India with your opening but since it's on the hearts and minds of grain farmers I have a status update question for you.

Just a little bit of background, in January of 2021, noticed was given to India about the mutual recognition process that it would end, therefore providing a runway of 18 months, which would have been July of 2022 for producers in India to be certified under our accredited NLP certification process.

So, in reviewing import data recently and maritime reports, we can tell direct grain imports from India to the U.S. are actually down

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drastically.

However, now the trail appears to show that organic Indian feed-grade soybeans are now being routed through Canada first, processed there, and then returning to the U.S. as soybean meal.

So, we're actually seeing currently a dramatic decrease in our organic feed-grade prices due to the situation or the apparent situation that's occurring.

I was just curious what the conversion rate of Indian operations that made the transition to the certification system and then secondarily, in that same timeframe that NLP was making these changes, do you have insight into what Canada's approach to India was?

DR. TUCKER: That was a lot. Okay, and you did a good job of summarizing where we are with India, so that's helpful. And so we did an 18-month transition period where operations that had been formally certified under the India

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organic system could directly apply and get certified through USDA certifiers.

And so first to the conversion rate. Before we ended the recognition arrangement, there were a little more than 4,000 certified operations under the India organic standards. At the end of the 18 months, that number was 1,200. Okay? So it was somewhere between -- and that number has continued to increase, so certifiers have been certifying those businesses. So that, I think, tells us a lot in a lot of areas and I think it certainly has had some supply-chain impacts. And our certifiers are out there on the ground doing inspections to make sure farms are actually real.

We meet regularly with USDA certifiers that are certifying those farms. We have given directives to certifiers for testing for shiploads leaving India. We are doing surveillance on imports related to India.

We're going to have a team going to

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India to check all of those USDA certifiers and how they're doing on the ground. So we're taking a number of actions to really make sure that the integrity is where we need it to be in India after end that. It was a big deal to end that arrangement.

I think the collaboration between certifiers working in that country is going very, very well. They are exchanging information about operations for the purposes of certification and decertification, so there have been some applicants that have tried to move between certifiers and they've all said no. And so I think that system is working.

Let's turn to Canada. So Canada is one of our equivalency partners and so Canada, the arrangement with Canada was developed before any of this or the import -- the oversight activity started. And so I think at that time, we were all open about the fact that we didn't know what we didn't know and it was way back in

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2009.

And so Canada is what some call a global arrangement which actually means that a farm can be certified to the Canada standards, core standards, and it can be shipped to Canada and then it can come here. And so that is one of the primary reasons that we have been working very hard at a technical level with Canada to do supply-chain surveillance and point out where some of the challenges are in traceability back to Canada.

Canada's program is smaller than ours and so we have been able to really bolster our enforcement capability and Canada and U.S. have had a number of information exchange sessions where we kind of walk through what we do and how we do it and why we do it. And so it is an area that we continue to talk to Canada about to make sure that our systems for overseeing those India imports truly are equivalent.

CHAIR POWELL-PALM: Carolyn, go

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ahead.

MEMBER DIMITRI: It was a nice reminder that this is sort of like the twentieth birthday of the National Organic Standards this month. And at that time, like there were no federal farm programs available to organic farmers. So looking now and we see like conservation programs and crop insurance as existing for organic farmers is like in its own a big win.

So I wanted to talk about that a little bit. I did focus groups with about a hundred certified organic farmers over the past year. And they listed three things as being problematic. So one was technical assistance. The other was even knowing about the possibility of participating in conservation programs. And the other is crop insurance.

And so I have a couple of questions and I appreciate your discussions already of technical assistance and conservation programs

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because I think one thing targeted was like the lack of knowledge from NRCS field staff. So that's really important and I was really happy to hear you say that.

But I wonder -- one was the transition program is like looking to transition conventional farmers to organic. So where do they go to look for technical support? They kind of go to their collaborative extension person and so I wonder how this great graph that Jenny displayed is going to serve like existing organic farmers and how you see it serving those transitioning who have this model of how they look at the world.

And then the other thing is crop insurance. I guess I've heard from farmer after farmer after farmer that crop insurance just doesn't work for them. I mean organic farmers. And I do think that organic farmers are entitled to, given the way we run our agricultural systems, like an equal amount of risk sharing as

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a conventional farmer would be. So I guess I'm really curious to see how you see this playing out over the coming year so that organic farmers have like equal access to farm programs and also have equal amounts of risk sharing and access to conservation funding.

So I don't know who wants to answer that, but thank you, both of you.

UNDER SECRETARY MOFFIT: I can take a stab and Jenny can follow up. Yes, so just as Jenny mentioned, we expect this list and the map that we had to grow. Certainly, we want to reach more organizations that reach a lot of farmers that we haven't connected with in the past, particularly socially disadvantaged farmers, underserved farmers.

You're right that we also have an opportunity to reach conventional farmers who are going through traditional methods, so cooperative extension is very important.

We also see, just thinking about the

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wealth of resources that farmers are looking to, farm advisors are important. So are things like certified crop advisors, PCAs. And so those we also see as definite partners to include in the network.

I think it is a conversation we see and Jenny talked about that the partnership that the NOP will have with each of the regions and the leads. What we want also is the regions to identify who are the right people, right? Because they know what's really needed in the region. So I think that's a big part of that component.

And crop insurance. Crop insurance is a difficult one. I know that in the past year and the work that we have been doing as we've been developing the organic transition initiative, RMA is really interested in looking at and diving into crop insurance so that crop insurance meets the needs of the diversity of producers across the country. So that includes

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small producers. That includes specialty crop producers. Certainly includes organic producers. So this 25 million is really important because it gives additional funds for organic farmers, transitioning organic farmers, so it's not just for transitioning, but also for existing farmers. But I think it's also -- what's important about it is also it's the dialogue that we're having. Certainly the National Organic Program team and Jenny and I have talked a lot about this. We've been having a regular dialogue with RMA on how we can support at the NOP level, RMA, and the work that they're doing ensuring that crop insurance is really meeting the need.

I also just want to recognize that things like the Organic Data Initiative are very important as we gather more data and have the numbers for crop insurance. Those types of things are very important as well.

Anything additional?

DR. TUCKER: Yes. I would only add that emphasize the partnership aspect of it. Our standards team has already provided some and has been providing over time training for NRCS folks. I think the initiative is also connecting local resources where some of our partners are already very well connected. And with the NRCS offices and this just provides more resources to continue to build that infrastructure and long-term education.

The Organic Integrity Learning Center, again, is a resource that we see lots of people with nrcs.usda.gov that do complete those courses. It is a work in progress and I think NOP will go a long way to continue to build that knowledge infrastructure because human capital covers NRCS, too.

MEMBER DIMITRI: Thank you, both, very much.

CHAIR POWELL-PALM: Additional questions from the Board?

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Amy, please go ahead.

MEMBER BRUCH: Yes. This time around my question will be on organic supply teams. I appreciate the need and attention given to the contributions for growing our organic supply teams. I just wanted to provide a little bit of background that current farmers and producers are experiencing.

Over the past few years, actually a sad and serious trend has happened when some handlers that are purchasing organic products are going bankrupt. And so when this happens and it's happened across dairy, poultry, and several handlers in grains, it's just really having disastrous effects to organic producers because when they file bankruptcy, bankruptcy laws now allow for them -- the handlers request payback so they issue call-back letters. So a payment received by a producer within 90 days of that handler becoming bankrupt, they have to repay this large sum of money. Organic farmers feel

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alone. They're not necessarily networked and so they have these devastating repercussions and I do know several have gone out of business just because of these handlers filing bankruptcy.

So I would like to make the recommendation for vigilance when tackling the supply chain. I really encourage looking at the entrepreneurial organic producers and allowing them opportunities for vertical integration instead of letting additional outsiders into our program that may not have the same intentions.

I know there's a listening session coming up, but I just would like kind of a brief update of some of the key markets because that was in the organic insider that certain markets are going to be targeted. And then also just request that additional care and attention is put to this process so we don't have too many more organic farmer casualties.

UNDER SECRETARY MOFFIT: Thank you so much for sharing that and we will make sure that

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we incorporate and we're taking that into account.

Vertical integration is such an important part and it builds -- I mean we talk about value add across the board. This is such an important part of the organic industry and agriculture as a whole.

Yes. So you asked about -- the listening session, we really are excited about hearing all different, from all different facets of the organic community about opportunities for pinpointed market development.

So what are those pinpoints? That we have heard in the past year, as we've started to really have a dialogue and listen to folks about what's needed in market development. And I'm going to do my best to remember all of them and hopefully I will get them all, if not, we'll follow up and make sure you've got more.

One is organic grain and feed. As we've already talked about and as you've already

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talked about, the need to increase the domestic growth of organic grain and feed is absolutely important.

We also know and you all know and you particularly know as organic farmers that an important part of organic production is rotation crops and to be able to start to develop new market opportunities for those rotation crops is something that we've heard is really important. So things like pulses and stuff like that. So pulses and rotation crops is another one.

Organic dairy is certainly another key market that we have heard and so we've added that to the list.

And then let's see, fibers. So organic hemp, cotton fibers is another one. And I feel like there's a fifth one I am blanking on. Ingredients, of course. Okay.

So again, you know, organic ingredients. We've heard this from processors who are looking to have more products and some

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things like sweeteners, for instance, or other ingredients are very hard to find, particularly domestically.

And so really trying to focus on increased domestic production of organic products is the key. And so for ingredients, that's another piece as well.

CHAIR POWELL-PALM: Dilip.

MEMBER NANDWANI: I don't have a question, but I have an appreciation and thank you note. Can I?

CHAIR POWELL-PALM: Please go ahead.

MEMBER NANDWANI: Thank you, Nate. So Under Secretary Moffit, if you recall, earlier this year when I was appointed on the Board and in February we had a coffee table meeting with you and of course, Marnie was part of it, too. We presented some topics from minority and underserved communities and socially disadvantaged farmers. We talked about that.

And since I'm serving at institution

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TSU, one of the topics, I would say about four topics we presented and I'm very pleased to see that two topics have been already made a lot of progress. The one is on the increased funding that was in February when we presented. And in about six to eight months we see that millions of dollars of funding is out there from USDA.

And I'll be very specific, and I'm reading out of this here, the first study is about the \$250 million for next generation farmers. Now this is what I call the agriculture. However, organic farmers, producers, researchers, they can be part of this funding. And the results are one of the leading and up to \$20 million funding can be submitted in each grant from \$500 to \$20 million. And this is specifically and I'm reading out of -- that this is for 1890 Land-Grant institutions, 1994 institutions, Alaska Native serving institutions, Hawaiian, as well as Hispanic serving institutions and insular institutions.

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And I so a logo, U.S. Virgin Islands where I serve underserved communities. Dr. Tucker presented slides and I saw that UVI logo there, too. So I'm very glad again to see that has been really been taken care about this increased funding.

The second point we presented about the technical assistance. And like Carolyn mentioned also and I sort of -- Dr. Tucker mentioned about underserved and technical assistance, so organic is about using own farm resources as we all know. We have a beautiful cooperative system across Land-Grant -- I mean institutions across the country. Use the existing resource, cooperative extension faculty, extension agents, and they can reach out to really do the grass work level work we did in underserved communities. In each county, they can go and help them in terms of technical assistance.

One example I like to also give and I

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will end here, at Tennessee, also we started collaboration with NRCS and other multi-agency partnerships about two years ago. And they call it organic champions. All agencies they come together, NRCS and as well as the university and we have this beautiful program which we started and we are reaching out and providing this technical assistance to organic producers specifically.

So with this, I'll end here and like to say thank you very much.

CHAIR POWELL-PALM: Javier, did you have a question?

MEMBER ZAMORA: I do. Well, I've got several comments, but a couple of questions.

I know it's really hard for us, right, trying to fix the organic production of what's going on in a domestic way. But alone having to police staff that comes from other countries, so you guys have your hands full. And we appreciate that. Sometimes, when policing is not correct,

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it makes things very difficult for domestic growers to succeed.

Having said that, Jenny, I have had the pleasure of having you at the farm a couple of times. I really appreciate that. It's always an honor.

So you have seen that keeping a diversified farm, a mid-size scale like mine, it is very, very difficult. And labor is just so expensive, not to mention housing for my employees.

I'll just give you a little example. In California, as growers and as employers, after you have more than 25 employees, you have to provide many other things including paying overtime after 8 hours. When you have 48 employees, it's just thousands of dollars that we can't quite really get selling our strawberries for the price that we normally get from any broker.

Is there anything that the USDA is

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working on to help mid-size, small growers with housing their employees, and maybe helping out with offsetting some of the labor costs?

I'll give you another example. My bringing strawberries to Sacramento and to these areas from Watsonville, three hours away, last year, my fuel cost was about \$34,000, \$36,000. This year so far it's over \$90,000. And I'm not making -- I'm not selling my strawberries for \$10 more a case. We're hurting a lot and I wonder if there's something down the line that is going to help us mitigate some of those issues.

UNDER SECRETARY MOFFIT: Thank you for that. And yes, so for those who are looking to bring on H-2A employees, we are developing a program. We're actually, I think we're still in the listening phase, but maybe if we've stopped receiving comments I should check on our time lines and I we can make sure we get back to you on that.

But we are developing a program to

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help offset some of the costs for employers, particularly small employers, who are bringing H2-A employees and that can include things like housing. It will really depend on what we hear from folks of what is needed to be able to offset some of those costs. So we do have that coming down the pipe and we'll make sure that we get information to you on that, on that program.

CHAIR POWELL-PALM: Mindee, please go ahead.

VICE CHAIR JEFFERY: Thank you. Given the context of many proposals by this board on excluded methods and the recent Executive Order for Advancing Biotechnology, could either of you speak to the nuts and bolts of practical possibilities for advancing the NOSB's unanimous recommendations on this issue through the greater USDA?

DR. TUCKER: So nuts and bolts, I'll jump in on that, nuts and bolts. And so I appreciate the question. I also appreciate all

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the work that has gone into excluded methods and so Rick asked a question along these lines earlier, so I think I do want to emphasize the appreciation for the collaborative work that has gone into that and over the years and the on-going nature of the conversation.

So what does that look like now? And I'll zoom out to sort of the broader question of what happens to an NOSB recommendation when it comes to us because I think there have been a lot of questions about, okay, how about how are living along NOSB recommendations.

And so this is essentially a collection of recommendations from the Board related to excluded methods. And so when we get those recommendations in we'll review that as a program. We review all recommendations also in light of other programs within AMS or USDA that may have a stake in those topics. And so certainly excluded methods touches on areas that other parts of USDA care about. You talked about

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the Executive Order which emphasizes sort of interest in harmonization and definition.

I do want to be clear that we talk about the term GMO. But what we're talking about in the regulations is excluded methods. And I think it is very important to remember that distinction. I have now searched the regulations several times. It doesn't actually method genetic engineering and GMO. It's about excluded methods which is a broader category and I think that's important context here.

So when I talk about well, how does the program feel about GMOs, I point to the regs and what they say about excluded methods because that is really the baseline for anything related to this topic is that definition.

The recommendation that we got from NOSB does have some pretty specific terms and terminology. So I do think that with the new Executive Order, given the interest in harmonization of definitions, should that

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recommendation move forward would take some of that discussion with other folks who are defining those terms to determine kind of how do others define those terms and what does that look like.

So I think the nuts and bolts are we are in that kind of analysis process. The Executive Order is fairly new, right? And so that is something I think we're also getting our arms around in terms of what does that actually mean in terms of the nuts and bolts of execution.

So I think we will continue to review that recommendation and see what the best path forward is given the Board's intent with that recommendation.

CHAIR POWELL-PALM: Other questions from the Board?

Carolyn, please go ahead.

MEMBER DIMITRI: So kind of cool to have you both here to ask all these questions to things that are on my mind.

So I wanted to talk about the climate

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change memo that the NOP gave the NOSB kind of in the context of when I think of where a lot of the best research on organic has taken place is actually at USDA. And so I was -- when we received the memo, I looked and I thought wow, these are kind of strange questions to put to a board here of mostly people -- mostly farmers and a couple of researchers. And so also along those lines I've noticed that the people who are working on organic within USDA are either retiring or they're probably going to retire like in the next five or so years, just speculating based upon their ages.

So I wonder what is the plan within USDA to like bolster of the research part that supports organic because I think of like farm policy, you have like policy. You've got the government. You have the farming and you have the researchers and they kind of all work together.

So either Dr. Tucker or Under

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Secretary Moffit, I'd love to hear your thoughts on that. Thank you.

UNDER SECRETARY MOFFIT: Yes, such an important question and certainly the Organic Research Initiative is such an important component of that to make sure that we continue to have funding. And so, you know, I know that the 2018 Farm Bill was very important and the Organic Research Initiative to continue funding that.

As far as a research agenda, I'm sure we have one specific, but I should definitely connect with my colleagues over in Research, Education, and the Environment and have those conversations. I know there are new folks there that are -- do have organic background. It's wonderful that people retire, but yes, you know, certainly we lose some really great institutional knowledge, and so wanting to make sure that there's good overlap will be really, really important.

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And I also know that certainly across the board at USDA, we have a regular climate meeting so across all of our agencies we're meeting. NOP has representation in those climate meetings, so we have a dedicated person as well as, of course, our standards, marketing, and regulatory programs. So organic is very integrated into the work that USDA is talking about when we're working on climate together because, of course, organic is an important climate component for climate for agriculture.

I also just want to recognize that a couple of months ago, we announced that climate smart-commodities, the first round of the climate-smart commodities and there were -- those do have components of research as well as adding in conservation practices, other practices, farm practices, but then also market-place development. And I was really glad to see that there were many proposals that were funded that have an organic component as well to those.

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So it's continuously -- we're continuously making improvements in that, but certainly those are a few areas where we've made some good progress and we have more to go and I will definitely connect with my colleagues to make sure that -- to see how we can further connect on our organic research agenda as a whole at USDA. Thank you.

CHAIR POWELL-PALM: Thank you for that question, Carolyn.

I think that there's a lot to say about how so much good work has been done within the USDA and we have to almost educate people about what treasure they have in their own house. So thank you, Under Secretary.

If we don't have any other questions for the Under Secretary, we have Jenny one for all three days. So I think we're good on questions. We'll go ahead and break for lunch. And we'll still give ourselves a full lunch, so come back at 1:45 and we'll jump into CACS. All

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right, see you all back here.

(Whereupon, the above-entitled matter went off the record at 11:58 a.m. and resumed at 1:25 p.m.)

CHAIR POWELL-PALM: All Board members are present. We're going to kick off with CACS. And with that, I'm going to hand it over to Amy.

MEMBER BRUCH: All right. Thank you, Nate. Welcome back, everybody. First off, I want to thank all the members of our Certification, Accreditation, and Compliance Subcommittee. The Subcommittee is comprised of a lot of diverse viewpoints and backgrounds, which offers us robust conversation on these difficult subject matters.

We also do a lot of deliberation and comprehensive discussions that generates our proposals and discussion documents.

I want to thank you all for your time and your contributions to this subcommittee. In CACS, we had a jam-packed schedule on really

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important topics that dovetail directly into the aspects touched on by Under Secretary Moffit and Deputy Director Dr. Jenny Tucker.

Before we get started, I just wanted to also thank the community for your contributions via written comments and also our public comments that were oral.

We had over 371 references to our agenda topics and the written comments alone. So that was pretty impressive.

So we had a lot to digest and good feedback on pretty much all sides of the equation. So I'm really looking forward to discussing our full agenda from CACS with the full Board now.

And without further ado, I'm going to turn it over to Kyla and she will be tackling our first proposal. Thank you, Kyla.

MEMBER SMITH: Okay, there we go. All right. We have fixed the tech.

All right. So the first topic that

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we're going to be talking about is the NOP risk mitigation table. CACS has a recommendation here to the full Board that the NOP revise the risk mitigation table to include the areas outlined in the proposal.

And the NOP incorporate the risk mitigation table, NOP 1009, into the procedures. So just a little back story on this agenda item.

NOP sent NOSB a memo on November 18th, 2021, asking us to review the risk mitigation table that was developed in response to the 2020 peer review conducted by ANSI.

The table seeks to document the ways NOP safeguards impartiality in the delivery of services, according to ISO 17011. At this meeting, CACS puts forth their second -- or our second proposal, that incorporated stakeholder feedback from the spring 2022 meeting.

And we request that the NOP revise the table to include those areas that were either missing, or needed a little bit more detail. All

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of the public comment that we received here for this fall meeting was in support of those additional areas being included in the table.

There were several comments that acknowledged this is a great first step, but that the conversation needs to continue, related to conflicts of interest within the certification system.

The CACS did outline a few areas that were outside of the scope of this particular agenda item, but that could be future work agenda items.

And then additionally, there was also a comment by a stakeholder that was requesting inclusion in the cover letter, or something related to the NOP handbook document, and including accreditation policies in the handbook, versus within the regulations, citing that the handbook is non-binding.

And I just wanted to say that from the certifier perspective, that while the program

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handbook does include that phrasing there, there is a mechanism for overseeing enforcement for certifiers to comply with instructions in the handbook during accreditation audits when certifiers are not following items that are in that handbook, or other certification emails or memos.

205.501(a)(21), which states a private or governmental entity accredited as a certifying agent under this subpart must comply with, implement, and carry out any other terms and conditions determined by the administrator to be necessary.

And I speak from personal experience that PCO, during a prior -- few years back, received a noncompliance related to 2603, which is instruction for certifiers on how to implement certificates.

And that was what was cited to us, and we had to, you know, fix how we were noting some dates.

So it was not a big deal and we submitted our corrective action plan and are in compliance. But there is a mechanism to ensure that certifiers are following documents that are in the program handbook related to certification and our accreditation.

And with that, I will open it up for questions.

CHAIR POWELL-PALM: Any questions for Kyla from the Board? None? Where's the excitement, folks? All right, well, if we have none, we do have Logan on the line. Oh --

MEMBER SMITH: Logan has questions.

CHAIR POWELL-PALM: Yes, Logan, do you have any questions on the risk mitigation table?

MEMBER PETREY: No, I do not.

CHAIR POWELL-PALM: All right. Did you have any Amy?

MEMBER BRUCH: Yes, I just had one. Thank you, Kyla for your work on this subject and

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also for the clarification in regards to the handbook.

We've actually seen several public comments in relation to different topics on our agenda, discussing how much authority the handbook has versus regulations.

So in this particular piece, it looks like there is some teeth to the handbook. Okay. That's just my concern that so many of our policies exist in the guidelines and not necessarily in regulations.

And that's, I believe, a common theme that goes under the umbrella of consistency. So as long as we can have a consistent approach, I think we're better off as a community, especially on conflicts of interest.

CHAIR POWELL-PALM: Any other questions or comments before we go to a vote? All right.

So the CACS recommends that the NOP revise the risk mitigation table to include the

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areas outlined above, and that the NOP incorporate the risk mitigation table, NOP 1009, into their procedures.

We had a motion by Kyla Smith, seconded by Nate Powell-Palm. And with that, we'll go to the vote, starting with Jerry. And everyone, please mic, and hold the mic real close.

MEMBER D'AMORE: Okay. Jerry votes he's.

CHAIR POWELL-PALM: Thank you. Javier?

MEMBER ZAMORA: Javier votes yes.

CHAIR POWELL-PALM: Allison?

MEMBER JOHNSON: Yes.

CHAIR POWELL-PALM: Brian?

MEMBER CALDWELL: Yes.

CHAIR POWELL-PALM: Dilip?

MEMBER NANDWANI: Yes.

MEMBER GREENWOOD: Yes.

MEMBER BRUCH: Yes.

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MEMBER SMITH: Yes.

VICE CHAIR JEFFERY: Yes.

MEMBER HUSEMAN: Yes.

MEMBER GRAZNAK: Yes.

MEMBER TURNER: Yes.

MEMBER DIMITRI: Yes.

CHAIR POWELL-PALM: And the Chair votes yes. Oh, and Logan, please go ahead. All right. Well, I think we lost Logan for the text, it will have 14 yeses and one absent.

MEMBER PETREY: I'm sorry. Can you hear me?

CHAIR POWELL-PALM: Yes, go ahead, go ahead.

MEMBER PETREY: It just kicked me out but I got back on right before. Something stopped my video and held that until I get things fixed. Yes.

CHAIR POWELL-PALM: Yes. All right. That's the first vote in a hybrid meeting, folks. And it works. So here we are. All right. With

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that, back to you, Amy.

MEMBER BRUCH: Okay. Thank you, Nate. Thank you, Kyla, appreciate your work on that again. Now we will move to Jerry to introduce our next proposal.

CHAIR POWELL-PALM: Please.

MEMBER D'AMORE: I was facing the wrong way. Thank you very much, Amy. The proposal here is for Human Capital Management, NOSB Technical Support.

This proposal had its origins in the Fall 2020 discussion document titled Human Capital Strategy for Organic Inspectors and Reviewers.

Then during the Spring 2021 meeting, the NOSB considered a discussion document on human capital management titled Supporting the Work of the NOSB.

Next, through the work at subcommittee, the seven core activities of the NOSB were considered, and five support activities

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were put forward.

All written and oral comments from the Spring 2021 Board meeting were supportive of the call for support for the NOSB, but were not devoid of concerns.

With much of the comments entering around, or centering around where should the support come from, and two, how does the NOSB protect its autonomy in the process.

So not surprising, these same two concerns were among the key discussion points during subcommittee debates. The Fall 2022 written and oral comments addressing NOSB technical support are closely aligned with the comments coming from the spring session.

This time, there are -- were about 21 stakeholder comments with a pretty even split between oral and written. Again, there was not a single comment against some form, and I'm going to emphasize that, some form of technical support.

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However, again, there were many ideas and concerns regarding how that support should be delivered.

The uses regarding -- the issues regarding from where do we draw our support and how can we safeguard overruled autonomy remained among the key concerns.

So at this point, I'd like you to permit me just to read the first two sentences of this proposal with my own emphasis given. Subcommittee proposal, CACS recommends, recommends that NOP proceed with an initiative to provide technical support to the NOSB.

CACS further recommends that the source of technical support come from within the USDA but from outside the AMS/NOP. So from my perspective, in one sentence, I can just say we are asking for technical support, and we are recommending that NOP go about providing it.

I guess I would add that there's an interesting point to me that was discussed

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earlier today.

And that is if this proposal were to go through, would be subject to an annual review and budgeting process, and -- which gave me comfort because there's nothing that we couldn't be doing to perhaps restructure what we are planning, or what comes out of this.

So I think some of the chief concerns have been, from the stakeholder community, a -- born of a misconception that I should have caught, that we are not trying to deliver a finished document to the NOP on exactly what is to be done.

And that is not the case. We're just stating that we do believe we need technical support, and that they go about providing it. So I'll leave it at that and ask for questions.

CHAIR POWELL-PALM: All right.

MEMBER D'AMORE: Ask for questions.

CHAIR POWELL-PALM: Any questions from the Board for Jerry?

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MEMBER NANDWANI: Sir?

CHAIR POWELL-PALM: Yes, go ahead, please. Go ahead.

MEMBER NANDWANI: Thanks, Jerry, this is beautiful. Can I ask a quick clarification sort of a question, probably you have discussed within your subcommittee any areas of expertise you have identified that you are recommending to NOP to provide TS? Thank you.

MEMBER D'AMORE: Well, you know, well, okay. Well, thank you for that. Now you have -- let's -- to answer that question, let me then read the rest of the proposal, and then go back to an earlier piece in the document.

So I'll read this fast. CACS recommends that the NOP proceed with an initiative to provide technical support to the NOSB. CACS further recommends that the source of technical support come from within the USDA, but from outside of the AMS/NOP.

This part's new. Technical support

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staff should not draft proposals or discussion documents, initiate polls of stakeholder groups, or communicate on behalf of the NOSB or any subcommittee.

Technical support should attend all -- excuse me. Technical support personnel should attend all meetings relevant to their topics. The NOP should serve as the administrator of the support staff, but not task the staff directly.

So now, I'll go back to your question, if I may, and I can't look at you without -- okay. So we in the document that's in this handbook, did consider as said, and what I just said, the aspects of what we do.

And there's seven of them. They're in our PPM. And I can do them fast if you want, but I will get to your question, which is what we came up with in consideration of the duties that we have as NOSB members.

As we would suggest that the support team could conduct literature reviews, and

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prepare summaries for Board members to support their work, review technical reports, prepare summaries of public comments for Board member review, draft language for proposals and recommendations based on Board member input.

Does that help?

MEMBER NANDWANI: Yes. I wanted to specifically ask like you are -- you have discussed about let's say biotechnology, where it is an accreditation, where it is about all the topics within our, NOP, the framework. That's what I wanted to clarify on that. Thank you. That's helpful.

MEMBER D'AMORE: Well, I'd like to answer your question but I'm a little bit shy of understanding what it is.

The, you know, the proposal that may come forward is -- there's a smorgasbord of offerings before us if this comes through, from which we as individuals will say I could use that.

I, for instance, could seriously have

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used a person that would have taken me through forms, told me where to find information, and then help me put that -- with my words, put that into a form that would pass muster going up the line.

MEMBER NANDWANI: Excellent. Thank you.

MEMBER D'AMORE: Thank you.

CHAIR POWELL-PALM: Yes, Mindee, please go ahead.

VICE CHAIR JEFFERY: Thank you. I'm compelled by the many and varied public comments on how we should go about receiving support and whose jurisdiction it lives in, and what the politics of all of that means.

And I -- so I feel hesitant in a sense of what the public has said to us about this proposal. But I also feel like we have to live in the practicalities of getting assistance.

MEMBER D'AMORE: Yes.

VICE CHAIR JEFFERY: And so are we

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clear that this is something that we can do in the immediate sense, and work towards adjustments as we experience how the assistance comes to us/

CHAIR POWELL-PALM: If it's all right, I'll punt that one to Jenny Tucker to explain how we're thinking about this.

DR. TUCKER: Thanks. Okay. How we're thinking about this, and I really appreciated the Board's work on this, is you know, right now, we do fund through a cooperative agreement, technical reports.

This would become a different kind of project. The way we see it is likely some type of interagency agreement, where we establish an agreement with another USDA agency.

So it might be NIFA, it might be ARS, it could be ERS. We've not begun those conversations yet because we wanted to see kind of how this process played out.

So if -- should this pass, that would be our first kind of internal conversation is

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figuring out who to approach within USDA, where this would live.

It needs to be an agency that -- and this is a little bit of a tall order. It would have been a tall order if it were outside too. So the challenges are the same.

We are appropriated on an annual basis. So just like our cooperative agreements, except for the top cooperative agreements, most of our cooperative agreements, because they're through appropriations, are only for one year.

And so we're talking about staffing, you know, a small pool of people that can provide board support within an agency that's willing to go year-to-year with funding.

So we would write up a statement of work, which describes the activities that would be done and how it would be done, and then have an interagency agreement with them.

They would then lead to the work. There has to be a balance between autonomy and

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accountability. Right? If taxpayer dollars are coming or going towards this from the NOP's budget, we'll ultimately be accountable for did it work or not.

And we want the group to have the autonomy to do what is needed within kind of the legal limits of what federal employees can do. And so all of that will be -- and those limits would be the same as what an external group could do.

So again, no difference there in terms of potential legality of scope. So that's, I think we've never done this before, so this will be new. And so we'll learn what -- and I'll keep the Board posted as we're learning through the system of who to approach, how to approach, and what that kind of agreement looks like.

I like the balance of another agency within USDA because actually, that supports autonomy because then if people have questions about well, how's the work going, I can say oh,

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go talk to them. Right?

Whereas if it's a cooperative agreement, it's external, I'm more on the hook. Whereas it's internal, actually, it's a good balance of accountability and autonomy.

So that's probably -- we've been thinking about this a fair amount, as this has moved on. So does that answer the question?

VICE CHAIR JEFFERY: It does for me. Thank you. I appreciate your thoughtfulness.

MEMBER D'AMORE: May I step back in?

CHAIR POWELL-PALM: Go ahead.

MEMBER D'AMORE: Because the question asked prompted me to want to be a little bit more explicit about what you commented to, which is the extent of stakeholder comments, and often, you know, the degree of force they had behind them.

Two things to say to that. They were all extremely well done, extremely well thought out, and very consistent with what's been said on

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earlier iterations, particularly the spring

But the thing that really impressed me, and you might ask me why it impressed me, is that those comments as they came in, were extremely reflective of the same kinds of debates we were having in subcommittee.

So that somehow gave me a sense of, you know, we're on the right track. This is, for me, the hardest thing is to try to satisfy everybody in this one, because there are great ideas, and the idea of a -- of how many different services could be provided, you know, becomes -- it's sort of like Christmas shopping, you know.

So anyway, so thank you for that and I'd just like to reiterate that I think the stakeholders were quite exceptional in their response.

CHAIR POWELL-PALM: Brian, please go ahead.

MEMBER CALDWELL: Yes, thanks. Just wondering, there's the specification that the

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source of technical support come from within the USDA and I'm just wondering, in my mind, it would be better not to limit to the USDA but to have it open to other very knowledgeable and helpful sources as well.

And so I'm just wondering if that's possible.

MEMBER D'AMORE: I'll take a crack at that, but it's going to lead right back to Jenny Tucker, because my recollection going through this process is that it -- it's not just that it may be easier to fund internally, but it might be the only way it works.

And if I've overstated that, please help me.

DR. TUCKER: This is one where I'm just going to be direct. We need to pick a lane. It will need to either be kind of an external call for proposals, or an internal interagency agreement.

I will, just as sort of it was a bit

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of a trial run, when we put out a call for proposals for the original human capital work in 2020, this was one of the potential project areas that people could propose against, external groups.

This was a group of activities that we could have gotten a proposal against, and no one submitted a proposal or any expression of interest from the outside community. And I think that's why we've kind of been leaning more towards the internal route for that.

That's part of the reason is --

MEMBER D'AMORE: Yes.

DR. TUCKER: And there have been no takers on that. Like I haven't even gotten a call saying hey, you know, we might be interested. Can we talk to you about it. No one has contacted us with interest in doing this in the external community.

And you guys have been talking about this now for, what, two or three meetings. So

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no one's come out of the woodwork externally, which is why from my perspective, the internal direction that the Board is kind of -- that some on the Board have been moving toward from a logistics perspective, made a bit more sense, just pragmatically.

CHAIR POWELL-PALM: Sure. And --

MEMBER CALDWELL: Thank you very much.

CHAIR POWELL-PALM: Sure. Okay. Allison, please go ahead.

MEMBER JOHNSON: Thank you. To me, the primary value of this proposal would be opening access to Board's service for folks who otherwise wouldn't have the capacity.

And for that reason, I'd like to sort of hear more thoughts, I guess, on the reason for saying that the support staff could not draft proposals. I'm thinking of my experience studying in Italy and trying to write a paper in a second language for me, having someone

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proofread it for me and laugh, and ask why I said things certain ways.

And I was like, well, I was doing my best. So the time commitment to draft something originally, even if you know what you want to say, the writing process could be really cumbersome and a barrier to service.

So I think that could be an important role for support staff, and I see that being balanced with wanting originality, wanting our own work and own thinking on subjects, but I think if someone were to prepare a draft that then a member reviewed and made sure it captured the essence, that could be really valuable.

CHAIR POWELL-PALM: If I could take a stab at that. I think when we look to this being an iterative process, so we're going to give it a go for a year with the appropriation and see how it goes.

In thinking about how we keep the independence of each Board member while providing

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support, I think we have to wait to see what it looks like to be able to flush that out.

In the original writing, and please correct me if I'm wrong, Jerry, the goal was to try to create this balance where we did have autonomy for both members, and not undue influence from the program, while, as you're saying, giving meaningful support.

So folks who come from various backgrounds will be able to participate. So I think at this point, we'll have to wait and see what we're comfortable with in an iterative fashion with the program and the Board over time.

MEMBER D'AMORE: Perfect.

CHAIR POWELL-PALM: Carolyn?

MEMBER DIMITRI: I mean, I guess I want to speak to what happens if you have a paper that someone takes the first draft, and then you edit. And I do this all the time. I collaborate with other researchers and I find that it's really hard to like keep my own authentic voice,

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if someone else takes that first pass at something.

CHAIR POWELL-PALM: Yes.

MEMBER DIMITRI: And I think especially if we're going to be partnering with other USDA agencies, it will be very hard to maintain impartiality if we're not really the first ones taking that initial draft.

MEMBER D'AMORE: Sounds like you were on the subcommittee.

MEMBER DIMITRI: And I read a lot of papers.

CHAIR POWELL-PALM: Amy, please go ahead.

MEMBER BRUCH: Sure. And Carolyn, thank you for editing some of my works. I really appreciate it. You got a lot of talent there.

Just a quick note, so this is a very unique proposal because this is not destined to go to rule making like a lot of our other proposals. So I was just curious for an idea on

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timeline if this was to pass, timeline on implementation.

DR. TUCKER: So once we get an official recommendation, you know, you guys have been working on this for a while.

MEMBER BRUCH: Yes.

DR. TUCKER: So it would be -- we've just started a new fiscal year, which is good in terms of planning. And so we -- my first step would be to brief the undersecretary and talk about next steps, and approaching other agencies, and how best to go about that.

But yes, I would see that certainly happening rapidly. Yes.

CHAIR POWELL-PALM: Yes. Please go ahead.

VICE CHAIR JEFFERY: And is this something that if the person comes from within USDA and it -- can they go through like our new member board training in a way, to like make sure they're really up to speed on how we go about

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doing our business?

DR. TUCKER: We would have to have -- so, let's -- as long as we're getting in kind of devil in the details here. First, you know, I'm going to guess there aren't people just sitting around, oh, yes, I could be immediately freed up to do this work.

So whatever, you know, agency we work with would then need to go through some kind of recruiting process and figure out what mechanism by which we would get the folks, the human capital onboard to do this.

So that process may take a bit, a bit longer because that involves getting fulltime equivalents approved and all of that kind of stuff. And there may be creative hiring approaches that we can use for that.

Then we would need to really think about an on-boarding process, so I would assume that would include a combination of learning center courses of the new board orientation,

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talking with you guys.

We would need to -- you know, we haven't done this before, which means we have lots of good options for designing it. So I think we would want the Board to help in figuring out whatever that on-boarding and training process would be.

So yes, new ground for all of us.

MEMBER D'AMORE: Any more questions?

VICE CHAIR JEFFERY: Also, do you think you could be comfortable if we look at it from the perspective of, you know, our subcommittee members chain of co-collaborating on all drafting of proposals and we're just really committed to each other's success in that way.

MEMBER D'AMORE: Yes.

MEMBER JOHNSON: I love that, Mindee. Yes, I was just trying to formulate a question or a thought around what kind of process we could have in place to continue to look at how it's working amongst us, as well as the NOP doing that

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over time to figure out, you know, what works and whether we would want to, you know, keep this framework or shift it over time.

But it sounds like there would be an opportunity to do that through the appropriations process every year, and an interest in just making sure that it's working for folks.

CHAIR POWELL-PALM: Any other questions or thoughts? All right. So we have the subcommittee proposal. It was motioned by Jerry and seconded by Kim Huseman. And with that, we'll go to a vote. So we're going to start with Javier.

MEMBER ZAMORA: Oh, wow. Since someone like myself or perhaps someone older than me in the future would benefit from this type of support that could very well come this way, I say yes. It's needed.

CHAIR POWELL-PALM: All right. Thank you. Allison?

MEMBER JOHNSON: Yes.

MEMBER CALDWELL: Yes.

MEMBER NANDWANI: Yes.

MEMBER GREENWOOD: Yes.

MEMBER BRUCH: Yes.

MEMBER SMITH: Yes.

VICE CHAIR JEFFERY: Yes.

MEMBER HUSEMAN: Yes.

MEMBER GRAZNAK: Yes.

MEMBER TURNER: Yes.

MEMBER DIMITRI: Yes.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: Yes.

CHAIR POWELL-PALM: And the Chair
votes yes.

MEMBER D'AMORE: And Jerry votes yes.

CHAIR POWELL-PALM: And Jerry votes
yes. Sorry, we're going to get this down.

MEMBER SMITH: That's 15 yes, zero no.
The motion passes.

MEMBER D'AMORE: I'd like to do -- I
mean, I'd like really to thank this group.

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There's a discussion that took place here that only could have taken place in this room now. So thank you very much.

CHAIR POWELL-PALM: And I was just told it's going to be 15 yes, zero no, zero abstentions, and zero absences. All right. And with that, back to you, Amy.

MEMBER BRUCH: Okay. Thank you, Nate. Jerry, thank you so much for your sincere approach to that topic. I really appreciate it. Good discussion as well.

All right. Moving on I will have the clicker here. Our next topic is the acreage reporting proposal. A couple things to note before we dive into this proposal is one, this is another unique proposal that isn't destined for the traditional process of rulemaking like some of our national list items are.

So the discussion that we have here today is very important. Secondly, this proposal was the aspiring of collaborative

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effort, so I really appreciate Nate's involvement in this.

And I'll introduce the topic, and Nate, feel free to jump in with additional pointers and comments as we go here.

After we get done introducing this proposal, I also want to, before we open it up for a full Board discussion, I'd like the farmer members of the Board to also comment on their experiences and thoughts on this, and then we'll open it up to full Board discussion.

One added bonus, I did create a few slides just to walk us through the process, and I really appreciate the contributions from some of our Board members to the pictures. So please enjoy the pictures as well as the information. Thank you.

CHAIR POWELL-PALM: If I could just give a quick shout out to Amy. She's like I'm tired of using stock photos, I hear we have farmers on the Board. And there's this massive

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dump in a text string of the most beautiful farming photos you've ever seen. So enjoy, folks.

MEMBER BRUCH: Yes. My only disappointment is I didn't have more slides here today to share all these pictures. It was just overwhelming. But you will see the rest of them some other time. So thank you.

Okay. Without further ado, okay. Just a little bit of background for this oversight to deter fraud topic. This has been on our working agenda for a year now, and it's been presented in many different forms.

Today, the themes from the community that really helped generate this proposal was just the concepts of modernizing enforcement mechanisms, continuous improvement and enforcement, and consistency in certification.

So the current state in regards to this topic is inspectors currently do not have a consistent tool to identify production capacity

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concerns up and down the supply chain. By having a quick look back, overselling can be flagged and quickly examined.

The proposal, and I'm highlighting this a couple times because the scope of the proposal is actually very narrow. So the proposal is CACS recommends that the NOP require certifiers to list a certified operations harvested acres by crop type, and the total acres in the operation on the organic certificate.

The goals of this proposal, number one, consistency that all certifiers are deploying the same approach, consistency amongst certifiers will enable consistency at inspection timeframe.

Enforcement, increase robustness of mass balance audits during inspections. Conduct aggregated mass balances of regions or countries. And then compliment the full supply chain audits that we are aware that are coming through the SOE.

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Additional fraud prevention tools. This is a subset of the proposal that there can be now reconciliation of sales versus production throughout the supply chain at inspection and potentially identifying those overselling moments.

One more time, in scope on this proposal is listing on organic certificates, harvested acres by crop type and total acres. Also highlighted in the proposal, and we heard from several commenters that we need to think about special consideration or helpful taxonomy for small producers.

Oh, and I just love that bumper sticker. Thank you, Rick. That's some avocado joke here, but okay.

Okay, and before we go to the next slide, I just want to highlight a few of the comments in support of this proposal from our community. And I don't have a slide. I'm just going to read a few highlights here. And then

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we'll proceed with the remainder of the slides.

So in support, we heard from several certifiers, ten farmers, two farmer inspectors that supported the proposal. Four advocacy groups, and two additional certifiers supported the proposal, but requested the proposal to have flexibility to small growers.

Currently, some certifiers and farmers are doing this, and one actually has been doing this for ten years. It's -- these are some direct comments from our community.

One commenter felt like it's low hanging fruit in the battle against fraud. Another commented the ability to cross-reference certified acreage with contracted volume, assists with risk mitigation in the supply chain.

In the best practices for verifying traceability in the supply chain, ACA stated that a solution to transparency is that certifiers should submit all data on organic acreage to the NOP.

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And then one pretty candid comment from a farmer was if you're not for it, then what do you have to hide. So that was a pretty direct comment from a farmer.

Then on the other side of the perspective, comments with limited support, or comments with concerns, we heard from a few certifiers, one trade organization, and a couple farmer cooperatives in regards to limited support or concerns.

Some did support the proposal for collection of this information by certifiers and inspectors, but had concerns for the availability of this information being on the certificate, due to confidential business information.

One group was okay to collect total acres, but due to the complexity of large produce farms, not recommending collection of harvested acres by crop type. Some were concerned with taxonomy and the consistency for classification of crop type.

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And other requested that they were just interested in understanding if having this information on a certificate would truly mitigate fraud. And then there were a couple commenters that just weren't interested in making this change at all.

So that's -- we did have the full perspective of comments there. So now, continuing on with the slides that are prepared, is just a reiteration that acres on certificates have been successfully implemented already.

And then lastly, to close, here's the slide on the discussion and vote. So a reiteration of the scope of this proposal. Now, I'm going to turn you over to Nate for additional comments.

CHAIR POWELL-PALM: All right. Well, let's see if anyone has any questions on that real quick. Any questions from the group?

MEMBER TURNER: I have a question.

CHAIR POWELL-PALM: Please, go ahead.

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MEMBER TURNER: What's a guy got to do to get in the slideshow around here?

CHAIR POWELL-PALM: You got to be quick on that.

MEMBER BRUCH: I know I should have included you. Well, I should have included everybody. I know everybody gets so many text messages, but yes, next time.

MEMBER TURNER: I have another comment after growers.

CHAIR POWELL-PALM: Please. Oh, yes.

MEMBER BRUCH: Okay. Should we open it up for the rest of the growers to speak? Okay.

CHAIR POWELL-PALM: Please go ahead, Javier.

MEMBER BRUCH: Javier, I see you shaking your head.

MEMBER ZAMORA: This is a good one that I think maybe a few growers out there might be against it, or might get a little scared when it comes through. Sometimes thinking that is

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your personal information and everyone would know about it.

I can personally tell you as a grower that our certifier has been doing that for quite a few years now, and many other entities, you know, our community, like the ag inspectors, even CDFA, already request that we do that.

So I mean, like if you're going to sell like a farmer's market, you even list, you know, linear feet on how many pounds you will be harvesting from X crops, you know, once I mean, every week or every -- twice a week, whatever it is.

So that information is already being taken from the ag commissioners, from the CDFA, which is the state entity, and our certifiers. So I'm all for it. And I, again, there is -- there might be some issues there, I hear their concerns, but if you RMA, if you are getting insurance for your grains or your strawberries, you're already telling them what acreage, and how

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many, and when.

So that information is out there. I believe that it's helpful for the smaller farmer that is having to deal with maybe a larger entity, the -- I think it helps mitigate some of those, you know, fraud, if you will, that is happening and it's putting some farmers out of business.

Again, as a farmer, I really don't have a problem with it and I think it would be a benefit for smaller and family-owned farms. So very well done. I hope I see us say yes to it.

MEMBER BRUCH: Thank you, Javier. Chris?

CHAIR POWELL-PALM: Oh, yes. Sorry, go ahead.

MEMBER GREENWOOD: Yes. So I'm for it also. I reported it through my certifier for 15 years now. I had mentioned when we had the oral comments last week when someone brought up some of the problems, and again, in the avocado industry, we have high density growths that

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produce way more fruit than the older ones that are ten by ten or 15 by 15.

But I think that's easily sorted out, at least in my industry, because the certifier can look at the trees and say okay, I see why you have more fruit than someone else. So I'm for it.

I mean, hasn't been any problem at all. We, as Javier said, give that data to the state, we give it to the county, and we give them crop projections. And so, no, I think if it prevents any sort of fraud, and I think that's one of the issues.

Nothing we do will be absolute in terms of preventing fraud. I think we have to think about that. These are little areas, any more than we've ever been able to prevent crime. We have lots of crime bills, and we still have crime.

But the tighter we make the system, people maybe won't think about it. So I see it

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as a deterrent more than anything else.

CHAIR POWELL-PALM: Let's jump to Liz.

MEMBER GRAZNAK: I apologize for not getting you my certification. I also am on a very small scale and am already reporting this information to my certifier. And it doesn't make my job any more difficult or less difficult.

It's -- I think it actually makes, helps make me a better farmer to keep this type of information and records from year-to-year. And I agree with everything that everyone else has said. Yes.

CHAIR POWELL-PALM: Logan, if you're there. Do you want to jump in?

MEMBER PETREY: I do. I do, thank you. Can you hear me?

CHAIR POWELL-PALM: We can. Please go ahead.

MEMBER PETREY: Okay. Great. Because I didn't have the raise hand option. So

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thank you. I do have a question. I was wondering, okay, so sometimes acres change and - - like on a yearly basis, or within the year, or right before.

And so I just didn't know which -- we do this, you know, with our certifier, we have crop, you know, we have acres on there listed. I didn't know how specific things could be narrowed down to or what that looks like.

Because I mean, you can go from having a potato program lined up, and then it not happening. And so curious as to what we're looking at as far as how can it deter fraud if the farmers' plans change because things happen.

So I'm just curious on that. Because we may put our entire -- the farm may be in corn for grain. And that's just an assumption. And then the price isn't set right and we don't have that production happening.

So just curious, I mean, if you could explain that.

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CHAIR POWELL-PALM: Could I take that, Amy? So for certifiers who are currently doing this, that's a phone call. Just updating your OSP, sending them a note, and then putting it back.

They'll update it in their system allowing them to then issue you a new PDF currently. Did you want to add anything to that, Kyla, or any questions/

MEMBER SMITH: I would just add, based on some of the public comment, that there was comment that some certifiers may charge for that, so I'm not sure how -- I don't know if that's true or not, but that was what was in the public comments.

So just want to put that in there that I would hope that it would be a pretty straightforward process, and -- but they're, you know, that -- it could not be as straightforward.

CHAIR POWELL-PALM: Real quick --

MEMBER PETREY: So it's like acre

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reporting after you're done planting?

CHAIR POWELL-PALM: Yes. Acre reporting after you're done planting.

MEMBER PETREY: Yes.

CHAIR POWELL-PALM: If you have to replant, having that opportunity for an OSP update.

MEMBER PETREY: Okay.

CHAIR POWELL-PALM: Brian, did you want to jump in there as a farmer as well? Okay. Javier, please go ahead.

MEMBER ZAMORA: Yes, I was going to say, Logan, so you have several opportunities to revise things. If you get your whole revenue insurance, you do your planning, and then you have a revision a couple of times, you can change that.

On cases like ourselves when the OSP is changed, you get on the computer -- not me, because I'm not really good with the computer, but I can have somebody help me and do that really

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easy.

The state level, you do it exactly the same. You change acreage and you change the crops that you planted, the amount, fairly easy.

CHAIR POWELL-PALM: Liz, please go ahead.

MEMBER GRAZNAK: Is this the -- an appropriate time to ask about what the discussion might be for how this might affect smaller growers?

CHAIR POWELL-PALM: Sure. I'll jump on that real quick. So that's the primary dissent is how do we deal with diversified farms that are growing a lot of different varieties of crops, and especially very small acreages, so that we're not listing to 0.005 of an acre.

And so we -- this is a proposal that we're saying the information capturing acres on certificates, or certificate addendums, is an idea that could be helpful for preventing fraud. How it's actually implemented into the CACS --

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into the OID with the federated certificate will be a process then owned by Jenny, number one, and her team.

And so with that, Jenny, could you give us a little bit of an idea how, for instance this were to pass, how we would then expect it to move through your system.

DR. TUCKER: Yes. This one is really interesting because I think it also touches an awful lot of infrastructure that already exists, as well as some elements that are certainly being -- were in the strengthening organic enforcement proposed rule and that were probably supported.

So first of all, right now, the organic integrity database, which launched in 2014, does allow reporting of acreage at both a operation level, and a what we call a product level.

And that product level is driven by a taxonomy in the organic integrity database where you could, for example, report acreage at, you

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know, mixed vegetables, or fruits, so it can be categories as well as products.

And that taxonomy has actually held its own for the last, you know, six years or so. And so there are certifiers, we get that acreage from about right now, approximately half the certifiers are reporting that acreage to us, either at the operation level, so the total certified acreage, or they're reporting it in both ways.

So they're reporting it at the commodity level, as well as the overall level, and those acres don't add up because you might have multiple crops over the course of a year. So your acreage by commodity may be different from your total acres.

So the system already does a fairly good job of handling that data. So -- and a few years ago, I do want to comment how much the culture has changed among certifiers over the last few years.

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When we first built the organic integrity database, the permissions were set so that certifiers could only see their own acreage that they entered. A few years back, when we started having import oversight challenges, we made acreage visible across certifiers, and that has really helped in the enforcement work.

So now certifiers can see the acreage for other operations in the system, and are sharing information for the purposes of certification and decertification. That is not public at this point in time.

There's also, in the organic integrity database, a certificate. It's called the federated certificate. And so the strengthening organic enforcement proposed rule has -- did propose a federated certificate that everybody would use.

We also proposed making acreage reporting mandatory, and that idea was very well supported. So you have all the ingredients here

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where honestly, technically, there are two or three things we have to consider.

Number one is simply designing the form so you can take the acreage data and plot it on the certificate. That's a basic reporting function in a database. That's not hard. We can do that fairly easily.

The question is more of a policy one of is this business confidential information or not. And so and how does that change the privacy level of the organic integrity database.

Now the research agencies do consider acreage to be business proprietary information, and therefore, it can't be reported for an individual farm. Based on this group's work, we've already had some internal conversations that suggest that, well, okay, the research agencies consider that business confidential information, and they may have some regulations that say it is.

But you're operating for a completely

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different purpose. You're an enforcement agency. You're a regulatory agency. And if you deem that for effective regulation of the organic program, you need to put acreage on certificates and make it public, there's a strong argument for doing that, but you have to justify how that aligns with your rules.

So that will be both a policy and a technology process to see, A, it would be a problem to upgrade the privacy level of the database because that changes access permissions. And so there's a bunch we got to figure out with that.

There is the policy question of business proprietary information. But I actually feel encouraged about conversations I've had on that route. We do have the ability to share information for the purposes of certification and decertification.

The question is can you make that individually public. So there's some

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conversations to be had on this, internal to USDA. If I had seen some real showstoppers, I would have told the subcommittee that before we got to this point.

That might have been more data than you wanted.

CHAIR POWELL-PALM: That's exactly -- I think there's something to be said that we have, from the get-go, been asking these questions. And I think, to Amy's credit, in being really interested in fraud prevention, how do we identify things that are actionable.

Three meetings ago, Amy, we had the organic links document.

MEMBER BRUCH: Yes.

CHAIR POWELL-PALM: And that was too far. We didn't have the infrastructure to make that happen. And so working our way back, asking questions like could we have acres on certificate, off of which then could be built a more robust system. The answer was yes.

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So that's why this has gone forward. It hasn't gone forward without deep dialog with the program. Kyla, please go ahead.

MEMBER SMITH: Thanks, Amy and Nate. And Jenny, for your response there as well. I'll be really curious to see what plays out with this CBI sort of ruling since, you know, we've heard from, you know, some farmers, and some certifiers, but certainly not all the voices because they don't engage in NOSB process.

So I'll be interested on that topic. And then the other thing is -- and based on what you just said, Jenny, I guess I don't know if we need to know this right now, but I think, and so long as it's maybe flexible on what -- on how we are defining crop type.

And if we're needing to go down to the varietal, I think that would be very challenging for certifiers to implement. And -- but if we can keep it a little bit higher up in the taxonomy, I think that would be easier for

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certifiers to implement.

And then I also am trying to think creatively about how we approach the smaller producer, or the very diversified producer with very small acreage, and thinking about, yes, just how we can get creative with that so that we're not having to enter in, you know, very micro acreages.

But really, for me, I think it's mostly just a data management problem that I think that we can find a solution to.

DR. TUCKER: There are a lot of moving parts on this, and we don't have a final SOE role. But let's say, just hypothetically, and I'm just purely hypothetical here because this rule is still in clearance.

So hypothetically, if there were a federated certificate and we put acreage on the federated certificate, I don't see where -- given where we are with the organic integrity database and its maturity at this point, I don't see us

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changing the taxonomy.

So even if we move to a federated certificate, I do think, and we've said this, that there would always be a role for an -- for a certifier to have a supplemental data, just like many of them have right now.

So there might be a federated certificate that confirms that organic status of the business, and then has some high level kind of taxonomy that builds on, or a taxonomy -- are we going to go down to Roma tomatoes? I don't think so. Are we going to go to tomatoes or mixed vegetables? Yes. Those are in a taxonomy now.

So for anyone who's interested in the taxonomy, it is published. Our data standards are published, so you can see what those are. That taxonomy has worked -- held up very, very well. So I don't see that changing. So I do think that the specificity would be at the certifier level, not the federal level.

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MEMBER SMITH: If there was feedback from the certifier community to change parts of the taxonomy, would NOP be open to that?

DR. TUCKER: We're always open to feedback. There's an awful lot of people who have now built connections into our database, and they would all -- if we change it too much, like adding is easier.

MEMBER SMITH: Yes.

DR. TUCKER: But changing is harder because a lot of folks -- a lot of certifiers have actually adopted the taxonomy into their own system. So I don't want to rock their world too, too much.

I also want to, that taxonomy took a lot of work, it was a grounds up, looking at the actual data in the database at that time, and a top down, looking across all the different standards that existed at the time. And that's what led to it.

And there are a lot of other programs

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who have picked up on our taxonomy. So I want to be very, very careful not to break something that's actually working pretty well.

And of course, we're always open to feedback.

CHAIR POWELL-PALM: One thing -- oh, yes. Go ahead. I was just going to talk about the cover letter. So I just wanted to --

MEMBER BRUCH: Can I jump in first?

CHAIR POWELL-PALM: Oh, please. Go ahead.

MEMBER BRUCH: Okay. Just a couple points before we talk about cover letter and Liz, your topic that you just brought up. Kyla, I wanted to just respond quickly to your first comment about, you know, not hearing from voices, and this perhaps is all voices.

And just kind of a push to the community, definitely when we have any work agenda items, I know not everybody participates in our meeting, but reach out to your network

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that you do touch, and try to aggregate the voices of the unrepresented so we can get their voices heard during these meetings.

It's really important if you're a certifier, if you're an advocacy group, or a cooperative, et cetera, reach out to your direct contacts and network and please bring that information forward to us.

Secondarily, Rick's comment on multiple tools, I think that's just a good common thought process. I think Undersecretary Moffit mentioned just this holistic approach to problem solving.

I think we do this as farmers on our weed management. We have a systems approach for weed management. We have a systems approach for nutrient management. We also need a systems approach for fraud mitigation.

So this is one tool in the toolbox. It might not solve all our problems, but it's kind of an iterative process. So I think this

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is really important when you think of it in the big scheme of applying other options.

We did hear from that one buyer during our oral comments, that this has stopped two cases, or it stopped the transaction from happening. So that's really important to take note of.

But there are limitations. That's why I try to reiterate what the scope is. It's a very narrow scope.

And then lastly, I want to just kind of leave with you a thought. If we do transition to this federated certificate, meaning every single certifier is presenting their certificate in the same way, we have to take note, this is a unique proposal.

Some people, some certifiers are actually requiring this information. So what do we tell them if we do not vote for this? Are we telling them to take a step backwards and be less transparent? Or are we trying to bring up the

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rest of the certifiers for consistency and bring them forward.

So we need to also think kind of the big picture, do we want to take a step back, or a step forward. Thank you, Nate, I'll turn it back over to you.

CHAIR POWELL-PALM: Thank you. I just want to give a shout out to the tough collaboration in this process. When someone comes out -- so to be quite frank, this is no burden on farmers. I'm not going to be burdened by this, Amy's not going to be burdened by this, Kyla's going to be burdened by this.

And the collaboration that had to go into figuring out how can we, you know, talk this through to the point where we feel comfortable with it, and we've heard each other, and we feel heard, takes a lot of chit chatting. A lot of extra meetings on CACS. We added an entire other CACS meeting this semester because there was so much to talk about.

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And so I just wanted to thank you, Kyla, for the deep insight and Amy for leading such a hard charge. Kim, please go ahead.

MEMBER HUSEMAN: Thank you, Nate.

CHAIR POWELL-PALM: Oh, thank you.

MEMBER HUSEMAN: And thank you to the livestock committee for giving up some of their time to the CACS.

CHAIR POWELL-PALM: Big burden on you?

MEMBER HUSEMAN: This has been a great, robust conversation and one that I haven't taken lightly. I think that when we look in the space of indicators to help flag for, you know, potential problematic behavior, I want to make sure that we are not looking at this tool as, say an end all to be all on this.

It was mentioned that approximately half of the certifiers are reporting it. But if you look at the overall representation of who commented, the percentage that certifiers that

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did comment, did we even get over half of the certifiers themselves to comment.

So we do have a pretty small population that gave forth some information. When I look at product flows, there's some products that flow in a very small region within a five mile zone, within a ten mile zone, a two mile zone.

And there's some that travel across distances of 1,000 miles. And when entities are given the same information, but it might load on a reefer that goes 500 miles west, and then on a second reefer that flows 500 miles east. Those could be different inspectors that may not be able to connect the dots.

And that's where my hang up comes in, is when I look at this, is just to remember, as Amy pointed out, a tool in the toolbox. But if we're looking to be robust in how we want to handle this -- to handle fraud, I can't put it on an inspector to connect the dots and say because

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you are in this one region where this one person sells, you should be able to make that connection.

So I just want to reinforce that, is the end user who might be holding onto the certificate, and their looking at that because they bought from that entity, is the onus on them when the next thing they get is a revoke of an entity's certificate, because they chose to take that product when that matched up to what they bought.

But it didn't match up when they sold that exact same certificate to five other people in different regions. And then that was brought up in public comment to was what is the liability to the end consumer, the end user, the end purchaser when something is detected but they had that information at their hand.

So I wanted to bring up those two points. You know, Rick, your comment that nothing that we do will absolutely deter fraud,

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there's always bad actors. That really -- that resonated with me as well because you're absolutely right.

There's -- when there's bad apples, there's bad apples. Right? And it doesn't matter if it's in -- in what industry. It's what we can do, the best that we can do it.

I think transparency is key. I'd actually like to know if this information can be used as an aggregate for other reasons. You know, but that's a longer conversation. But I guess what I'm trying to say is we hear from the fruits and vegetables, and the smaller producers that this tool may not be as effective as it could be for a grain -- or a grain producer.

Or if we start talking in the segue of livestock as well, has been brought up. I'll try to stay on topic and not get too far off here. But I just want to make sure that we look at this as a solution or as an indicator for everybody, not to target or deter one type of a farmer than

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it would another, or a certifying body than another.

Because there's some certifiers that only, they're expertise is in one area. And others, their expertise is in another. So keep that in mind as well.

CHAIR POWELL-PALM: Any other thoughts right now? Carolyn, please go ahead.

MEMBER DIMITRI: Great, thank you. This is a very complicated topic and I sort of - - it's hard for me to get past what Kyla was talking about like the burden on certifiers for like the smaller scale producers.

So I guess this is more for you, Jenny. Like say this passes, and then I guess you're sort of tasked, or your group is tasked with trying to implement this somehow. So like are you -- would there be some kind of rule that if the producers, like if it had small enough acreage or certain types of things where you could just put like one aggregate, like two acres

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rather than having to break it down the way Kyla was mentioning.

Because I feel like this problem is probably -- it's more problematic for the larger scale operators. Right? Because they can introduce more fraud into the market. So it seems like if you're going to run around and chase down every half acre or one acre producer, like that seems to me like a waste of taxpayer dollars.

But in any case, I'm wondering what -- are you thinking about trying to accommodate like the smaller scale producers in a different way? And what might that look like?

DR. TUCKER: I think I would like to, timing-wise, we are, I believe, getting very, very close on that. So we -- I'd like to see what the final version of SOE actually does, and then fold this into that.

And so at this point, you know, SOE could change based on OMB feedback. And so I'd like to see that process through, and then figure

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out how to fold this recommendation into it.

Ultimately, I don't think we need more rulemaking to implement this. I think we can implement this through training with certifiers where we talk about risk-based approaches to data reporting

And honestly, for the certifiers who are reporting acreage, a lot of them have figured this out already. They've been reporting acreage using our taxonomy now, some of them for years. And so I think taking advantage of their kind of best practices on how they're doing that tradeoff, would be the beginning of talking about it and getting everybody on the same page as to the heuristic of having to think about it.

So I would like to -- this is big and I think people have really pointed out the touch points. I'd like to fold it into the SOE implementation and training aspect so it's all one package.

Thank you. So we'll probably hear an

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update at a future meeting.

DR. TUCKER: I would imagine so.

CHAIR POWELL-PALM: Any other thoughts, questions? I want to respond a little bit to you, Kim, and -- but before I do, I wanted to talk about we have the opportunity with every proposal to submit a cover letter, where we try to better articulate what our intention is, given the feedback we've heard.

And we really hear the small diversified produce community saying, and the certifiers that help those folks manage all that data, saying that we're not the risk you're worried about. And that's true.

Where really risk is coming from, grain operations, it's coming from commodities. It's coming from storable crops. And so we'll be very encouraged to send in our cover letter that we should set a minimum acreage per crop. Something like if it's smaller than one acre, then we would say that should be said we don't

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get smaller than one acre in the reporting on this certificate.

Other points, like that -- did you have anything else to add to that, Kyla? I know.

MEMBER SMITH: That we, yes, weren't thinking to go down to like the varietal.

CHAIR POWELL-PALM: Yes. So, music to our ears from Jenny. So not Roma tomatoes, but tomatoes, and not Alzada wheat, but wheat. And that getting, again, at the heart of what we're trying to do is figure out where we can fill that toolbox to fight fraud, and not unnecessarily burden participants and stakeholders.

Did you have something, Carolyn? Okay. Kim, to your point, when we're thinking about, you know, how do we use this tool, going back to the organic links that Amy put forth a few meetings ago, this is just a foundational block in a much bigger house that we're hoping to build.

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And in collaboration and in continuity after SOE comes out, I think that this gives us a tool to have more options for where we want to go, we gather more data to figure out what would be an effective tool, and build future proposals off of that.

So I think that, if I read between the lines, you're saying that this isn't very impressive, and I totally agree. It's not, and that's why I think we can just keep going, folks.

And so we have, with the amount of text, we know it's not that impressive. It's a small step forward, hopefully, to a better system.

DR. TUCKER: May I point out continuous improvement really does happen one step at a time, at sometimes.

CHAIR POWELL-PALM: We appreciate that. Yes. All right, folks. Any other questions or thoughts? Anything to wrap it up, Amy?

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Oh, you have a liability question. I can't answer that.

MEMBER BRUCH: I assumed as much.

CHAIR POWELL-PALM: Yes. I think it's a really -- it's an interesting question. There's, you know, there's constraints within this system as it exists today that are disheartening in a way because there isn't that big hammer to discourage buyers from not doing their due diligence, or to encourage them to do their due diligence.

MEMBER HUSEMAN: Yes, I just wanted to reiterate that point that came from public comment. I had it highlighted just to bring it up again, as a reiteration.

CHAIR POWELL-PALM: Absolutely. We appreciate that. All right. So without further discussion, we're going to cruise onto a vote. You all are very fast when you just start going off with the yeses or the nos, so I'm going to call your name, and then please give it so that

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we give Kyla a little break with recording it.

So this subcommittee proposal, CACS recommends that NOP require certifiers to list as certified operations harvested acres by crop type and the total acres in the operation on the organic certificate.

It was motioned by Amy Bruch, and seconded by Nate Powell-Palm. And with that, we'll start the voting with Allison.

MEMBER JOHNSON: Yes.

CHAIR POWELL-PALM: Brian?

MEMBER CALDWELL: Yes.

CHAIR POWELL-PALM: Dilip?

MEMBER NANDWANI: Yes.

CHAIR POWELL-PALM: Amy?

MEMBER GREENWOOD: Yes.

CHAIR POWELL-PALM: Kyla?

MEMBER SMITH: Yes.

CHAIR POWELL-PALM: Mindee?

VICE CHAIR JEFFERY: Yes.

CHAIR POWELL-PALM: Kim?

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MEMBER HUSEMAN: Giving Kyla time to get caught up.

CHAIR POWELL-PALM: Thank you.

MEMBER HUSEMAN: Yes.

CHAIR POWELL-PALM: Liz?

MEMBER GRAZNAK: Yes.

CHAIR POWELL-PALM: Wood?

MEMBER TURNER: Yes.

CHAIR POWELL-PALM: Carolyn?

MEMBER DIMITRI: Yes.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: Yes.

CHAIR POWELL-PALM: And the Chair votes yes. Oh, my gosh, I'm so sorry folks. Jerry?

MEMBER D'AMORE: Yes.

CHAIR POWELL-PALM: Javier?

MEMBER ZAMORA: Yes.

CHAIR POWELL-PALM: Early days. We're going to get this right. I promise.

MEMBER SMITH: That's 15 yes, zero no,

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zero abstentions, recusals. The motion passes.

MEMBER BRUCH: All right. Thank you so much. I'm glad we had enough time to really have the discussion needed on that topic. It was very important and I really appreciate everybody's contributions there.

Nate, did you want to move to a break, or do we want to keep going?

CHAIR POWELL-PALM: Yes. How is everyone feeling? Quick break? Are we good to keep going. We have about 40 minutes and two discussion documents to get through. Three discussion documents to get through. All right. Let's break for five minutes.

So it is -- let's come back at 15 minutes after the hour.

(Whereupon, the above-entitled matter went off the record at 3:09 p.m. and resumed at 3:21 p.m.)

CHAIR POWELL-PALM: We had a little bit of a slide jam. So just to make sure we

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reread the second proposal into the record, CACS recommends that NOP proceed with an initiative to provide technical support to the NOSB.

CACS further recommends that the source of technical support come from within the USDA but from outside the AMS and OP. technical support staff should not draft proposals or discussion documents, initiate polls of stakeholder groups, or communicate on behalf of the NOSB or any subcommittee.

Technical support should attend all meetings relevant to their topics. The NOP should serve as the administrator of the support staff, but not task them directly.

And that was motioned by Jerry, and seconded by Kim. All right, and with that, I hand it back to Amy.

MEMBER BRUCH: Thank you, Nate. Welcome back everybody. We have two more discussion documents to wrap up the CACS agenda here.

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So currently, I'm going to return back to Nate for him to introduce our first discussion document on minimum reporting requirements.

CHAIR POWELL-PALM: Thank you, Amy. It was fun how much input we got on this discussion document. And so to remind folks in the room, discussion documents are our ideas bucket. We aren't voting on these.

So we have two discussion documents that we'll go over this afternoon. In minimum reporting requirements, we think about in the same -- into the same vein of what tools could we come up with and equip inspectors, and certifiers, and the community with, in order to try to identify fraud.

And thinking about consistency, if we think that consistency will give us a better data set to identify fraud, and hopefully react to it, then thinking about how do we, as a community, make it so that the data that's gathered on inspection and the audits that are conducted on

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inspection, are conducted in a way that year on year, build on each other and come -- and ultimately gives us something where we can identify patterns and see if there's anything that should be presenting itself as a red flag.

So in this -- in the feedback we got, there was a lot of folks, very consistently saying, actually, there are certain groups very consistently saying they hate universal forms.

And interestingly, I thought who fell into what camp fascinated me. So inspectors really love the idea of a universal organic system plan. And certifiers really did not like that idea.

But then certifiers said, yes, we love some universal audit docs, and inspectors said absolutely not. So as someone who appreciates both sides, and I probably like tip my tribal hat into the inspector camp, certifiers, you're all so poky about this. You go as slow as OSP business.

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But we didn't actually say anything about universal OSP's really in this document. We talked about it a little bit in our climate change discussion document. So it was interesting how much everybody jumped on that one.

So we want to acknowledge that that's out there, but that the -- I thought the greater takeaway was we need instructions as to how to better conduct audits, especially as inspectors.

Better specificity about what timeframes should we be looking at. How do we ask consistent questions that over the course of three years, of three different inspections, we get the same questions asked in a way that builds a dataset.

I've done a few thousand inspections in the last 13 years, and I have gone and done what I thought was a bang up job on an audit. And the farmer then looks to me and says, wow, I've never done that before in my 20 years.

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And that should not be said. We should be able to get rid of that phenomenon where it is so different or so inconsistent between inspectors doing this work, that the farmer doesn't even recognize that it's the same exercise.

So in thinking about what's our take away from this draft of the document, I want everyone's thoughts on this, but the first thing that comes to mind is that we need to get a better idea of where -- what juice is worth the squeeze. What questions should we be asking that actually result in data useful for tracking fraud and identifying fraud.

And how do we formulate those questions. How does the International Organic Inspectors Association help train inspectors to ask these questions. How do we get good instructions to inspectors across certifiers, and how do we get inspectors better educated about individual crops.

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One of the coolest ideas, I thought, to come out of this discussion was from our colleague, Logan, who said do you all have a lifecycle example of how you raise broccoli in the south? And I'm like no. No, we don't.

And should we? Absolutely. And so as part of the human capital RFA with NOP, the organic agronomy training service did come out with a grain raising 101 for inspectors.

What is the lifecycle of grain, what are the tools involved in grain, what are the key areas that we should be hunting for fraud in grain. And it would be so neat if we could do that for all crops, in all regions, and really build this library of enabling.

That enables inspectors to go to any part of the country or world and know, generally, where they should be looking, what questions they should be asking, how they should phrase those questions.

But probably more important to our

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discussion document, how they should write the answers in order to relay them to the certifiers, so the certifier can track them in a very consistent way that makes it so that they can either build a case against a fraudster, or really raise red flags that maybe can be resolved, but hopefully, help us track better fraud.

So with that, I want to just open it up to questions. This is sort of -- it's an exciting idea of how do we identify better tools at this stage in the process.

Who has some thoughts? Amy, you go first.

MEMBER BRUCH: Okay, Nate. Thank you for introducing that discussion document and I hope everybody will have the chance to chime in and offer your points of view, either in relation to the comments we received, or your personal points of view would be helpful.

You know, this one is interesting to

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me when I look at the growth of our entire program. We're a \$62 billion industry and a global program, and I think, Allison, you brought up in the last discussion about clear communication and just understanding kind of, you know, terminology and different things like that.

I think we need to all work collaboratively to find where we can be consistent so then the expectations that producers are meeting are, you know, consistent as well.

I think -- I heard a lot from public commenters and the written commenters, I read about just loss, potentially, of farmer creativity and approach if we push for some standards here and there.

And as a farmer, I think we need to consider maybe two buckets here. The what and the how. Just because the what is consistent in what we ask people, doesn't mean the how, or the approach a farmer used to satisfy the

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requirements, needs to be consistent.

So I think we need to also internalize that. I can still have a customized approach to a common form. So you know, the feedback was very, very large, I guess, in terms of finding common themes, but I do think there was a common theme centered around minimum requirements with the understanding that there's some customization that can occur.

So I thought that was a really good takeaway, and then it's a second time that we've heard that from the community. I think it's just determining next steps with this document.

We had a different, like Nate said, different range of what forms that we wanted to see as consistent. So there's not maybe something that rises to the top on a form from my opinion, outside of there was some folks that wanted consistency with bills of lading.

Others wanted consistency with organic system plans, or DMI calculators. So we

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really need to look at the core components of what we can do to just move forward the idea of consistency, just to have better results.

CHAIR POWELL-PALM: Any questions from the Board? Wood, please go ahead.

MEMBER TURNER: I can't really compete with what you just said, Amy, it was great. But that's really a great way to sum it up. But I just wanted to say two things.

One, the way you presented this document just now is phenomenal because it's really helpful, I think, to have someone in this context sort of lay out in very plain language sort of what it is we're actually talking about.

Because I think sometimes we get really bogged down in the language of our documents, and it's not a question of how well they're written or whatever it is, but there's just a lot of complexity in some of those. So thank you for that.

The other thing I just wanted to say

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is this feels fairly straightforward to me. And again, what you said Amy, makes a lot of sense. But it is -- this whole process, reviewing this and the previous document, was sort of -- has been eye opening to me, frankly, in terms of sort of what's not being done, what's not being captured, the incongruity or the inconsistency of people's experiences.

And I just wanted to reiterate the point that I think that's a problem and we should be, you know, this should be a call to action, frankly, for all of us, that this is what we should expect from our programs.

CHAIR POWELL-PALM: Thank you for that. The -- please go ahead, Javier.

MEMBER ZAMORA: I think I have a lot to say when it comes to that, but it all boils down to educating certifiers. One, an inspector, so I would say.

I will give you some examples because that's how I run, that's why I'm here. In --

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when you have an inspector, you have inspectors that have different levels of knowledge. You have a seven, you have a six, you have a five, and you have a ten, and you have -- sometimes you have an 11.

Very knowledgeable. And I'll tell you why because I think if you -- I'll speak for my area. If you are a strawberry producer, sometimes you can produce 3,000 cases of strawberries per acre. But there's some other organic growers that can produce 8 to 9,000 cases per acre. The same area.

But it's just because I use a small different varieties, and then my neighbor that's a lot smarter than me and is a better farmer, he uses big varieties of berries. So his yields are really, really high.

But I believe that I've gotten, so this is my 11 year, and I've gotten 11 inspections, and so I've gotten them from a six, seven, to an 11 inspector.

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I think it boils down to knowledge, knowing whether it's broccolini or broccoli, or just a floret or something. So mature broccoli and cauliflower. So I'm kind of totally against just one standard because the OSP, it's a living document that you change and they have your certifier, if you're in business for more than two, three years, you already have a record, and they know exactly what your operation is like.

So therefore, if you are trying to create something that is very minimum, would allow growers to -- there's just -- I think it's just you lose who you are because you are adhering to just ten, 20 different questions, versus when you have a living OSP, you might have 100 different questions that your certifier knows really well, and your inspector should be very knowledgeable on who she or he is coming to inspect.

CHAIR POWELL-PALM: I just want to respond a little bit to that real quick, and then

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I know you're -- you had a hand up, Kyla. This was raised by several farmers on the calls and we talk about universal OSP, we're not talking about what information does the farmer put in.

We're talking about how are the questions asked and how is it structured in such a way that, in the idea of a universal OSP that covers every crop, every part of the country, and is updated in a way that makes it so that it's consistent across certifiers.

So it doesn't reflect anything on the farmer. I don't want to get too deep into universal OSP's because we did not have them on any documents -- or on this document. But when we think about that certifiers mostly do inspect either in multi-states or nationally.

So they're already writing OSP's, Javier, that cover your strawberry field, but also a greenhouse in Pennsylvania, or a cattle farmer in Florida. The document is written in such a way that it covers the national law across

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geographies.

To your point of -- that we need better inspector training with more regional and local knowledge, I couldn't agree more. And that takes a bunch of investment. I think that is a deep reflection of the entire project of human capital that NOP initiated and we're all working on, is how do we get better, more experienced inspectors, who are deeply familiar with geographies and growing systems in the room.

One thing about universal OSP, and I say this with all love to the certifier community, when you're saying your forms are super unique and they're not checkboxes, there's a lot of checkboxes out there, folks. A lot of checkboxes.

And I think that in my experience, there's so much to gain by collaborating between certifiers. I think it's a huge life and I want Kyla's take on this, but updating forms, writing OSP's, is a major resource sink.

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And so if you're able to find out that someone in the certifier community is doing it better, not having that be the business asset of certification, but rather the service and the people involved being the business asset of certification.

And so when we think about how to -- we're not addressing this, but just for context as we get into this idea, what good could come from a universal OSP via that collaboration between certifiers and folks who know a lot about biodiversity. I think that one came up several times.

Informing those who maybe have a biodiversity section, and getting the best, most robust biodiversity section so that we don't have these inconsistencies.

Please go ahead, Kyle.

MEMBER SMITH: Yes, thanks, Nate. Yes, so since this was sort of focused firstly on audit worksheets, like that's where we started

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and that's all we had sort of proposed here. As a starting place, but then we were talking about other things.

So PCO does provide our inspectors with audit worksheets. We started doing that, I don't remember, a while back. And we noticed a vast improvement in audits. It was actually, I think it was a finding, actually, at one of our NOP audits, that our auditors were not doing complete audits.

So we gave them a tool, and they got better at it. Are they perfect? No. So you know, certainly more education and training to be had there.

And we had a resource because I believe that there was an ACA best practice document that had a template in it. And so we adapted that to suit our needs, and that ACA is great for that reason. They create lots of best practices that include lots of template forms.

So there's a flavor verification form.

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There's risk management tools. There -- those are just the ones that are coming to my head.

So I do think that we can, you know, engage with ACA and other groups to come up with whatever type of documents that we want. And I do think that having the ability to, yes, have that baseline but then create them for our specific crop types, some of the public comment, we heard, you know, maple is very different than other types of production.

And so being able to tailor them to suit production needs is useful. But going back to your point, Nate, like whenever I need to create a form, yes, I look to see if there's something out there in the ACA land, or I'll just check in with some other certifiers and ask if they're willing to share their form.

Because it does take time and resource to -- resources to come up with forms or edit them, or whatever. So I'd rather spend time doing other things if there's tools out there.

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So if there's a library of great tools that already existed, I would certainly utilize them.

CHAIR POWELL-PALM: Would it be safe to say that you'd be out there busting fraud if you weren't editing these forms?

MEMBER BRUCH: Trying.

CHAIR POWELL-PALM: And doing a great job. I think one thing that Amy had mentioned last week that I found to be poignant, was that, and again, farmer, with love to farmers, we're not doing rocket science here.

And we're actually not that inconsistent from crop to crop. So the same steps that go into growing a carrot have 90 percent overlap with the steps that go into growing corn.

And the same for perennial crops. And so there really is, when we talk about the uniqueness of each region and the uniqueness of everything, I think we're doing ourselves a

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little bit of a disservice not highlighting how much commonality there is between growing regions, and how much commonality there is between all crop types.

And trying to figure out how do we cover that commonality before we highlight the differences. Anything to add to that, Amy?

MEMBER BRUCH: Yes. That's a good point, Nate. And it did resonate with me. Prior to farming, I actually worked as a system engineer for a food manufacturing company. And it was the realization there that whether you're manufacturing tractors or food, a lot of components for verification are very similar in those industries, even though the byproduct is so different.

And that's what I think of farming, I've had the opportunity to farm in many different zip codes, and yes, I can point out many differences, but I also can figure out a lot of the commonalities and that's what gets me

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ahead.

And I really push the whole community for this collaborative effort. Let's focus what we have in -- focus on common goals, focus on some of what we're similar in to really build this consistency because consistency brings clarity.

There's a comment in the proposal that Nate and I discussed, and I love it. I'm going to read it here. Consistency builds trust. Consistency allows organic farmers to trust the rules are being equally enforced.

And that's a little bit of the premise of this documentation. So I just think the clearer we can be, I just think that bodes well for our community. And being clear means being consistent.

Another -- just one other thought that I had and this was in the written comments. The talk in this -- a little bit, Javier, of what we're demonstrating here, you mentioned about

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kind of minimum requirements and things, and it's just to kind of put some parameters in to make the gray a little bit more black and white for farmers.

So right now, the rules are such that you can demonstrate any number of these records, and what we're trying to do here is artillery at a minimum, the farmer has to produce this set of records. If you want to go above and beyond, you're more than able to do that.

But at a minimum, we need to be able to be clear what the expectations are, clear what the definitions of mass balance, and trace backs are, just so everybody can be consistently audited.

Is it going to be a season, is it going to be two years, just so that approach is very similar so everybody has that similar experience with their inspections. And that's the method that determines compliance is this mass balance and trace backs.

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So we really need to do farmers a better service to say you're going to have to, in one way, shape, or another, produce these types of documents, because then you're going to be validated against this set of mass balance and trace back to prove your compliance.

CHAIR POWELL-PALM: Any other thoughts or questions on this discussion document? The beauty of this is we get a whole other semester to do with it whatever we want, and add to it, or switch lanes, so thank you, Amy, for the work on this.

MEMBER BRUCH: Thank you, Nate. Appreciate it. Thanks for everybody's comments. We'll go back to work on this one.

CHAIR POWELL-PALM: Yes, we will. And with that, I'll kick it back to you, Amy.

MEMBER BRUCH: Okay. Now to wrap up our CACS agenda for this meeting, we have one additional discussion document, and I'm going to turn it back over to Nate. I can't read your

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hat. What does it say?

VICE CHAIR JEFFERY: Organic agriculture is climate-smart.

CHAIR POWELL-PALM: Carolyn initiated a really important -- the most important discussion of our lifetimes. And we -- I can say that without any ambiguity. Climate change as it relates to agriculture, as it relates to all of us, is the discussion of our lifetimes.

And so we were tasked with a memo back in February from the USDA. So Carolyn wrote a great letter, highlighting that organic is climate smart. And we want to make sure that when USDA is discussing the greater efforts to address climate change, we -- they don't forget about organic and they think about all that organic can contribute.

That spurred a memo from the USDA and from Jenny, that said -- that asked some very specific questions about -- well, there's 17 questions, you can read about it in the document.

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But functionally, when the call for proposals came out for climate smart commodity partnerships, there were some key practices that were highlighted.

And so we were asked what climate smart practice is already codified in the standards. And with real zeal, we could say all of the ones that you are excited about in climate smart commodities partnership are codified in the standards in various ways.

And so again, when we think about the role of this document, it's a bucket to capture all of our communities best ideas for how we can really pithily or not pithily explain to USDA how much we have to offer, and how much we've already figured out in this climate change discussion.

What we're trying to do with this document is make it a one stop shop to say okay, I'm not sure if organic fits, oh, yes, it does. We're good to go.

And to make it so that whenever we

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come up with a new program, a new call for funding, a new opportunity, that references climate smart, organic is immediately assumed to be at the table and is given that opportunity.

From this also, though, we have a messaging problem. I'm switching hats now, folks. If you would.

VICE CHAIR JEFFERY: Organic is regenerative.

CHAIR POWELL-PALM: When we think about why are we letting this beast roll away from us, we are regenerative. We have climate smart. We have all of this figured out and we are just really bad at bragging.

I mean, we just can't toot our own horn to save our life. So in this document, trying to figure out what is -- what are the zingers that we can put out there to really get the attention of the USDA, to Carolyn's point, to say that all of the best or most of the best research done in organics and about organics have

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been done by USDA./

So the gems are in the house. We know that USDA has a deep and long-lasting relationship with this work, and how can we best articulate it.

So we really appreciate that on the heels of the climate smart commodity partnership grant, a lot of you sent in the work that you've been working on all spring and summer long.

And we're excited to incorporate that. But we want more. We want to have more conversations about how you're articulating the ways in which organics is climate smart.

How you are telling your customers, if you're a retailer. I see you, Amy. How you're telling your clients who are saying I don't feel comfortable with pillage. Do I actually -- should I go organic. I see you CCOF and OFA.

So all of these conversations should be happening in a much more robust way, where we're just throwing everything we possibly can at

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the wall, seeing what sticks for USDA to be convinced that we are such a holistic collaborative group, that is going to be an automatic fit for anything that they come up with out of these climate smart commodity partnership grants.

So with that, climate change is a big discussion. It seems almost too big. I think we've had several colleagues say how are we going to address this. So in this document, we were given a very specific set of questions. We answered them.

Some folks aptly pointed out that we didn't talk about water. We didn't talk about tech in agriculture. And that's totally fair. It wasn't exactly one of the questions we were asked.

But they are things that we should be highlighting and exploring, how do we become our own best marketers when it comes to organics role in climate change, as well as, I would say, how

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do we really claim that -- reclaim that organic is regenerative.

And regenerative is just highlighting the best about organic. So from that, I would open it up to my fellow Board members if we have anything to add. Dilip, please go ahead.

MEMBER NANDWANI: Where can I get these two nice caps?

CHAIR POWELL-PALM: I know, right. They are very primo. But maybe at dinner. I think we need to get one for all the Board members. So we'll make it happen.

MEMBER NANDWANI: Thank you. Yes, it's just a quick comment, not a question actually. Being an organic scientist teaching almost 20 years, climate is soil and then soil is heart of organic agriculture. So it's 100 percent pertinent to organic agriculture. Thank you.

CHAIR POWELL-PALM: Thank you. Wood?

MEMBER TURNER: I just would love to

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hear your thoughts, Nate, on this -- on sort of the reconciliation. Maybe you're alluding to it, Dilip, and I don't -- I know this is not business that's in front of this Board today.

But I want to raise this question because I love the thinking on LCA's, I love the thinking on economic resilience. But I do think we're talking about two different things when we're talking about soil based systems versus container or hydroponic systems.

And I'm just curious, how you were thinking, how the committee was thinking about the, kind of the full scope of lifecycle analysis when you think about sort of the differences in those two systems.

Because fundamentally, we've got to be thinking about storing carbon in the soil, and the role that that plays in mitigating climate change. And so I just didn't see that in the document.

CHAIR POWELL-PALM: And you are not

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the only one. Again, in this particular document, we're responding directly to the questions that were asked. And we didn't get a question about container or CEA, as it relates to this topic.

I think one of our greatest bragging points is how we are, first and foremost, the best news for the soil. That study after study shows that we are storing better carbon, increasing water holding capacity, reducing inputs across the board, which in turn results in more economically resilient farms.

I think we can definitely take up that question of how do we or if we do, parse those two. What -- we're not comparing apples to apples. We're comparing soil to non-soil. What attributes about CEA would we highlight, and where does it fit in this conversation.

I think right now, we just have a really sparse bumper sticker chest, as to our taglines that we love best about organic. And I

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want to fill that chest, and not miss the opportunity to highlight any one practice that is inherent to organic, that's going to be able to sell us to all of the naysayers, and all the folks who need just a little bit of convincing.

Allison, please go ahead.

MEMBER JOHNSON: Thank you. I have lots of thoughts and I'm trying to figure out the best way to order them for you all. I think this is amazing. You did such a fantastic job capturing how important organic is as a climate solution and how much we already know and already have documented.

And I think you've packaged it really beautifully, and I hope that the NOP and the rest of the USDA can help -- be partners to the organic community in conveying that to the rest of the world.

I love that it starts, in response to question one, the first bullet in looking at important points is the climate footprint of

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energy intensive inputs. And I'd love to see that integrated in every single section where we're talking about practices.

The number one thing is avoiding synthetic fertilizers, avoiding most synthetic pesticides. That's one thing that sets organic apart from other types of climate smart agriculture. So I think it's really important to emphasize over, and over, and over.

And the other piece that I'd like to see kind of pop out more is around cows. So it talks manure management, a little bit about grazing, and I think because beef and dairy are some of the most climate intensive products in our food system, pointing to organic as one area where we can make real progress on the climate footprint of these products is really important. So I'd love to see that echoed back to USDA as well.

And then the last point was on number six about organic system plans, and ten on tools

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to help farmers. These are questions about how to sort of capture and convey the importance of organic for climate. And I'd love to see us turn those questions back around to USDA, sort of asking questions that hopefully the NOP and USDA already know the answers to.

The OSP captures a whole suite of practices that are climate friendly, and USDA has a role to play in stating that to the rest of the world. So I'd love to see that emphasized as well.

CHAIR POWELL-PALM: Absolutely. I'm hoping that maybe we might get another memo in response in an iterative fashion, but I don't want to hope for too much.

To that point, I think when we talk about, and this is sort of getting to wonky inspector land, but when we talk about the standards regarding animal agriculture, and how when we think about what is most damaging about animal agriculture.

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In our 205 section of the standards, in 205.203, 205.205, 205.200, we have standards that if applied to all of America suddenly solve the issues of animal agriculture. And I think we are deeply underselling how well we've done writing those standards and how when effectively administered and applied, suddenly, we have a much more robust resilient food system that doesn't get rid of the hamburger, thank God.

And doesn't get rid of the milk and all of the aspects of a really resilient diversified farming economy, are preserved. And I think that that's the question that we need to ask ourselves is how can we tell that story, and how can we do our best to explain further in great anecdote, with great verve, what we are and how we do it in a way that's really easily communicated.

And I know a lot of us might say it shouldn't be on us to do this work. The USDA should know how great we are. And I just don't

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know if you get on Tinder and do that, how successful it will be.

So you want to kind of, we want to be able to make sure we put some great profile photos and really figure out how to put a beautiful bio-line, that gets the attention of the USDA, because we are the solution to their forever partner dreams.

I'm going to end that analogy right now. Carolyn, please go ahead.

MEMBER DIMITRI: So first of all, I have to say Nate, your whacky personality just did not come across on Zoom. I feel like this is a whole new Nate that I didn't know existed. This is kind of funny.

It's like fun. Anyway, I also think a big selling point of organic that maybe we might think about, as we go ahead is as climate change continues to wreak havoc on our conventional farms around the U.S., that maybe that's an opportunity in this transition program, with all

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this money, to maybe replace some of those operations with smaller scaled, diversified, certified organic farms. Just a though.

CHAIR POWELL-PALM: Thank you for that. Yes. Did you have your hand up, Jerry? Darn it. All right. Thank you. Go ahead.

MEMBER DIMITRI: Okay. Well, I guess the other thing, there's been a lot of scientific research done all over. We have a lot of like amazing scholars around the country that have done really great work on organic.

And so I guess like, I think I would like to see this forward looking vision instead of us sitting here and talking about organic is better. Can we just take it for granted and sort of where are we going to go from there.

I just don't think getting into debates with people over the climate benefits of organic, that could go on for decades, and I for one think we have more important and more interesting things to do.

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And so as -- for this board, I think, maybe we can hold a forward vision rather than this retrospective one.

CHAIR POWELL-PALM: Excellent point. I think when we look at how -- what buckets we have to affect change, we have the private market, but agriculture in America is really dictated by the federal government's spending programs.

And that's why I don't want to leave that on the table. When we think about what -- how much money is going to -- how much money just flowed out the door. We just had \$3 billion go out the door, and a little bit of that went to organic, an exciting amount, but not nearly enough.

And when we think about if there's another big spending, how are we always better positioning ourselves to be an obvious recipient of that money. The solution to those questions raised by agriculture.

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So I don't mean to dismiss at all that we need to be forward thinking. I just, in considering how we capture the attention of federal spending the best we can, either forward thinking or retrospective, I think we just need to figure out what works in order to get the attention.

Please go ahead.

MEMBER DIMITRI: That's fine. I'm hoping Jenny's next memo says hey, tell us how we can improve all of these farm bill programs and make them work better for organic farmers.

CHAIR POWELL-PALM: Yes.

MEMBER DIMITRI: That's the memo I want to see. Begging, Jenny, begging. I'm just joking. I'm trying to be funny like Nate and it's not really working.

MEMBER GRAZNAK: I totally agree with you.

CHAIR POWELL-PALM: Apparently, I'm really boring on Zoom folks, so glad you didn't

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have to stick with me for the last three years. Any other thoughts? Again, discussion document, we'll have more time to do more with this as we move towards the idea of a proposal.

But this is big. This is our -- one of our big shots to actually, as Mindee said it, create an agriculture system that our kids' kids are going to thank us for.

Not that we haven't done it already, but let's really scale up and figure out how we go big. Anything else? I'm sorry, Allison, I just need to scan a little harder. Go ahead.

MEMBER JOHNSON: Thank you. Carolyn's comment just made me remember that I wanted to bring up the research section specifically.

I think making our case for organic in the farm bill and elsewhere is really dependent on being able to point to research, to look at numbers. And so while I hold the need for kind of a qualitative systems non-numbers approach

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when we think about organic, it's also really helpful to have numbers.

And so on the research section, I love the section about the climate benefits of zero synthetic fertilizer, and it goes on to talk about all inputs. But pesticides especially, there's very little research on the climate impacts of pesticide use, especially fumigants.

But we know that they are substantial, and pesticides are also energy intensive to produce. So that piece, specifically, I think would be helpful to quantify more, to get more into literature, and to have USDA specifically looking at that issue.

MEMBER DIMITRI: I like to talk about this topic. Sorry.

CHAIR POWELL-PALM: Please go ahead.

MEMBER DIMITRI: Allison, that also jogs my memory that the OFRF report on organic and climate change. I don't know when it was published, not too long ago. I think that is the

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best document that synthesizes the literature, the existing literature in the U.S. on climate change.

So I recommend everyone read it, and Breeze is out there, so you can ask her how to get it.

CHAIR POWELL-PALM: Any other thoughts? This is our last item for the day, so I don't want to let you go too soon. All right. I think this is a real example, though, of how we're underselling ourselves.

Mike Dill, how hard were these to make?

MR. DILL: Etsy.

CHAIR POWELL-PALM: Etsy. Come on, folks, let's get our Etsy accounts up to date and let's get cracking. And this is what we -- spreading the good news of organic is really all of our obligations. I don't think it's very hard. I think we all are in agreement of how great organic is, and we just need to toot our

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horns a little bit more.

And with that, I think we're done for the day. So I'm going to turn it back to Jenny for any closing remarks? Are you good?

DR. TUCKER: I wish everyone a lovely evening. And thank you so much for engaging today, the Board in full, and the audience for being here. It's a wonderful first day back. So thank you.

CHAIR POWELL-PALM: Thank you, everybody. Adjourned.

(Whereupon, the above-entitled matter went off the record at 4:04 p.m.)

UNITED STATES OF AMERICA
DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

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NATIONAL ORGANIC STANDARDS BOARD

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FALL 2022 MEETING

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WEDNESDAY
OCTOBER 26, 2022

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The Board met in Sacramento, California, at 9:00 a.m. PDT, Nathaniel Powell-Palm, Chair, presiding.

BOARD MEMBERS PRESENT

- NATE POWELL-PALM, Chair
- MINDEE JEFFREY, Vice Chair
- KYLA SMITH, Secretary
- AMY BRUCH
- BRIAN CALDWELL
- CAROLYN DIMITRI
- GERARD D'AMORE
- LIZ GRAZNAK
- RICK GREENWOOD
- KIMBERLY HUSEMAN
- ALLISON JOHNSON
- DILIP NANDWANI
- LOGAN PETREY
- WOOD TURNER

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DEVON PATTILLO, Agricultural Marketing

Specialist

PENNY ZUCK, Organic Policy Advisor

ALSO PRESENT

BRISE TENCER, Executive Director, Organic

Farming Research Foundation

THELMA VELEZ, Research and Education Program

Manager, Organic Farming Research

Foundation

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

Icebreaker: Takeaway from yesterday's meeting	5
OFRF update	19
Q&A	46
Materials Subcommittee	75
Vote to accept the proposal on the 2022 NOSB research priorities (passes)	85
Livestock Subcommittee (LS)	
2024 Livestock Sunset Reviews:	
Chlorhexidine	92
Tolazoline	96
Copper sulfate	101
Elemental sulfur	105
Lidocaine	108
Glucose	108
Crops Subcommittee (CS)	
Topics:	
Proposal: Potassium hydroxide	118
2024 Crops Sunset Reviews:	
Herbicides, soap-based	128
Boric acid	132
Sticky traps/barriers	135
Elemental sulfur	141
Coppers, fixed, Copper sulfate	145
Polyoxin D zinc salt	156
Humic acids	191
Micronutrients:	
Soluble boron products	197
Vitamins C and E	201
Lead salts	206

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Micronutrients: Sulfates, carbonates, oxides, or silicates of zinc, copper, iron, manganese, molybdenum, selenium, and cobalt	218
Squid byproducts	227
Tobacco dust (nicotine sulfate)	231
Crops Subcommittee	
Biodegradable biobased mulch film	234

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

(9:02 a.m.)

CHAIR POWELL-PALM: So we have a day chalk full of materials. And lots of times with materials come annotations. And we hear you, community, that annotations are serve a point of inquiry. We want to think about it more. Want to do some things with them. We won't be addressing that today, but we do hear you that we want to be public future work agenda item or something that we consider throughout this next semester. So, just wanted to acknowledge that.

We're waiting for Logan to jump on here. As we go around the room, because Jerry loves icebreakers, I just wanted a little bit of -- I thought yesterday was pretty cool. It was very different from what I've experienced before. And I think that there's a lot of good things happening in our community. And I would just like us to open the floor a little bit to some reflections of what did you find to be a takeaway

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from yesterday? What delighted you or surprised you or did you think about something we should be thinking about for future efforts and future work? And let's start with Carolyn.

MEMBER DIMITRI: I'm surprised I talked so much yesterday. I guess the one thing that really surprised me was how the Undersecretary was actually really willing to devote so much of her time to our meeting. And I found that very touching and supportive.

CHAIR POWELL-PALM: Agreed. It's a very -- I think it speaks volumes that we have an organic farmer in that role. And that is a reflection of our progress. Wood, please go ahead.

MEMBER TURNER: I think one of the things that's lost on Zoom is personalities. And I think one of the things I enjoyed the most by yesterday was just getting a chance to sort of see all of your -- see all of your personalities and sort of understand what it's like to interact

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with you as a real person. And that's exciting. I mean it's a fantastic -- fantastic thing about yesterday.

CHAIR POWELL-PALM: Thank you. Liz, please go ahead.

MEMBER GRAZNAK: This is all very new to me. Very interesting. I also was really happy to see the Undersecretary here. And it's really been great getting to know all of you.

CHAIR POWELL-PALM: All you, Kim.

MEMBER HUSEMAN: Thank you, Nate. Yeah. For me, I think it's engaging with the community that is not in the daily circle. Being able to chat not only with people on the Board, but people in the community that have also made the effort to be here during this week. And you know, I think that's been important for me.

CHAIR POWELL-PALM: I'm not going to surprise you, Mindee. Oh, Logan's on? All right. We'll go Mindee, then Logan.

VICE CHAIR JEFFERY: Yes. Sorry, I was

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actually distractedly saying, "Hi, Logan." Thank you. I love the pain of the debate. I love that we can go to lunch and get an idea we may not have thought of. And I love how hard it is to find the path. But for me, that's the beauty of democracy is that we're listening to people and taking in a lot of information. And maybe my opinion doesn't matter as much as I thought it did and that we find our way forward. So it was really fun for me yesterday.

MEMBER SMITH: I think all the answers have been said. I mean I think like ditto, ditto, ditto. The one thing that I would add maybe is I really value transparency. And I feel like since my time on the Board, I've seen the program take greater strides in being more transparent with the stakeholders. And I have really appreciated that, so thanks.

CHAIR POWELL-PALM: Thank you.

MEMBER BRUCH: Good morning. I agree with Kyla. I think everything has been said.

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New question. No, I'm just kidding. Yeah. I'm just overwhelmed by the sense of community and family that we have both on our Board. It's just so nice to be in-person with everybody and then with out extended stakeholders as well. It's just a fantastic sector of agriculture to be a part of and I can't say enough good things about it. I really also was overwhelmed by just the participation yesterday in the CACS agenda that we had. It's really fun in our subcommittee to have all these discussions. But it was even more exciting to have it as a full Board and hear everybody's opinions on our subject matter. So thank you.

MEMBER GREENWOOD: I think for me, one of the few people who have been to the live meetings before, how different the hybrid meeting feels. The last meeting I went to was in Pittsburgh and it was in a huge room with lots and lots of people. And there's a different vibe than being here today with the audience. It

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seems more like the last day of one of our in-person meetings. And some of you have already been to those. But the work gets done. And again, like everyone else says, it's great to work with a Board that can discuss things. I mentioned GMO yesterday and nobody beat me up in the hall or anything and the board members still talk to me. So yeah, it's different, but it's still very useful. I think it's great.

CHAIR POWELL-PALM: To that point, we did confirm that we had 77 people online throughout the day yesterday. So I think when we think about it, it does get very full very fast, but also opening it up to folks who weren't able to make it seems like progress.

MEMBER NANDWANI: Good morning. Most of the things I guess have been already said by my fellow board members. Well, the first day I survived. I enjoyed. And let me start with saying that I was very pleased to see how the Undersecretary came to each one of us and met.

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And she was so kind and humbly greeted us. And then the spirit I heard in this room from the fellow board members and the support I've been seeing. And the wonderful thing I heard yesterday in the reception, I was able to see and meet and chat with a few of the stakeholders. So all in all, it's very wonderful. And I'm glad I'm able to see and meet in-person the first meeting. Thank you.

CHAIR POWELL-PALM: Thank you.

MEMBER CALDWELL: Since Nate is making us do this again, I'm going to cheat. And I'm pretty sure I already used this one in the past at some point. I can't remember where. But I'm always amazed at how articulate everybody is in these discussions. And I'm going to do my best to bring that standard down. MEMBER

JOHNSON: Good morning. I echo a lot of what's been said already and especially appreciated just the humanity that everyone brought yesterday. You kind of expect that a meeting to be mostly

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dry, a little intellectually charged, but not emotionally charged in the way that it was yesterday. I think as we're all coming back together and seeing each other as people, so I really appreciated that.

MEMBER ZAMORA: Buenos Dias. Good morning. I felt really comfortable. I was told that being a new person, perhaps you will be cornered several times. I didn't feel that at all. And I just see the level of education and family feeling that we all have and I really appreciate that. I'm extremely happy to be part of this process. And seeing some, you know, stakeholders that you see when you go to workshops and webinars and things like that. So muchos gracias.

MEMBER D'AMORE: Okay, Nate. I won't repeat that everything's been said. I want to go back closer to where Wood was in terms of what he said. And I'll get personal because if nothing else, but to repeat. I know that I have

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a handicap when I can't engage in nonverbal ques. I've spent over half my life in places where I didn't speak the language or I was an ethnic or religious minority. And in those situations, if you -- if you can't get the whole of the person, you're sort of dead in the water. So what's been given to me with this meeting is that I got you. I've got non-verbal ques here that say a lot to me. And if I may use Wood as an example, I've for some reason have had an infinity for him from the moment I met him. And then there's three years of Wood in a box. And somehow I didn't get any pleasure out of that. And --

MEMBER TURNER: You need to work on something, I guess.

MEMBER D'AMORE: No, no, no. So we had 20 minutes this morning over a cup of coffee and it's like three years was just blown away. So anyway, that's my takeaway.

MEMBER GREENWOOD: Nate, just one last comment. I think the other thing I have

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enjoyed about this meeting is watching Steve Ela in the audience. To me, that's a real treat.

CHAIR POWELL-PALM: Logan, do you want to jump in here?

MEMBER PETREY: Sure, yeah. Nobody said because I'm having major FOMO. I know that you all are having a blast in meeting each other and hanging around. And you know, like -- like Jerry said about Wood and you know, his personality coming out and how Carolyn said that about Nate, it is fun to see those expressions and to see you guys interact. It is fun. I'm looking forward this Spring to being there. And so yeah, there is something to meeting in-person. I guess we all can be reminded of that, but thank you.

CHAIR POWELL-PALM: And just a reminder from the program, please speak close to your mic and loudly since we have a very feisty group next door. So with that, thank you everybody.

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MEMBER D'AMORE: So you figure you've talked enough that you don't really have to give your own?

CHAIR POWELL-PALM: I was going to give myself a pass.

MEMBER D'AMORE: Oh, okay.

CHAIR POWELL-PALM: It's really just an exercise in power up here, not having to talk. There's a real energy that I think we bring to this question. Someone said it well yesterday when they said we need to take the work seriously and ourselves less so. And I think that there's a lot to say about how much we -- how heavy of a weight we carry. Because we do carry -- we do care so much. And we often times, I think, expect this community to solve all the problems. And I love that aspiration, but it can be heavy. And I think when we get together and we get to see each other again, that we get to be reminded of how good the work that we do is. How much we're getting done. And how together, we're

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going to get done so much more. So I really appreciate being able to see everyone and being able to reflect with you all for a minute.

And with that, we're going to get today kicked off. So we have talked a lot about research. How do we talk about the story of organics? How are we getting the credit that we're due? And to speak a little bit to that, we have Brise Tencer with OFRF. And I'm going to hand it over to Wood for a little introduction. And then we're going to hear from Brise.

MEMBER TURNER: Yeah. And I'll just saw as the Materials subcommittee chair, you know, I inherited this subcommittee chair after Dave Mortensen transitioned up the Board a little earlier than we expected. And it's taken a while for me to sort of really understand what the charge of this -- of this subcommittee is and what we really do. And we certainly, I would say, opened up a lot of conversation in the committee about research priorities and sort of

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what they're really intended to do.

Are they -- are we just -- are we just continuing to roll over research priorities and don't really have necessarily any sense of sort of what's happening with them? What's the feedback we're getting from those who are doing the research? How is it getting incorporated into what we do? So we've raised those questions a lot as a subcommittee. And a part of that is sort of beginning to use this forum to bring folks into the conversation who can help us contextualize some of that conversation.

So I'm really excited to have Brise here today. So Brise is -- and I'll just say that OFRF has just published their national organic research agenda, which is pretty impressive. And what they did, they've surveyed organic and transitioning producers around the country, 1,100 farmer survey responses and fielded a bunch of focus groups with farmers around the country. And it's really exciting to

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hear from her today.

She spent 25 years focused on organic food policy, farming and research issues. And with OFRF, she's been leading the mission of that organization to foster the improvement and widespread option of organic farming systems. She oversees all programmatic work, including a research grant making program, organic research forums, publication of the national organic research agenda, and farmer-focused advocacy in Washington.

Prior to OFRF, she was the Director of Policy and Program for CCOF, managing the government affairs and rural education program. She also served as lead lobbyist on food and agricultural issues for the Union of Concerned Scientists where she developed legislative campaigns on a range of agriculture issues, including connection between organic practices and climate change, USDA research priorities, food safety, and overuse of antibiotics in

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livestock production.

Brise has served on the Boards of the Northwest Center for Alternatives to Pesticides, the California Climate and Agricultural Network, and the National Sustainable Agriculture Coalition. She holds a BA in Community Studies from UC Santa Cruz and received both a certificate in Conflict Resolution and an MA in International Environmental Policy from the Middlebury Institute of International Studies.

So with that, I'm very excited to have Brise Tencer here today and I hope you all are looking forward to this presentation as much as I am. Thanks.

MS. TENCER: Thank you. I'm really happy to be here. Just going to see if I can advance our slides to the start of -- oops. It doesn't look like my slide deck is up, but I can start talking through unless there's a way to bring that up. Maybe I will just get started. Oh, perfect. Yep, that works. Thank you.

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So thank you for that wonderful introduction. I'm just really, really honored to get to be here with you among so many familiar, as well as new faces to talk about our work. Again, I'm Brise with the Organic Farming Research Foundation. Before I jump in, I will note that this is a super meaty report that I'm going to share. And I'll get through what I can today, probably just highlights. But I also am joined by the manager of our Organizational Research and Grow Education Programs who was one of the lead authors of the report, Thelma Velez. So she is on Zoom. Couldn't be in California today. And also will be available to answer questions about this project when we get to Q&A.

So for those who are not familiar with us as an organization, we do work to support on-farm research in organic production practices, grower education -- actually education for ag professionals and others working with organic workers. And we do advocacy mostly at the

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federal level on behalf of organic farmers.

Just to note quickly since it is key to this topic, our Research Grant Making Program, we fund very, very small grants. But they do have an incredible track record of starting projects early in their infancy and concept that then are able to go on and get bigger funds often from USDA funding sources. Two other things that are unique about this program are that all of the priorities that we fund are based on input we've gotten from farmers and what their needs are. So we are trying to make those small investments to start finding solutions for those grower identified challenges, heavily invested in climate oriented research.

And one thing I'm just personally really proud of is over the last couple years, we've been really thinking about how to support more early career researchers under researchers of color in our Grant Making Program. And this year, really just I think thanks to doing a little

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bit more outreach in particular to 1890 directly Black-serving colleges and other minority serving institutions, we had a tremendous application pool from researchers who identified as Black, Indigenous, or person of color. And four out of our six new funded projects went to BIPOC applicants.

We do a lot of outreach and education. We hold an annual forum to bring researchers and farmers together to share findings, ask questions, engage. We do maintain an online database of all of our funded projects and the findings that they have shared. And we do everything we can to keep summarizing, distilling, reporting, blogging about research findings, both that we fund and that were seen coming from USDA and other sources.

This is just a little snapshot of some of our soil health publications. Soil health has been a huge focus of ours in recent years for our Grower Education. And I will come back to our

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research agenda, which is that there has been a very, very substantial amount of new research in the realm of soil health since we put out our last national organic research agenda in 2016. And so one of our commitments is to sort of look at some of that disconnect. We know there is research being funded, but growers are struggling. So how can we be an ally to summarize to still translate those research findings, get them out into the hands of growers.

And two kind of related projects we've had recently in this realm are one, we have just completed a new online course, "Learn at Your Own Pace", specific to soil health production challenges unique to the southern region of the United States. There is an accompany publication and guidebook and that is all coming to our website any day now. So stay tuned if you're a producer in the south or know producers in the south. We're also just in the early stages of developing some new resources for Spanish-

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speaking producers, focused on speciality crop producers in the western region. So we're very excited about that as well.

One of the recent activities that has been supporting our research agenda activity is we have a partnership agreement that we've had in place for about a year and a half with the USDA's National Institute of Food and Agriculture. And really what they've asked us to do through this project is to do an evaluation and assessment of their research dollars to date. How well they're meeting research needs as identified by farmers through our surveys, as well as other -- other pieces.

And one of the reasons I'm mentioning this activity today is that one of the things we looked at through this effort is how well is USDA research addressing the needs identified by the National Organic Standards Board? So I appreciate all the work you all have done in helping develop these. Our research team really kind of looked at the research priorities

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put together by the National Organic Research Board as sort of broad research priorities and then the more specific. I would say at the broader NOSB priorities, which I'm mostly looking at Fall 2021, although the majority of those issues have also been named in the previous six years, I would say those projects received significant investment and numerous USDA projects looking at those challenge areas such as organic IPM for disease of fruit and vegetable crops, overcoming barriers to transition, optimizing cover crop species and so forth. So there's been a lot of really exciting -- You can see those numbers up on the top ranging between 18 to 38 individual projects addressing those areas. So that's very exciting to see.

We can also see that of some of the more specific research questions like alternatives to crop protection substances and other input materials, we have fewer OREI and ORG projects addressing these challenges. But we

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have seen some significant progress towards solutions. Some of those research projects include management of livestock parasites, natural sources of methionine for poultry production, rates of decomposition of biobased, biodegradable film mulches, and other areas. So this is really exciting. We're seeing more in the realm of a handful, two, seven, eight projects on some of those key areas that you all have identified. So I would say there's additional research needed, but some progress underway. And that's very exciting.

And last, I'll note that there are some research gaps. Some of the priorities being developed by the National Organic Standards Board have not been addressed to a significant degree through current USDA research. And we believe that there is additional research funding needed to ensure that we can keep addressing some of these challenge areas. Alternatives to betham-A, sanitation methods for food handling, research

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to support tracking and avoiding presence of GMO materials and plant breeding lines, improving access to organic foods as some social economic research. There's a lot of important areas that there are opportunities to really start directing more targeted funding to making advancements.

With that, I'm going to turn a little bit to what is our actual research agenda. And I appreciate Wood giving a nice intro of it when he introduced me. But we as an organization -- and some of our former staff and board are here, so I appreciate that -- have regularly surveyed organic farmers across the country over the years. This was our seventh national survey. We try to get it out into the hands of every certified organic farmer or rancher in the country. And we take the findings to both -- our goal is to learn about what are their current practices on farm? What are their current challenges? What further needs do they have to be successful? And what can we recommend in

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terms of further work to address those grower needs?

In this last survey, we had over 1,000 survey responses. We sent out identical, but separate survey tool requesting feedback from transitioning growers. We had a fairly small pool of transitioning growers, 71 respondents. And really although we had some limitations getting this survey completed during the pandemic, we did get a really robust set of feedback from the producers. And believe this to be the most really substantial feedback directly from growers on their needs. And we really see this as our strategic plan. The farmers have told us what they need. We look at it as our organizational directive to address these needs, but also want to share it with you because we want the research community, Congress, USDA to see that there is a path forward to keep supporting adoption and improvement of organic systems.

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Just a quick glimpse of the map of respondents. You can see we have certain pockets where we had heavy numbers of responses to the survey and a few parts of the country where we have fewer respondents to the survey. I'll note that this geographic spread overall is pretty reflective of the actual spread of organic farmers around the country. So although we only have a sample size of 1,000 respondents, it does mirror closely the geographic location of organic producers.

And this again just is a little bit of a closer look at sort of the geographic spread of some of those survey respondents as organized by regions. I'm going a little fast here because I have a lot to get through, but we will have time for Q&A, so I can pick up to any points as needed.

So we didn't have really honestly the time capacity to break all of our data down by state, but we did organize survey findings by region. We primarily used the USDA SARE regions

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because we felt like it was a useful way to give feedback to USDA and the research community. We did also though break down some of our responses by agro-ecological regions, which are really based on the USDA production regions. And by using these agro-ecological regions, we were able to get a little bit more finer scale of just geographic categorization commodity categorization of our respondents. And in particular, we use these agro-ecological regions when we were doing our analysis of survey responses by climate-related challenges and environmental stresses was where it was most useful.

So just some highlights from our survey findings. As I said, we had a relatively small sample size of transitioning producers, just 71 of them. But the feedback that we got from those producers was really interesting. The producers indicated they were heavily motivated to go into transition by environment,

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sustainability, personal values, and health reasons. So that was really exciting to see. Profit increases and greater resilience to climate change were also on the priorities identified, but they were lower down. Those two buckets tied for fifth place in survey prioritization.

A couple other notes about the transitioning producer responses. They definitely indicated that they're really focused on local sales, 64 percent of the certified producers are relying on local markets, while 86 percent of the transitioning growers are relying on local markets. Which I believe points to the fact that transitioning producers continue to need help with market access at both the regional and national scale.

Forty-five percent of the certified growers in our survey are selling to wholesale markets while primary marketing outlets of the transitioning growers is really direct to

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consumers. Established growers indicated they just have better access. And it seems there is a clear need to continue to advance market access for growers during that transition period. And I note this is something that has been talked about a lot during this meeting relative to, you know, USDA investments to advance market opportunities.

One of the most, I believe, salient findings of the survey overall is that both the transitioning and organic growers are leaders in soil management and climate stewardship. These growers are using regenerative practices. Both certified and transitioning growers indicated very high adoption rate of soil enhancing management practices far more often than that of conventional counterparts based on the USDA census NASS data points. Cover crops and green manures in particular are being utilized by 88 percent of survey respondents, which is just fantastic. Whereas I think current data

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indicates about 10 percent of non-organic growers are using these practices. That was from the 2012 census of agriculture.

These charts, I know are a little hard to see, but never fear. I do have the full reports with me if you want to look at these charts yourself. But I would just share that use of these climate-friendly soil health management practices does vary by the agro-ecological region. For example, if your eyes are good enough, which mine are not, you would probably be able to see here that use of crop rotations is less common here in the Pacific region, which, you know, it makes sense due to the high presence of orchards, vineyards, et cetera. So we are seeing some patterns.

Again, the data is a little tricky to see on a Power Point slide, but what I'd love for you to note here is that the transitioning growers in the sample are using crop rotations and intercropping more often than experienced

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growers, which was I think fascinating to see. It may be that they're having particular needs to really focus on soil restoration and/or that they're motivated by that environmental stewardship that they communicated so clearly to us in the survey.

Was that a drum roll? The transitioning growers are using -- So this is on inputs for nutrient management on these farms. And you can see that the transitioning growers are basically using all of these inputs more than those who are already certified. We're seeing lots of use of compost and manure by transitioning growers, especially -- and I think the data just indicates a real strong need to continue building soil health and fertility, particularly in these early stages of production. So again, as we think about how to support -- transition to organic, I think that's a useful data point.

The Northeast, the Great Lakes, the

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Corn Belt regions have some of the greatest application of manure, unlikely because just numbers of dairy operations in these areas. Fertilizers are most heavily applied in the Southern region, which does make sense because in the warmer temperatures, these products may be mineralizing, breaking down faster. Compost heat was the least used input in all regions of the country.

So going back to some of the sort of top production challenges, the ones here are those who already certified organic. And definitely without a doubt, controlling weeds was top of the list, managing production costs, adequate yields, maintaining soil fertility and crop nutrition, controlling insects/pests. These are all rated really high by certified organic producers. Finding seeds and appropriate crop priorities did rate as number six, but we sort of categorized top five challenges as we organized the data points.

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And we did have focus groups, so we got to really follow up and dive in a little bit more qualitative data, get a little more granular with some of these feedbacks. You're probably not going to read all the quotes, but there's a ton in the report itself. But I'll just say there's a ton of the mix when you really dive into some of these production challenges, whether weeds or otherwise. There was a lot of nuance to the specific feedback of what those challenges were and where growers were struggling with them.

I just put a couple of little pieces of some of the feedback we got on managing soil fertility and crop nutrition, which is an area that was cited as a significant challenge by 43 percent of our survey respondents. And again, it's just reiterating that soil is important. It's the building block of everything. And if farmers don't have the tools to manage their soil and nutrients, then they're going to be struggling with other key aspects of their

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operation.

So looking at these production challenges by regions, we can see that the regions, the SAR regions each have pretty similar production challenges, although the South does look a little bit different in terms of how they ranked challenge areas. But when we break the production challenges down by agro-ecological regions, we begin to see a little bit more significance in the difference of grower feedback. Crop varieties and seed were really noted as particular challenges in the Southern and Great Plains area. The Great Lakes noted that adapting to climate change was a major challenge area. And it was also, I think interesting to note that the Corn Belt producers noted minimizing adverse impacts of tillage on soil health given the focus on corn soy, which are often high-till operations. And in the Pacific area where we are now, disease pressure was certainly frequently discussed challenge

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area.

The producers who took our survey who identified as being Black, Indigenous, or people of color generally identified the same production challenges as the respondents who identified as White. But interestingly, these experienced most of these challenges more strongly. There was a particular difference in how they communicated challenges around managing production costs. And I think that, you know, that's not totally surprising. There has been a long legacy of structural inequity in our agriculture. And so there are just historical access to financial resources and capital, which have probably impacted these communities more heavily.

I did just want to get -- We have had a couple questions. And my colleague, Thelma, wanted me to put this in that we had, had some questions. Is this change in experience or difference in experience of BIPOC producers

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because more of them are beginning producers than experienced? And we found from our survey results that, that is not the case. Beginning and experienced farmers generally reflected those challenges area equally. So the difference in responses of BIPOC producers stands out among both beginning and experienced producers.

I'm sure they're cheering for us. So this slide just gives a quick overview of the top production challenges identified by the transitioning producer respondents. You can see controlling weeds again was at the top, finding organic crop varieties and seed, managing production costs, and minimizing adverse impacts of tillage. You can see that one difference from the transitioning growers is just how they are - - they're struggling more with finding varieties in seed. We also see a stronger interest in minimizing the impacts of tillage than those among experienced growers. And 5A, B, and C are organized like that cause those three categories

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were all sort of tied for fifth place. So they all came in equally at 41 percent of those transitioning growers identifying these three items as challenging areas.

Switching gears to the nonproduction challenges, I want to know -- we did do the survey early in the COVID pandemic, so I think the results may have been impacted. But definitely we saw that labor was a top challenge. Labor is quite a challenge with or without the pandemic, but I think the particular stresses were a little bit different during the peak of pandemic. Finding and developing markets did rank as the second nonproduction challenge. And we saw respondents in the Northeast region reporting fewer challenges and folks in the Southern region shared the greatest challenges, followed by Western and the North Central region.

But across these areas, three challenges were definitely shared, which was accessing labor, finding and developing markets,

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and developing infrastructure. I'll just note that of the respondents of our survey who identified as Black, Indigenous, or people of color when they shared their nonproduction challenges, again they shared experiencing some of these challenges more strongly than the White respondents. And again, we did kind of review this relative to kind of cross-lifted the data relative to years of experience farming and found that those were not correlated. So the experiences was not related to those producers being newer.

The nonproduction challenges for transitioning respondents, finding and developing markets. We've already talked about that. Meeting record keeping requirements, developing infrastructure, accessing labor, and accessing capital and financing. I don't think any of these are new, but it is interesting to see that different ranking of the transitioning producers of these nonproduction challenges.

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We did also get a fair amount of input from producers on kind of concerns. So these were things that were neither ranked as production or nonproduction challenges, but other worries they had about organic and the future of organic. I would say not surprisingly fraud and integrity of the label came up again and again. Perception that organic was feeling too industrial. Number three is the one I thought was interesting, crop contamination. And really there was actually a lot of concern about pesticide and herbicide drift, which I thought was interesting to see the very high rates of producers who are concerned about that, including how they felt like that was impacting integrity.

Skilled labor research funds continue to be other areas. And sort of last, I'll sort of move into some of the preferred sources of information. Number one way these organic and transitioning farmers said they want to get information is from other certified organic

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farmers. So as we look at these opportunities for farmer to farmer mentorship programs, that was number one. Second was other farmers, not having to be necessarily certified organic, but farmers and farmers relayed were the top two ways folks wanted information. Online resources was number three. Organic certifiers was fourth, and crop consultants was fifth. So we see a lot of other areas. And to me, that tells us that we need to be disseminating information growers through pretty diverse means to get the information that they want in the ways that are working for them.

I'm just going to conclude with a couple of our takeaway recommendations. In terms of a specific research agenda, there is pages and pages of specific recommendations on research areas. But I'll just note that generally investment in weed management, integrated pest management, and management of production costs are three areas where we have pretty detailed

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recommendations and are areas we see incredible opportunity for much more significant USDA investment in particular. And for those of you who know, we do advocacy. We are going to be really making a push to both the competitive grant programs, as well as USDAs in-house research at the Agricultural Research Service to really step up. And this agenda has been shared and presented with teams at both of those agencies.

I did share at the beginning how we've been doing some assessment of USDA funding portfolio. And I'll say that of these areas in our survey where growers are indicating a strong need or some need for these areas, you know, we are tracking how well USDA dollars are going towards the challenge areas identified in the survey. And we see that these programs are doing a good job on production challenges like soil health, fertility, IPM, weeds. And have given much less attention to the nonproduction

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challenges farmers have identified such as marketing, business management, and research related to how to secure and manage labor.

There's also some, I think, request for more research related to how growers can better meet some of the particularly transitioning growers meet some of the NOP requirements, particularly around biodiversity, conservation, food safety requirements, and product distribution. But I guess all of which to say is that we think there's an opportunity to put a lot more funding into these research programs and have that be used effectively because there's work to be done on a broad variety of topics.

Our next recommendation is to continue to increase resources and outreach to really translate research to practices. Those who know me like to say research does no good if it sits on the shelves of academia. We need to summarize, translate, make these resources

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accessible. And farmers have told us the formats in which they want to get it. So farmer to farmer learning, building capacity extension, NRCS, ag professionals. We need to do particular outreach to transitioning and beginning organic producers. And we really need to think about multiple venues, formats, tools, video, other ways to get the information farmers want in the way that they want to receive it.

And just note that while I am running out of time, we definitely have recommendations that I think have overlapped with some of the key things that you all here at the NOSB and at the pre-NOSB meeting have been talking about this week. The need to develop better resources and access to land, labor, capital, financial tools to help organic and transitioning farmers get access to markets, training service providers. There's an incredible need to really ensure that USDA across the agencies is recognizing organic agriculture as part of the climate change

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solution. And I think we're still seeing some unevenness on where and how organic is recognized and the potential of those practices.

And I think we have some work to do in continuing to build racial equity and support diversity of producers in the organic sector. And I think we got some really good feedback on how to do that. In particular, the role of some of our minority survey institutions and the training of ag professionals and the work they're doing with farmers in their communities. So I think we have a fairly clear roadmap.

And I guess I would just call on you that if you have more questions about what we've learned through this survey process to feel free to always reach out to us, ask questions. But also know we have a ton of data and information directly from farmers. And they've really given us just an incredible, I think, roadmap for how to continue advancing goals to support both organic and transitioning growers in the years

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ahead. So I hope you all will join us in continuing to think about how we can create more solutions and resources.

(Applause)

MEMBER TURNER: Thanks, Brise. I hope we have a few minutes for questions of folks. Do we have a few minutes?

CHAIR POWELL-PALM: We do.

MEMBER TURNER: I guess I'll start by just kind of getting it going. I was drawn -- I was thinking about your research gaps slide way back before all the data and the noise. Not a single morning person next door by the way. Not a single morning person -- or non-morning person, I guess is what I mean.

You know, one of the things we heard on a presentation from NFA, I guess, the last time we met is that there's -- you know, somehow limiting the research priorities that we've put forth from the Board shouldn't be sort of one of our -- part of our thinking. If the list is

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long, the list should continue to be long. And the list should just be let's put it all -- let's put it all out there and hope that the funding is there and the research is -- and the research is there to actually fill those gaps. When I look at your research gaps and I think that there's several that have been on the list for a -- that have been in the priorities for a long time that are still sort of zeroing out basically, it concerns me. Because I feel like, you know, I think the -- for us, the idea is that we're putting forth some priorities that are hopefully going to get some attention. And so I'm curious if that's a question of funding or is that a question of available researchers? Is it a question of the priorities not being specific enough? How do you -- How do you think about that? Because I just -- I can't get -- I can't stop thinking about that slide. And I know it wasn't every priority, but there were enough zeros in there that it concerned me.

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MS. TENCER: I'm going to briefly start by just saying yes, yes, and yes. I think all of those challenge areas. You know, we've worked really hard through our advocacy program to grow the USDAs funding for organic research. And have been very successful in the last farm bill of getting that organic research an extension initiative year after year and this farm bill with \$50 million per year in funding. But for sure, even that is an improvement, but not nearly enough. And we are looking at a push in this next farm bill process to again stair step that funding up to be \$100 million a year by the end of this next farm bill because there is a need and there's simply not enough funding.

We're also needing more researchers wanting to do this work. So that is absolutely true. And yes I would say to the extent NOSB can make sure it's putting out recommendations that are specific, as well as the broad areas. I think it does help give fodder for the research

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community.

I just want to pause since my colleague, Thelma Velez is here with us today and hasn't gotten a chance to speak up yet. And so if you want to comment further on that, Thelma, please jump in.

MS. VELEZ: Yeah, absolutely. Hi, everyone. Thanks for having me. I will say that I think, like you said Brise, it's great to have all of these priorities. And sometimes some of the ones that are not being met, it is usually those nonproduction challenge areas. And I think it's a little bit more difficult for researchers to wrap their head around a tangible solution to labor because that is so heavily tied to political issues. And that's usually not the area where -- where they can deliver results very quickly. And that's what a lot of the grant funding is.

It's an opportunity for you to carry out a project over a course of a few years and

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then produce results. And so I would say that might be part of it and then just some are just more pressing. And it's good to know that. If weed is and pest disease management are those more pressing challenges, that the bigger investments are going to those -- to those projects.

CHAIR POWELL-PALM: Dilip and then Amy.

MEMBER NANDWANI: Thanks. This was very well presented. A lot of good information. And as a scientist, I really wanted to see this type of data and the findings you have presented. And I commend and congratulate you and your team that you have put together so many, you know 1,100 farmers and so many organizations. So this is very good information.

And last night actually I downloaded this report, the 2020 research agenda, 232 pages. However, I could not, you know, read of course. But some recommendations I read and from your

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presentation, I seek some information or clarification kind of, or your thoughts in three areas. The first one about organic food. Now as a scientist, probably you know that in the international community and scientific (indiscernible due to accent), they do talk about these organic food. And as a customer when I go in the grocery store and I buy and see the seal, I trust that and oh, this is safer and it should be nutritious. But as a researcher mind, when I think that way, then I think whether it is really nutritious -- I mean whether it has more kind of nutrients, whether it is a protein or whatever, vitamins and nutrients.

So first, could you tell us a little bit more about that. Whether organic really organic food, you think it is more nutritious or safer? We know that is has less pesticide residue or zero or where do you see that in your research agenda that you want to include organic food research?

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The second is about organic seeds. So we are celebrating 20th anniversary. We are almost at our -- this is 21st year. Right? So when I look back 20 years ago, there was really availability of organic seeds was really number of crops. And I don't know about the cost, but I see still today, the cost is the concern for our organic farmers for organic seeds. Even when I buy cover crop seeds, it's really expensive. I feel that way. Also -- so this is about -- a little bit about the cost and availability. Where do you see that in the new few years -- five or ten years or 20 years that rare organic seed market or availability and the cost do you see that?

And the third and last area -- I'm sorry, I think I'm talking much. But BIPOC- your presentation slide. And one of the tables I saw that you presented five areas of BIPOC, you know, community. And I noticed that all the numbers are higher in that BIPOC community. In five

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challenge areas you presented, what do you think about what could be the reason for all these numbers are higher? I'm not sure if you had any clause or checkbox in your survey instrument you conducted. Any information additionally you want to share? Thank you very much.

MS. TENCER: Thank you. That's a lot of questions and good ones. We're really, I think excited to chat about all of them. I have a few things I want to say, but first, I'm going to let Thelma jump in and answer what you want and then I can add to that.

MS. VELEZ: Absolutely. So I think I'll begin with the first one, which is with respect to the safety and nutrition and how organic food compares to conventional products. As an organization, we haven't been prioritizing research that shows that, you know, organic produce is more nutritious in terms of nutrient density and calories or you know, vitamins and minerals. But we do know as you said that the

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residues of pesticides are greater. And that alone makes eating organic food safer. And I think that is really something that we should emphasize and just draw attention to when it comes to that. And not just for human health consumption, but then of course for the ecosystems. And that is where, you know, depending on peoples values, for some -- for some, it's just their own personal health concern. But for many, the reason they choose organic is because they know that it's better for the planet and it's better for the environment.

The second question with respect to seeds and thinking about the cost of organic and then just the availability, I mean our biggest recommendation is that we need to really emphasize the production and breeding of crop cultivars that are specific to organic and for those particular regions that really need them. I will say that our -- our survey was done in conjunction with the Organic Seed Alliance and

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they also produced a sister report. And it is the State of Seed report, so you can find that. As well, it is on our website linked as well. And there's -- I think their report is at least another 50 pages just on seeds. So I think that's a great place to start.

And then the last question -- I lost my train of thought for the last question.

MEMBER NANDWANI: BIPOC farmers -- the numbers.

MS. VELEZ: BIPOC farmers. Oh, yes. You know, the reality is that BIPOC growers just have been -- they've been given a hand that is unfair. And BIPOC growers, you know, we know that there's a legacy of racism in funding, in availability and access to land and resources. And so these challenges are felt just -- they're just felt more greatly by BIPOC growers. And I'll say for example, even the spaces in which people unite, we know that farmer to farmer is one of the best ways to get information.

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Well, these BIPOC farmers are also not as well plugged into some of these communities. They maybe have not either been welcomed or it's just not -- just not the space where they have -- where they have had access to. And so there's a lot that goes into play in that and the report goes in a bit. But yeah, we do have additional information. There were comment sections, but we just haven't had the time and funding to really dig into some of those. But we do have open-ended comments that we can pull on for our BIPOC respondents specifically.

MS. TENCER: Just one quick addition cause I think Thelma covered what I would have said very well. But on the question of nutritional quality of organic food, our previous survey of organic producers that came up a little bit more often from farmers. We didn't hear quite that much about in this survey. But I would say again and again through our surveys more broadly, listening sessions, farmers focus

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groups, et cetera, I think the general sense that farmers with consumers better understood what it means to be organic. What farming organic means and what that means for food quality. And I think nutrition is sort of one of the sub-issues in there as farmers want consumers to better understand what it is when they buy organic and to have that deep end understanding.

MEMBER NANDWANI: Thank you.

CHAIR POWELL-PALM: Let's go Amy and then Logan and then Brian.

MEMBER BRUCH: Okay. Thanks, Nate. Brise, thanks for your time and joining us today. This was really interesting. I just want to confirm that this information will be able to be circulated so we can unpackage the data a lot more. Okay, perfect. Because there was so much in there and it was fantastic. Thank you so much.

MS. TENCER: And I'll just note, I do have a few full copies of the report. It's

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online. It's free, but it is a lot to even read the whole report online. But I do have a few copies here with me today. And we also have a much more detailed presentation on the findings on organic that can be easily shared and saved. So those are a couple ways if you want more information.

MEMBER BRUCH: Absolutely. I'll take one of those. Good plain reading material. Anyway, it's just really exciting to hear that these research dollars are available for doing real farm research. I know a lot of farmers in my community do their own real farm research. And to have grants, that would be exceptional to be able to do that. I was just curious on the conversion of farmer applicants to grant awardees, what that percentage is?

MS. TENCER: To our OFRF grant making?

MEMBER BRUCH: Yeah.

MS. TENCER: We have 100 percent of our projects involve a farmer. I would say we

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have a fairly low percentage that are a farmer without a research partner. Usually it's a university partner. So I would say like 95 percent of our successful applicants are university farmer collaborations. Areas of sort of trialing, plant varieties, seed varieties sort of an example of an area where we've had farmers come in successfully for research funds, but other areas as well.

Our team is now working on the development of a separate parafund to dedicate specifically to farmer led trials, so we can work with farmers who want to tackle just trialing on their land without a more formal research project. And how to build in a little bit of financial support. But that amount of funds is still kind of in the development stage.

CHAIR POWELL-PALM: Logan, go ahead. Did you have your hand up?

MEMBER PETREY: Thank you. Yep, I sure did. Thank you. Can you hear me?

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CHAIR POWELL-PALM: We can.

MEMBER PETREY: Great, okay. I've got two questions. The first one starts with transition markets. So you told me a lot of transitioning ground coming on board. And anyway, I just found some of it interesting. Sometimes the trends -- transitioning market can scare an organic grower because of pulling away from organic markets, you know, which type of consumer are you attracting? And so with a lot of onboarding product, that kind of makes, I would think a lot of organic farmers nervous. It does me.

So we're transitioning some ground right now. And financially it is just better for us to grow three years or cover cropping. And that is the lowest input. I mean the seed is not terribly expensive. You're looking at soil building. You're not worried about the long list of -- the long list of concerns that, you know, were stated in the data they're worried about.

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Also, I agree with the statement to say that, you know, this land has to be developed. And it's hard to build, you know, the organic matter up and it's very costly, especially if you're trying to grow a crop organically and then sell it at a conventional price. It's just -- I don't even know how people can do it. But Amy has a lot of experience doing this. I mean she does it all over the country. And I'm more speaking on, you know, our region. But is that kind -- is it an idea that we're going to transition most of these -- or market this product, instead of building the soil for three years and then timing it right and coming off of an organic crop?

Anyway, I think that the cost could potentially be higher on a transitioning field and the price point return is lower. And that just makes it -- that makes it more difficult for people. And sometimes people fail before they can even get in the organic door because they're

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attempting that route.

MS. TENCER: Yeah. It's a super complicated question. I'm not going to pretend that I have the answer here. But I think we, you know, feel very aware of just the economic challenges of that transition period. And we've been sharing and we'll continue to share ideas with the USDA as they look at what some of the market development support can look like. Because as we're building these additional resources for transitioning growers into organic, we need to make sure the market is there. And part of it has to be making sure they have a market to sell their transitioning crop or produce when they are doing that, rather than cover cropping. And it's a big deal. It's a major challenge. Certainly long-term contracts, we believe are really beneficial for growers. So they know they have that sort of guaranteed --

(Simultaneous speaking)

MEMBER PETREY: But it would -- it

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would be at a premium. Correct? It would be at a -- the transition would be at a premium compared to the conventional. And so you're -- is that correct? It would be --

MS. TENCER: That would certainly be our -- I mean that would be our hope and our recommendation. Absolutely.

MEMBER PETREY: Okay. Okay. A second question I have that was on the BIPOC. You know, seeing that the -- that the farming conditions are worse or that they have a harder time. And you said there was no correlation with the time of farming that they had. Did you run correlations on the regions that they were in? Because there was a lot of correlations run on regions in every other, you know, study that you had. And I was curious to see if you were running that too and if there was some correlations in the regions. And maybe, you know, research that would be devoted towards that region.

I'm in the South and so you know, we

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heard from somebody in the oral comments that most of the farmers, conventional that were BIPOC were, you know, in the South. And so I just didn't know if that correlation showed up as well in that -- in that data.

MS. VELEZ: Thanks, Logan. I think that's a really great question. We did not break down our map of respondents for BIPOC by state and region. And I think that's a really great aspect to look into. As Brise mentioned, we only had so much funding and time to work. But I do think that, that is very telling as you said. Like one, is it that more of them are in the South? And two, is it maybe that they're just more in urban spaces and developing, you know, organic farms in urban spaces perhaps comes with a greater challenge as well.

MEMBER PETREY: Okay.

MS. VELEZ: And so these are these that I'd be interested in looking into.

MEMBER PETREY: Sure, great. Thank

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you all for the data. It was great. Appreciate it.

CHAIR POWELL-PALM: One thing I just want to throw in here after what you just said, Logan, is I think this is a really good example of why we have farmers on the Board. And so there's a supposition that farmers want transition markets and field crops and row crops. And I think -- and I take Amy's jumping in here, my experience has also been grow alfalfa and grow cover crops during those years and place more emphasis on building organic markets than confusing folks with transitional markets. And I think that your question there really contextualized something that we assume and we haven't really flushed out enough. So thank you for that.

Next, we have Brian, followed by Kyla, Javier, then Jerry.

MEMBER CALDWELL: Great, thanks. And I would just second what Nate just said about the

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whole transitional label thing. I want to put in a plug for long-term organic cropping systems trials. And if we really want to learn about soil impacts on a three to four year funding cycle, you can't -- you can't get much information about changes in soil health that's really reliable over that short period of time.

So when I was working at Cornell, I worked on three long-term organic cropping systems trials. Two of them are no longer functioning. And they run into a funding problem during their adolescent period. The first cycle or two, usually they can get funding. But then there's a real tough time at around year eight to ten or twelve.

And I just wanted to just put in a plug for -- now that some more organic research funding is on the horizon. And certainly it's way more -- I remember when we were real excited when the OREI project hit \$9 million or \$8 million or something like that. You know, it's gotten a

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lot better. But I really think some resources should go into these long-term trials because findings emerge in the 15th, 20th, or even later years that were not there in the early years. So just wanted to put that out there.

MS. VELEZ: Thank you, Brian. I think we are in full alignment with that. And in the pushes that we've making for increase investment in ARS in organic long-term ag research trials. Baltimore, Maryland has great work underway. But you know, we'd like to see more of these and with a dedicated space and land for organic research. Because you're right, these long-term trials have a lot to offer, especially when it comes to, you know, building soil health. Two years is not much, but ten years, 15, 20, 30 years tells us a lot about the benefits of organic production systems.

MS. TENCER: That was a little bit of a call to action for those of you here. Anybody who works with OFRF closely knows that this

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funding or lack of funding for these long-term organic studies at the agricultural research service is one of the bees in our bonnet right now. And one place we've been really pushing this research agenda. Of that agencies approximately \$1.7 billion a year budget, they're spending about \$12 million a year on organic research activity. And that is the agency where these really long-term studies should be happening.

So we are definitely talking to Congress, talking to the head of our EE about this. And we just invite others who are interested in research funding, especially that long-term to connect with us. And we are doing an organic research advocacy day and folks are welcome to join us.

CHAIR POWELL-PALM: Just keeping an eye on time here, Wood, are you all right to keep going on questions and then dovetail into --

MEMBER TURNER: Yeah. I think this

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is all relevant to the research priorities.

CHAIR POWELL-PALM: Excellent, all right. Kyla, please go ahead.

MEMBER SMITH: Yes. Thanks, Brise. I really enjoyed your presentation today. I was just going to sort of echo what Wood said earlier in that I too really appreciated the slides related to seeing how our research priorities actually like linked to projects out there. And so somebody's listening, so that's really nice. But obviously we do have some gaps to fill, so the work's not done. So we'll continue to provide in those areas.

But my question is that it seems that the research agenda and recommendations that you presented here really do align with the focus areas and deliverables of the organic transition initiative . And so besides what you've presented here today, is there anything else that the partners shepherding these cooperative agreements for USDA should be keeping in mind

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with the rollout of these programs? Or anything that you wanted to sort of like really raise up? Thanks.

MS. TENCER: Yeah. Thank you for flagging that. We've definitely been kind of a regular squeaky wheel in giving ongoing feedback to folks at the USDA at all levels about some of our recommendations for advancing organic transition certainly since before Vilsack even committed this \$300 million. But absolutely, I would say, you know, I think it was clear through my presentation, but I do believe that one of the most needed things is to really just create more resources that are more usable and accessible to organic farmers. Really just clearinghouses.

But I think we're not doing a good job as a community and this includes our organization of really getting information to farmers in the formats that work for them. I mean we have a lot of long geeky publications, but I think we as a community need to really figure out how farmers

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want to receive information and make sure they can find it easily and readily. Because there is a lot out there, but it's pretty daunting to get through. And there's also a lot of areas where no information exists. So I think farmers often feel left on their own to find solutions. There's a big opportunity. I guess the only other thing I'd throw in is I do really believe in, you know, the structural changes as well. Farmers might be looking first at other farmers, but I think really figuring out how extension agents, NRCS agents, and others who work with farmers can do a better job understanding what organic folks need.

MS. VELEZ: Thanks, Brise. I would add to that I think it's really important to have a coordinated effort for market development and these, you know, mentorship models. Like yes, let's have farmer to farmer mentoring on this. But what does that look like and who's overseeing? Because just managing something

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along those lines is a huge undertaking. Right? How do you -- How do you properly business plan for organic operation? And then on top of that and something that would help us and I think would help many of the organizations is a better system for tracking and identifying transitioning growers. Because having that list that's comprehensive and easily accessible can really help us keep track of what's happening on those operations. Did they decide not to transition? Why did they decide to pull out? Or are they completing their transition? What were their struggles? It's not easy to reach these folks if we don't have a good way to identify and track their process.

CHAIR POWELL-PALM: Javier, do you want to go ahead?

MEMBER ZAMORA: Thanks, Nate. Thanks, Brise for coming out here and giving us all the beautiful work that you guys are doing and you do. And as a grower, I hear, you know,

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Logan and some other farmers saying that certain areas in the country, you can afford to transition by planting cover crop and it's because you have lots of land. Unfortunately in our Central Coast, if you have five or ten acres of land, you're blessed and you can't really afford to transition. So definitely there's a big issue when it comes to selling your production in a marketplace that is not quite ready doesn't really support the transitioning of a farmer. I'm talking about a smaller scale.

I wanted to go back to the beginning of your presentation where you said that some of your research is to find out what's going on and then present it -- even, you know, some of the funding come from the USDA and then presenting the findings to them. What happens after that? If you can elaborate a little bit more about that because we know, you know, how the minorities, the BIPOC, how much we suffer and we know what the issues are. We could spend the whole day

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here talking about them.

But is it just you just get a letter from the USDA saying we hear you and that's about it? I think we need to take action because like, you know, all the research on the shelf, it's just there. So I think we need to as a community go beyond that. I'm telling you these things. This is what we find. Let's act on it. That's kind of my thinking.

MS. TENCER: Thank you, Javier. I just want to say we agree with you. It's still a problem. There's so much more need to have that back and forth of information and sharing. And there's huge gaps, so I understand your experience. And you know, we try to play our role, but there's so much more to do. We're a pretty small organization, but you know, we're fortunate certainly in California to have a lot of partners.

Our effort that -- Actually Thelma is waiting to work with some of the other

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organizations around California to start translating more of our soil health resources into Spanish and just creating more tools for farmers. But again, a lot of the underlying information is going back to maybe USDA funded projects. But I think we have an opportunity to be much more of a partner and ally in helping make that information findable and usable to growers. Because you're right, it's not fun for anyone speaking into a void and not being heard. And that's why we want to make sure that this feedback from growers were helping and making sure USDA has heard and that they understand the voice of farmers. It has been heard, the questions have been asked. And you know, we're looking to them to respond as well.

CHAIR POWELL-PALM: So let's go to Jerry and then I'll kick it back to Wood.

MEMBER D'AMORE: Thank you. My point has been made, so I'll yield the time.

CHAIR POWELL-PALM: All right. So

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Wood, we have a proposal. Will you take us through that proposal for research priorities --

MEMBER TURNER: Sure.

CHAIR POWELL-PALM: -- and then keep trucking.

MEMBER TURNER: Sure. And I'll try to keep it brief. I think we've had a good discussion here on sort of the challenges that we're dealing with. And so I don't -- I think we're essentially voting this proposal through. But I just wanted to flag some of the feedback we've gotten. And I just want to thank Brise and Thelma for being involved in this meeting again because I think this has been -- I think the more we can do things like this, the more we can contextualize what the challenge here is and what we need to get -- what we need to get done. We need to have some of these more -- these bigger strategic conversations I think as a Board. So I'm glad to have that.

(Applause)

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MEMBER TURNER: So I just want to remind everybody about what our process tends to be for our research priorities proposal. You know, as Brise alluded, it has tended to be a rolling -- a rolling proposal over the last several years. A lot of things have stayed on the list. We continue to try to fund -- find opportunities to see research being done on certain priorities. Other things have been added to the list. Things have been changed. But essentially it is this sort of living document. And every year, we spend whatever we're going to spend here, five or ten minutes at the Fall meeting voting through this proposal and continuing this process.

But you know, we also get lots and lots of feedback all the time about these research priorities including -- including in this most recent cycle of comments that, you know, it's at a point where we can't incorporate all of those comments into the proposal at this

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stage. But I just want to tell this Board and the community that we're -- that we hear all of the new comments, all of the updated comments, all of the new ideas and it will immediately go into our process for next year.

So I just want to remind people sort of what this is -- what it is we're actually doing. It feels a little -- it feels a little bit -- If you're not paying close attention to it, it feels a little bit like a perfunctory process. It's not. It's a living, rolling process that we're constantly sort of talking about these kinds of issues. So I just want to make sure everybody understands that.

And that the community understands that we hear all of the comments and certainly spend a lot of time thinking about whether or not they can and should be included in the list. That's sort of the reason -- one of the reasons I asked the question I did about sort of how do we -- is this a list that just goes on and on and

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on and on and on? And are we -- do we have 100 pages of research priorities? Do we have, you know, a concise document like we have today? And it's somewhere -- somewhere in there -- in-between.

What else was I going to say on that point? So we have -- Oh. Each committee as everyone knows has a liaison to the material subcommittee and that each of the subcommittees sort of discusses this amongst themselves and brings it back to the Materials Subcommittee for us to continue to sort of move this living process along. So anyway, I wanted to thank everybody for their involvement in the process on the Board and the community for their involvement.

We had good feedback from the community. I mentioned this sort of continuing list of items that we'll continue to discuss as we move forward on this. I would say generally speaking, I think we had comments from -- we had a couple different sort of competing research

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priorities. One was in the context of the climate-smart ag document and then our typical research priorities document. And there's sort of a little bit -- There's a little bit of blurring between the two, but you could sort of hear and pick up some themes throughout.

You know, I would say the feedback across the -- across the stakeholder community was consistently in terms of the folks we heard from, that there was strong support for the research priorities. And again with the addition of some new ones, there was a lot of attempts by organizations to attempt to help us prioritize and rank some of the priorities. And I think that could be an exercise that we sort of maybe bring more energy to as we move forward in the next cycle.

Sort of, you know, I think we -- I don't think there's anything necessarily implicit in our numbering system in the proposal that says number one is the highest priority, number 12 or

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number six is a lower priority. Maybe we should spend some time doing that because I do think Brise's presentation, I think makes me -- brings that to mind for me. We've got to move some of these things up into the -- up onto the -- up into the attention of researchers and ensure that some of these items get the attention they deserve.

So I think I'll leave it at that in terms of overarching comments on the document. We've all seen the document. It's a living document. It's been in the system for a while. I guess I do want to flag one thing on the -- I think some confusion about the copper sulfate or the copper sulfate research priority. It was always intended to be on last year's priorities. I think it got downplayed inadvertently. Hopefully the community is seeing that it is something we consider to be very high priority and very high profile. And something we very much want to see significant research to help us

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drive some of our decisions moving forward. So I just want to make that clear.

So I'll leave it -- my comments at that. And see if there's any other questions from any of you about the document and the proposal in front of us.

CHAIR POWELL-PALM: Just one second, Amy. Whenever we have a system like farming, we're going to have pain points. We're going to have challenges and growth. And this is our opportunity as a community to say where are farmers hurting? What is wrong in the process? And how do we come up with solutions? So I just want to ask everyone to give a big round of applause to Brise for joining us today and making this such a comprehensive discussion. thank you.

(Applause)

MS. TENCER: Thank you.

CHAIR POWELL-PALM: Thank you. Really appreciate your time here today. Amy, please go ahead.

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MEMBER BRUCH: Thanks, Nate. Wood, thanks so much for your work on this. Appreciate it and it's quite a list. I just had a question for you. I know I've kind of asked this in the past. But just taking in the importance of this document and the importance of these feedback loops that we can move some of these things off the list. The research is getting done, but maybe we don't always hear to, you know, close that loop.

So one, I was just going to request if this Board can maybe brainstorm additional outlets and avenues for this document. I know where we post it and it's a public document. But I'm just thinking, researchers, universities are important and that's who we're kind of hearing from. But this private sector world that a lot of innovation is happening. You know, the mission or organic farming, climate-smart practices are really important to everybody's, you know, corporate goals. And maybe there's

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pathways to get some of these items either more attention or things like that.

I just think we need to be very proactive on getting this list to anybody and everybody that can provide these solutions. Because one comment that our community mentioned is, you know, farmers are taking on this research on their own without funding and ending up with crop failure. I know a lot of farmers in my community took on the whole no-till, roller-crimper methods of farming this year. Fortunately I had irrigation, so I was able to mitigate some of the risks, but Nebraska had one of its worse droughts on record since the 1800s. And there was 86 percent yield difference in doing roller-crimping farming versus traditional organic farming just because of the requirements of water on this cover crop and too many mouths to feed out there. So it's just really important that we're taking on this proactive approach to getting solutions.

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And I agree with Brian completely on the subsequent information because we might find something successful one year, but how does it impact the whole system of farming year after year, either on water, either on additional nitrogen requirements because we have more biomass to decompose in our fields, et cetera. So we need to really look at it from a 50,000 foot view, some of these research priorities too. And we hear that it's challenging to get funding for more than one year. And a lot of our information is dependent on several years. So a couple points there.

MEMBER TURNER: Great feedback. Love that.

MEMBER BRUCH: Thank you.

CHAIR POWELL-PALM: Other questions or comments? All right. Oh, yeah. Brian, please go ahead.

MEMBER CALDWELL: Just a really quick one and sort of a point of information. On the

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slide that's showing right now, number seven, the management of problem insects and weeds, we changed the wording on that a little bit. In the past years, it's been focused on invasive insects and weeds and we just broadened it. We're still interested in invasives, but there are other noninvasive pests and weeds that are issues. And so we just wanted to make that a little broader.

MEMBER TURNER: Thanks for flagging that.

CHAIR POWELL-PALM: All right. So the motion before us is to accept the proposal on the 2022 NOSB research priorities. It was motioned by Wood, seconded by Brian. If there's no more questions or comments, we're going to go to a vote starting with Brian.

MEMBER CALDWELL: Yes.

MEMBER NANDWANI: Yes.

MEMBER GREENWOOD: Yes.

MEMBER BRUCH: Yes.

MEMBER SMITH: Yes.

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VICE CHAIR JEFFERY: Yes.

MEMBER HUSEMAN: Yes.

CHAIR POWELL-PALM: Take a moment to slow down real quick. Sorry. All right. Go ahead, Liz.

MEMBER GRAZNAK: Yes.

MEMBER TURNER: Yes.

MEMBER DIMITRI: Yes.

CHAIR POWELL-PALM: Logan? Go ahead, Logan. Oh.

MEMBER TURNER: Nate, you've also got three people on the other side.

CHAIR POWELL-PALM: I was just going to -- I hit the screen and I'm going to move over.

MEMBER TURNER: Okay, got it.

CHAIR POWELL-PALM: Do you have a vote, Logan? Can you hear us? Let's text her. Jerry, go ahead.

MEMBER D'AMORE: Yes.

CHAIR POWELL-PALM: Javier.

MEMBER ZAMORA: Yes.

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MEMBER JOHNSON: Yes.

CHAIR POWELL-PALM: All right.
Logan, did you have a vote?

MEMBER PETREY: Yes. I'm sorry. I
was trying to find the unmute. Yes.

CHAIR POWELL-PALM: All good. Thank
you. All right. And the Chair votes yes.

MEMBER SMITH: That's 15 yes, zero no,
zero abstentions or recusals. The motion passes.

CHAIR POWELL-PALM: Great. All
right. Thank you, Wood.

MEMBER TURNER: Thanks.

CHAIR POWELL-PALM: Back to you.

MEMBER TURNER: I think we have one
more thing on the agenda for the subcommittee,
Nate. And it's -- First of all, let's
acknowledge again publically the leadership and
the incredibly hard work that Mindee Jeffrey
brought to the -- the committee's work on
included methods. And it's just -- it is -- it
is very -- it's very time consuming and thought

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provoking and detail oriented work. There's a lot of things to understand about what we're trying -- trying to wrestle with on included methods. And so just a continual amount of admiration for Mindee and her work and her leadership in leading that work. And I just want to acknowledge that and then also turn it over to you to give us a little update on where we stand on that process.

CHAIR POWELL-PALM: All right. And I'm going to punt that right over to Mindee.

VICE CHAIR JEFFERY: Thank you, both. I appreciate it. If you're new to the NOSB process, I invite you to Google AMS NOP NOSB meeting page for a great way to access this amazing democratic process. And if you're new to that process, what that means is the USDA houses the agricultural marketing service, the AMS and the NOP hosts this part of the public-private partnership that makes up the organic system.

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So if you did Google that and you get to the meeting page, you will find that the NOP responded to the Material's Subcommittee's recommendation that this Board passed in our last meeting on excluded methods. Their response reads: "Excluded methods. The NOSB recommended that NOP develop formal guidance addressing excluded methods. This recommendation includes a table developed by the Board over several years. This table lists several technologies and determinations as to whether they should be considered excluded methods as defined by the USDA organic regulations. This recommendation adds determinations for sale and protoplast fusion to this table."

AMS responds: "AMS thanks the NOSB for their work on this complex topic. AMS is reviewing the Board's recommendation to update the NOP program handbook, including the possible addition of this document on excluded methods."

I appreciate the tone of yesterday's

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conversation indicating the USDAs commitment to open and collaborative dialogue. In that light respectfully, stakeholders, consumers, and previous boards have been unanimous in upholding the excluded methods and provisions including the part of those definitions that refer to gene editing techniques. We are united in the understanding that this organic system has positioned all forms of genetic manipulation as excluded farm organic systems just as if we have prohibited other substances, natural or synthetic.

I also appreciate that when stakeholder groups have questioned USDA on this issue, the USDA has responded by saying "We appreciate your initiative in discussing the role of gene editing with your members and sharing the outcome with USDA. Genetically modified organisms including gene editing are considered excluded methods and are prohibited in organic agriculture under the USDA organic regulations."

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So looking forward to the work that we have in front of us, I am excited about the level of expertise sitting currently on the Board given the work that is present on the TBD list. It is our intention to work on definitions for the remaining terms and techniques and to use the open docket for feedback from stakeholders in advance of the deadline for proposals for the Spring 2023. Which means we will need your help in ensuring that interested stakeholders are aware of the opportunity to provide information through that venue.

I would like to thank OSA for the state of the organic seed report in the Spring meeting. Advancing the TBD list work is important for continuous improvement and growth in the organic seed sector. The Materials Subcommittee appreciates all the efforts and education around this particular area of organic systems. And we look forward to receiving our community's input and expertise while we make our

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way through these discussion documents and proposals.

CHAIR POWELL-PALM: Thank you, Mindee.

MEMBER TURNER: Thanks, Mindee. I think that's all on our agenda today, Nate for this Materials Subcommittee. So thank you.

CHAIR POWELL-PALM: Thank you, everyone for a great morning. We're going to take a break for a few minutes and then we're going to come back to the riveting agenda of livestock. So see you all back here -- oh, we're running behind in a really good way. So let's see, 15 minutes.

(Whereupon, the above-entitled matter went off the record at 10:33 a.m. and resumed at 10:48 a.m.)

CHAIR POWELL-PALM: All right, so I'm going to hand it over to the Chair of the Livestock Committee, Kim Huseman.

MEMBER HUSEMAN: Thank you, Nate. We'll get started. The Livestock Subcommittee

this last semester has actually been fairly light.

We have a handful of sunsets to get through today. But that's that's kind of where the livestock committee focused its time without any other proposals or petitions to sort.

So to get started with our sunset process, this is actually the first set of sunsets we'll have this meeting. We'll begin with Chlorhexidine. Yes, and so, it is up on the screen. Sorry you can't -- there we go, can't see quite that far.

So Chlorhexidine listed at 205603, this is one of my substances. So as a disinfectant, sanitizer, and medical treatments as applicable, allowed for surgical procedures conducted by a veterinarian, allowed for use as a teat dip where alternative germicidal agents and/or physical barriers have lost their effectiveness.

Chlorhexidine has historically always been

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used for surgical procedures and was annotated most recently to be able to be used as a teat dip when other methods have lost its effectiveness.

Through both the spring and the fall, public comment, very consistent in messaging, very consistent in number of respondents, and in the type of stakeholders that did reply. The dairy industry, dairy producers have been in full support of using Chlorhexidine, both as a surgical procedure, and also as an alternative teat dip, both pre and post when other agents are not effective.

It was also mentioned that having an alternative that's in a powder form, especially in northern climates is highly beneficial. There have been comments, consistent comments both in the spring and in the fall questioning the need for climate Chlorhexidine as a teat dip, when there's other products that are available on the National List, or that are natural. This is, is this needed?

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So that's one consideration to make. But overall, the support for the use has been positive. But just, just keep in mind that the annotation for the teat dip was brought up into conversation by a few of the stakeholders. So with that being said, Nate, I'll open up the floor to any questions for Chlorhexidine.

CHAIR POWELL-PALM: Any questions for Kim? I hope that everybody who has ever taken an IOIA class in here remembers that we have way too many questions about Chlorhexidine in our curriculum. And I hope it's triggering you all, right now, so.

And that this annotation, that it has to be used after other materials have improved, and ineffective, is consistent. And that's all I have. Anyone else have a question or comment on this material before we go to the votes?

All right, so the motion before the full Board, now, is that Chlorhexidine continues to be compliant with the Organic Foods Production

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Act and it is not proposed for removal. It was sent from the Subcommittee to the full Board as motioned by Kim Huseman and seconded by Amy Bruch.

I'm sorry. The motion before us is to remove Chlorhexidine from the National List. And we're making sure that we're getting this right. And with that, we'll start --

MEMBER SMITH: Nate, sorry, me, Kyla.

CHAIR POWELL-PALM: Thank you.

MEMBER SMITH: Just a reminder, opposite day voting.

CHAIR POWELL-PALM: Yes.

MEMBER SMITH: A no is keep, and yes to remove. Okay? Starts with Dilip.

MEMBER NANDWANI: Thanks, Kyla. And my vote is no.

MEMBER GREENWOOD: No.

MEMBER BURCH: No.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

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MEMBER HUSEMAN: No.

MEMBER GRAZNAK: No.

MEMBER TURNER: No.

MEMBER TENCER: No.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: No.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

MEMBER CALDWELL: And the Chair votes
no.

MEMBER SMITH: That is zero yes, 15
no, zero abstain or recusals. The motion passes.

MEMBER HUSEMAN: The motion?

MEMBER SMITH: Fails.

CHAIR POWELL-PALM: Motion --

MEMBER SMITH: Fails, sorry.

CHAIR POWELL-PALM: All right. Thank
you, Kyla. And with that, back to you, Kim.

MEMBER HUSEMAN: Okay. So the next

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sunset on the livestock list is tolazoline. And to read that into the record, tolazoline, listed at 205603(a), as disinfectant, sanitizer, and medical treatments as applicable.

Tolazoline under Federal law restricts this drug to be used by or on the lawful, written, or oral order of -- can only be used by a licensed veterinarian in full compliance of the Food and Drug Administration regulations.

Also for use under 7 C.F.R. Part 205. The NOP requires one use by, or on the lawful written order of a licensed veterinarian. Two, to use only to reverse the effects of sedation or anesthesia caused by xylazine.

And three, a meat withdrawal period of at least eight days after administering to livestock intended for slaughter, and the milk discard period of at least four days after administering to dairy animals. This sunset material is, Amy.

MEMBER BURCH: Thank you, Kim. Yes,

tolazoline is limited to use by veterinarians and is further restricted, as Kim noted above. So it does reverse the sedation by xylazine. So they're used in tandem.

Xylazine is a substance that we will review at a later time on the National List. And that was one of the comments actually. Since these two substances are used in tandem, we should couple the pairing of when we review these.

So Michelle has noted that and in 2026, we will assume that new process of reviewing these two substances at once. That was a comment from our stakeholders. Basically, this substance is not listed for approval internationally by Codex or IFOAM.

It's used in rare cases. But the comments were brief. There were a few comments in support of this. They said the use is rare, but when it's needed, it's necessary. Two, advocacy groups have expressed concerns, with one of those

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groups expressing to delist the substance.

And that is based on mainly the conflicting information surrounding xylazine. The FDA prohibits the use of xylazine in food animals. However, the American Medical Drug Use Clarification Act of 1994 permits veterinarians to prescribe extra label uses of certain approved new animal drugs and improved human drugs for animals.

So there's some confusion there between when this can be used. Puts a little bit more pressure on the veterinarian, the producer, and the certifier to evaluate those necessary cases.

And that confusion was also expressed in the tab in the previous NOSB review. But in general, the community expressed just the positivity to keep this on the list. It's not used, like I said, very much. But when it is used, it is very rare cases. Any discussion?

CHAIR POWELL-PALM: Any questions or

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comments from the Board? All right. To read back, if you would go ahead, Kim.

MEMBER HUSEMAN: Okay, so you want me to read the motion?

CHAIR POWELL-PALM: Sure.

MEMBER HUSEMAN: Okay.

CHAIR POWELL-PALM: We'll go to vote.

MEMBER HUSEMAN: Okay, sounds good.

So the motion before us is to remove to tolazoline from the National List. It was motion by Amy, seconded by Kim, at a Subcommittee.

CHAIR POWELL-PALM: All right. So going to vote with the full Board. And we're going to start with Rick.

MEMBER GREENWOOD: No.

MEMBER BURCH: No.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

MEMBER HUSEMAN: No.

MEMBER GRAZNAK: No.

MEMBER TURNER: No.

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MEMBER TENCER: No.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

CHAIR POWELL-PALM: The Chair votes
no.

MEMBER SMITH: That's zero yes, 15 no,
zero abstentions, recusals, or absent. The
motion fails.

CHAIR POWELL-PALM: And I'll quickly
hand it back to Kim.

MEMBER HUSEMAN: Thank you, Nate.
The next sunset on the Livestocks List is copper
sulfate, reference 205603(b), as topical
treatment, external pesticide, or local
anesthetic, as applicable. Sorry, parasiticide,
or local anesthetic as applicable.

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And this particular sunset material is Nate.

CHAIR POWELL-PALM: Yes. So when we think about the tools in the toolbox, specifically for our quadruped-raising colleagues, we have copper sulfate listed on the National List of Allowed and Synthetic Substances for use in organic livestock production per 205603 as a topical treatment, external parasiticide, or local anesthetic.

And copper ions have been reported to have some antimicrobial activities against a wide range of aerobic and anaerobic bacteria and fungi. And so, it's one of those tools that we have in the toolbox to help prevent hoof diseases.

And consistently, we're heard from stakeholders that this is an essential one. That we still don't have a good replacement for it, though there are alternatives that are being developed. Any questions from my colleagues?

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What? Please go ahead.

MEMBER TURNER: Nate, I just want to encourage this committee to when you're compiling research priorities for next year to make sure that this is articulated in this particular, in the livestock section of the research priorities. It's flagged, and it's noted in the write up on the sunset, but it needs to be on the list, I think.

CHAIR POWELL-PALM: Absolutely.
Thank you for that. Mindee?

VICE CHAIR JEFFERY: Thank you, Nate.
What are your thoughts on the stakeholder suggestion to annotate for limiting it to the control and prevention of hoof-related diseases?

CHAIR POWELL-PALM: It seems like those who are actually using it, those stakeholders who are relying on it to keep their herds healthy requested the continued use in a more broad, with more broad allowances.

And so, listening to those folks who

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are using it every day, I think, not it being just a theoretical use, it's a very tangible, important tool.

And so, limiting it without their expressed interest or consent, I think would be a mistake. Other questions? All right. Kim, would you read the motion and then we'll go to a vote.

MEMBER HUSEMAN: Yes. Sorry about that.

CHAIR POWELL-PALM: No, no.

MEMBER HUSEMAN: So the motion is to remove copper sulfate from the National List. It was motioned by Nate Powell-Palm, and seconded by Brian Caldwell.

CHAIR POWELL-PALM: All right, and we're going to start with Amy.

MEMBER BURCH: No.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

MEMBER HUSEMAN: No.

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MEMBER GRAZNAK: No.

MEMBER TURNER: No.

MEMBER TENCER: No.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

MEMBER GREENWOOD: No.

CHAIR POWELL-PALM: And the Chair
votes no.

MEMBER SMITH: That's zero yes, 15 no,
zero abstentions, recusals, or absence. The
motion fails.

CHAIR POWELL-PALM: All right. Back
to you, Kim.

MEMBER HUSEMAN: Thank you Nate.
Clipping along here. Our next sunset material
is going to be elemental sulfur listed at 60,

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sorry, 205603(b) as topical treatment external. Again, another external parasiticide or local anesthetic is applicable. Elemental sulfur for treatment of livestock and livestock housing. This material belongs to Brian.

MEMBER CALDWELL: Thanks, Kim. Yes, this is one of the many uses of elemental sulfur within organic farming. And in this particular case, we're talking about external use on livestock for parasites.

And the general comments on, so for in general, and in this particular use, it's relatively benign. And our written comments pretty much reflect that. I want to apologize for my summation of some of the written comments, and verbal comments in the past.

Where I've said things like, like comments, were strongly in favor of x or something like that. And what I meant when I wrote some of those was that the preponderance, like there were many in favor of it, and only a

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few against it.

But it sounded, I think, it could be interpreted that I meant all of the comments were strongly in favor. But that's not that's not what I meant. So from now on, I'm going to try to give numbers. And that'll make things a little clearer.

So in the written comments, there were six in favor of relisting, and one against. And also in the comments that we got, the certifiers listed 234, according to my account, users of the of this substance.

So it's pretty well used within the organic livestock producer community. So I just want to read their justification from our report here.

And it says, because elemental sulfur is needed to control external parasites and livestock, has no effective alternatives, has low environmental impact and is compatible with a system of organic agriculture, the Livestock

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Subcommittee recommended that it remain on the National List. So, I guess, questions now?

CHAIR POWELL-PALM: Questions to Brian from the Board? All right.

MEMBER HUSEMAN: Okay. With no questions, the motion is to remove elemental sulfur from the National List. The motion was made by Kim Huseman, and seconded by Liz Graznak.

CHAIR POWELL-PALM: And we're going to start the voting with Kyla.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

MEMBER HUSEMAN: No.

MEMBER GRAZNAK: No.

MEMBER TURNER: No.

MEMBER TENCER: No.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

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MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

MEMBER GREENWOOD: No.

MEMBER BURCH: No.

CHAIR POWELL-PALM: And the Chair votes no.

MEMBER SMITH: That's zero yes, 15 no, zero abstentions, recusals, or absent. The motion fails.

MEMBER HUSEMAN: Okay. And just as a quick heads up for those with the schedule. We did move glucose to the end of the list. So we'll have lidocaine, and then after lidocaine, we'll have glucose. Just so people aren't really confused.

So our next to be inform? Just so people aren't really confused. So our next sunset material is lidocaine listed at 205603(b), a topical treatment, external parasiticide, or local anesthetic as applicable.

Lidocaine is a local anesthetic. Use

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requires a withdrawal period of eight days after administering to livestock intended for slaughter, and six days after administering, administering to dairy animals. This material belongs to Nate.

CHAIR POWELL-PALM: Thank you, Kim. I've been told that I open too many statements with, when we talk about. But I'll keep going. When we talk about animal welfare, there's something that I think deeply, deeply, some deep under selling of organics' role as an animal welfare rule.

And that whenever I see any other add-on labels articulating animal welfare, they're just always calling out what we're already doing in organics. And to that, when we think about pain management in organics, we are very serious.

And I think the folks who are in the certification room can speak to this as well -- in the room for certification. That we are really

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interested in making sure that we have practices, and procedures, and tools that minimize animal pain.

And so, if we look to the dairy industry almost across the board, we're going to have some amount of disbudding and dehorning that's going to go on with very young animals.

And to mitigate the pain that's inevitably involved with burning an animal, we need to figure out how do we apply a local anesthetic. And so, this is a tool that across the board, everyone said, was essential.

And it's something that producers who use it all the time said was essential. And so, with that, I would open it up to my colleagues. If there's any questions or comments? All right. Back to you, Kim.

MEMBER HUSEMAN: Thank you, Nate. The motion before us is to remove lidocaine from the National List. The motion was made by Nate Powell-Palm, and seconded by Amy Burch.

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CHAIR POWELL-PALM: And we're going to start with Mindee.

VICE CHAIR JEFFERY: No.

MEMBER HUSEMAN: No.

MEMBER GRAZNAK: No.

MEMBER TURNER: No.

MEMBER TENCER: No.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

MEMBER GREENWOOD: No.

MEMBER BURCH: No.

MEMBER SMITH: No.

CHAIR POWELL-PALM: And the Chair votes no.

MEMBER SMITH: That's zero yes, 15 no, zero abstentions, recusals, or absent. The

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motion fails.

CHAIR POWELL-PALM: All right. Back to you Kim.

MEMBER HUSEMAN: Okay. The last sunset for the livestock subcommittee today will be glucose. Glucose listed at 205603(a) as disinfectants, sanitizer, and medical treatment as applicable. This particular material belongs to Liz.

MEMBER GRAZNAK: Here goes. Number one, first time, okay. Glucose is synthetic substance allowed in organic livestock production, primarily in the health purpose treatment for, in ketosis for cattle. It is important for remedying dehydration, hypoglycemia.

It's an ingredient formulated for electrolyte solutions. For not being a cattle person, I think of it as giving them a big shot of Gatorade. The comments were primarily in favor of keeping them on the list. And that's

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all I got.

CHAIR POWELL-PALM: Very well done. Any questions or comments for Liz? As a point of Board culture, I think, rather, I'm really grateful how nice everyone is to the new members. Speaking from my experience as a new member, in helping get your sea legs.

When you walk in here being a veggie producer, not raising cows, and you're expected to do enough research to effectively present on behalf of the whole community and the industry, it's a lift. So thank you for your work Liz, really well done.

MEMBER GRAZNAK: Thank you, everybody for your support.

MEMBER NANDWANI: Credit goes to chair, as well. And of course, fellow Board members to mentoring new Board members. So thank you for that.

CHAIR POWELL-PALM: Thank you. All right, if we don't have any questions or

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comments, would you read the motion Kim and it'll to a vote.

MEMBER HUSEMAN: Absolutely. The motion is to remove glucose from the National List. Motion was made by Liz, seconded by Kim.

CHAIR POWELL-PALM: And we'll start with you, Kim.

MEMBER HUSEMAN: No.

MEMBER GRAZNAK: No.

MEMBER TURNER: No.

MEMBER TENCER: No.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

MEMBER GREENWOOD: No.

MEMBER BURCH: No.

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MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

CHAIR POWELL-PALM: And the Chair
votes no.

MEMBER HUSEMAN: Well done, Liz.

MEMBER GRAZNAK: Thank you.

MEMBER SMITH: Yes, we're done. But
one second, let me make the vote. It's zero yes,
15 no, zero abstentions, recusals, or absent.
The motion fails. Good job.

CHAIR POWELL-PALM: Thank you,
everybody. One Subcommittee down. All right.
So since we're having a good time, let's move
right into crops.

We figure we could take a break, but
let's use that break at lunchtime and extend it
a little bit. So with that, I will hand it over
to Rick.

MEMBER GREENWOOD: Okay. Thank you,
everyone. First of all, I'd like to thank my
Subcommittee. We had a very busy season. We

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have, if you look at the list, a lot of sunsets and some proposals, and we even talked a little bit about out biobased mulch, which has taken up a lot of time.

But the other thing I want to say about our Subcommittee and the whole process is how we have great discussion, respectful discussion, and disagreements. And I think that's the best part of it.

I mean, we've had some votes that aren't always unanimous. And I think that really shows that people are independent, and they bring their own view to the committee. And that's exactly what we want. So I really want to thank the committee for that.

I also want to thank Logan, who guaranteed she wouldn't have her baby, and she would be here to present. So thanks to Logan also. And so what we're going to do, because Logan is off site, is move all of her materials to the end, and bundle them so that she won't go

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back and forth.

Lastly, and Nate, maybe we can talk about it. When we do get to the biobased mulch, there were lots of comments last week and continuing about plastics.

I mean, obviously, plastics are a big issue. But I want to remind people, and Nate probably will have a few words on this. The biobased mulch isn't, we're doing a sunset for that. And that's the context of it.

And we've talked about getting, we think we need a work agenda on plastics and all the other plastic components. So I don't know if you want to just take a minute, Nate to mention that. And then we'll go on into the discussions.

CHAIR POWELL-PALM: I promise folks that I'm going to get better analogies than what I'm about to give you. But from the public comments, we heard a lot of concern about plastic. And rightly so.

It's again, probably after climate

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change, one of those really big ones that is ever present in our thoughts and in our work. So it's like you all unloaded a wild stallion into the room, and we have to figure out where we're going to corral it.

And where we're not going to corral it is here. We're going to corral it over into other business, when we have sort of that other category. Because we do want to reflect and take time to discuss it. It's just not germane immediately to the sunset at hand. So to acknowledge it, and then to keep going.

MEMBER GREENWOOD: Okay. No, thank you, very much. So the first proposal is actually mine, potassium hydroxide is a petition substance. And this is petition to use potassium hydroxide to liquefy invasive carp for a liquid fertilizer.

The community is pretty much against it. The comments were against it. We had a lot of discussion in our committee since potassium

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hydroxide is already on the National List. But the question was, do we need something else that's sort of specific just to this particular process?

So we did discuss it. We passed it out of committee, but we weren't all that comfortable. Basically, what would with what was going on. So I'll open it up to discussion.

But I think, I'd like to see it go back to the Subcommittee for further discussion. I just don't think we covered it adequately. And I know Brian has some comments probably, too on this. So I'll open it up to discussion.

CHAIR POWELL-PALM: All right. Brian, please go ahead.

MEMBER CALDWELL: Yes, my sort of deep questions about this are that there are plenty of fish fertilizer products already available. And I didn't understand why we needed a new method to create one from this invasive carp.

I'm totally in favor of doing

something to mitigate invasive carp. And I just wanted to point out that the use of potassium hydroxide to dissolve the fish necessitates raising the pH of the mixture.

And potassium hydroxide is a synthetic source of potassium. Well, in order to lower the pH back down so that the product is shelf stable, phosphoric acid is usually used, which is also a synthetic source of phosphorus.

So if we have a product that has some fish in it, but has a fair amount of synthetic potassium and an additional amount of synthetic phosphorus to make it shelf stable, we are essentially having a product that is mostly synthetic nutrients with some fish in it. So just wanting to kind of throw that out there for more, you know, for consideration.

MEMBER GREENWOOD: Yes, so, any other comments? Technically, do we take a vote to --

CHAIR POWELL-PALM: Go ahead. So would you like to put a motion on the table to

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send back to Subcommittee, Rick?

MEMBER GREENWOOD: Okay.

CHAIR POWELL-PALM: Yes, Kyla, go ahead.

MEMBER SMITH: I guess my question is, what more do we need to learn? Like, what's the benefit of sending it back to Subcommittee? I guess, like, what more do we need to learn?

MEMBER GREENWOOD: I think that it will give the petitioner a chance to talk about what they can do for other methods in terms of the invasive carp, and so there are mechanical things that can be done.

Give them another chance. We can probably ask questions. I did ask the petitioner last week some other questions. And he mentioned that he would have to check on them.

So it'd be a chance to give the petitioner one more chance to bring this forward. I think if we vote it down, then I guess, he can still come back. But it'd be a whole new

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petition.

CHAIR POWELL-PALM: Could I speak a little to that? Real quick? Oh, Carolyn, go ahead.

MEMBER TENCER: Rick, can you just explain, like to a non-farmer person, like, what this product is all about?

MEMBER GREENWOOD: Well, it's basically a liquid fish fertilizer, which lots of organic farmers use. And the question is, how do you liquefy it? And so that's, as Brian, or it's, you know, pretty caustic materials.

And the end product will have more synthetics in it. There are other procedures for doing fish that can be mechanically, I guess, chopped up. I don't -- I'm not a fish emulsifier by trade. But so, there are other methods.

And so, the question is, can the invasive carp be turned into something useful for organic farming, but not at the same time increase the potassium and the other synthetic

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compounds that would --

MEMBER TENCER: Thank you.

CHAIR POWELL-PALM: Go ahead. But,
yes --

MEMBER TURNER: Rick, when you talked about sending it back to Subcommittee, the petition that was for the substance. So you had given the petitioner a chance to look at other options. But the question is about this particular substance, right? So --

MEMBER GREENWOOD: Yes. It's for adding potassium hydroxide to the National List. And the issue is, it's already on the National List. But this is for a specific process. So I mean, I don't know, so. Nate, you had a comment?

CHAIR POWELL-PALM: Yes. I really appreciated that petitioner's presentation and what he's trying to do. I think it's evidence that the the greater community is trying to innovate.

So I, I feel you're Rick on not

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wanting to discourage that participation. We have fish emulsion. Emulsified fish is already a part of our industry.

And so I think that we shouldn't necessarily conflate this material with trying to communicate with the petitioner to keep going and to not, not give up.

And everybody in this room, any fish emulsifiers, you all should get in contact with that petitioner. And say, here's some good advice on how we can do this, which was almost where we went as a Board, saying, we really love your idea. You're just missing a few steps.

So yes, I would, I would say speaking to the idea of going back to Subcommittee, I don't see it for this material as being useful. But I do agree that a communication in gratitude from the community to the idea is necessary.

MEMBER GREENWOOD: Okay.

VICE CHAIR JEFFERY: Yes, similarly, I appreciate the commenters who noted that

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commercially viable alternatives exist for the processing of fish into liquid. And I, correct me if I'm wrong, I think the oral commenters said that he hadn't tried other extractants.

And that he was following a process at his facility that was doing the work for him. And so I feel like we are helping him understand that we appreciate his participation and the work he's doing especially with the invasive carp.

That he showed up, and we gave him the answer. There are other materials for you to try. And I just hesitate for the Crop Subcommittee to keep doing more work on a synthetic that doesn't appear from the public stakeholders position to be wanted.

MEMBER GREENWOOD: Okay. So, why don't we go ahead then and --

VICE CHAIR JEFFERY: But Rick, respectfully, if you feel passionately as the Crop Subcommittee Chair, it should go back to Subcommittee --

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MEMBER GREENWOOD: No, not really. I mean --

VICE CHAIR JEFFERY: -- we can do the vote.

MEMBER GREENWOOD: -- the committee or the community doesn't seem to want it. Yes, Kim?

MEMBER HUSEMAN: If I'm not mistaken, that petitioner had also mentioned that they were currently patenting their current process. So a change in process might actually deter.

MEMBER GREENWOOD: Yes, I don't remember hearing that.

MEMBER HUSEMAN: Yes.

MEMBER GREENWOOD: Yes.

MEMBER HUSEMAN: I had written it down, is the reason I remember it. But the thought, and I think using fish fertilizers is encouraged and encouraging. So hopefully, there's something we can do there.

MEMBER GREENWOOD: Okay. So do you

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want me to go ahead and call for the motion then?

CHAIR POWELL-PALM: I would say so.

MEMBER GREENWOOD: Okay. So the motion is to add potassium hydroxide to the National List as a processing aid at 205.601. It left committee. I made the motion and Jerry seconded. The vote was six yes, one no, and one absent. So as I say, there was even some disagreement within the committee. So we want to make call for the vote.

CHAIR POWELL-PALM: All right. And so, we're going to start the vote with Liz.

MEMBER SMITH: So just as a reminder, we're back to not opposite day. So a yes vote lists it. And a no vote does not.

CHAIR POWELL-PALM: Does not.

MEMBER SMITH: Yes, will not have it go on the list.

MEMBER GRAZNAK: No.

MEMBER TURNER: No.

MEMBER TENCER: No.

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CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

CHAIR POWELL-PALM: Jerry?

MEMBER D'AMORE: Yes.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

MEMBER GREENWOOD: Yes.

MEMBER BURCH: No.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

MEMBER HUSEMAN: No.

CHAIR POWELL-PALM: I cut off Kyla?

MEMBER GREENWOOD: This is tougher
for Kyla.

MEMBER HUSEMAN: Sorry, Kyla.

CHAIR POWELL-PALM: All right. And
the Chair votes, no.

MEMBER SMITH: Okay. That's two yes,
13 no. The motion fails. And zero, the other

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thing.

MEMBER GREENWOOD: Okay, thank you. So the next one, and the first sunset on the list is soap-based herbicides. And that's also mine. The comments were generally positive from the written and oral comments with the majority saying yes, keep it on the list.

There are a couple saying it really isn't necessary. Soap-based herbicides are relatively benign. They disappear in the environment very quickly within a day or two. These are used for farmstead, maintenance roadways, ditches, rights of way, building perimeters, and ornamental crops.

So I say relatively benign and moderate amount of our stakeholders are for keeping it on the list. It was voted in Committee. The motion was to remove the soap based herbicides from the National List.

I made the motion. Jerry seconded it. And moving it off, we had five noes to keep it on

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the National List. So open it up for discussions.

CHAIR POWELL-PALM: Any questions or comments on this material for Rick? Okay, all right. Oh, Dilip, go ahead.

MEMBER NANDWANI: Rick, very quick clarification. I'm reading this here, but I'm not seeing if there are any alternatives of this?

MEMBER GREENWOOD: Generally speaking, I think there's some other soap-based herbicides that have a different saponification, one. This is, and I can't remember exactly what it was.

But when they do the fatty acids, this is aqueous potassium hydroxide. I think there are also some ammonium salts that can be used too.

MEMBER NANDWANI: Thank you.

MEMBER GREENWOOD: All right. So --

MEMBER BURCH: One thing to add. Dilip, some other methods, alternatives would

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just be your practices, as well outside of a substance. So just hand-weeding machines, things like that.

Flame weeding, electrocution, all sorts of different techniques but this would be mainly geared towards fence rows, lanes, outside of cropping area, culverts.

MEMBER NANDWANI: Okay, thank Kyla. Oh, Amy.

VICE CHAIR JEFFERY: Amy, is this is where my Dad gets his bush hog, out? No, well, I did actually, can I --

CHAIR POWELL-PALM: Yes, go ahead.

VICE CHAIR JEFFERY: So because this, like, not on crops. It's around, organic farms?

MEMBER GREENWOOD: Yes.

CHAIR POWELL-PALM: Keeping the home place looking pretty. Go ahead, Brian.

MEMBER CALDWELL: Yes, I think there are also other kinds of sprayable, approved herbicides that could be used for that purpose.

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MEMBER GREENWOOD: Okay. So the motion is to remove soap-based herbicides from the National List. And I made the motion in Subcommittee, seconded by Jerry.

CHAIR POWELL-PALM: All right.

MEMBER SMITH: Back to opposite day, sunset.

MEMBER TURNER: No.

MEMBER TENCER: No.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

CHAIR POWELL-PALM: Jerry?

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: Sorry, we're on opposite day?

CHAIR POWELL-PALM: We're on opposite day.

MEMBER CALDWELL: Yes.

MEMBER NANDWANI: No.

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MEMBER GREENWOOD: No.

MEMBER BURCH: No.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

MEMBER GRAZNAK: No.

MEMBER HUSEMAN: No.

CHAIR POWELL-PALM: And the Chair
votes no.

MEMBER SMITH: That's one yes, 14 no,
zero abstention, recusal, or absent. The motion
fails.

MEMBER GREENWOOD: Okay, thank you.
Next is boric acid, and that's Wood.

MEMBER TURNER: Thanks, Rick. The
substance is boric acid, listed at 205.601(e), as
insecticides, including acaricides or mite
control. Boric acid structural pest control, no
direct contact with organic food or crops.

This is a material that is very common
in household insecticides and has been in use for
decades. It's an odorless material that attacks

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insect nervous and metabolic systems and can dehydrate insects.

It's, as a structural tool, it uses a bait, which insects ingest and return to their colonies. And it can effectively eliminate pest colonies. It's very commonly used in packing sheds and other facilities. Often used as a powder introduced in cracks and crevices.

And is one of those materials that it sounds gruesome when you describe what happens to the insect. But unfortunately, we have facilities that need that insect control. And so I think that's reflected in the comments.

There have been, historically, some conversations in the past about this material, whether there were some alternatives. But alternatives that have been proposed have been equally challenging, or more, you know, create other challenges.

So I think, generally, the community is aligned on this. You mentioned the annotation

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discussion, Nate. There are some, there were a couple of comments around in annotation, which is duly noted.

But most of the feedback, nine of the written comments, were in support of relisting the material. There was one in opposition. And again, the points about annotation. But again, we're facing challenging issues with respect to alternatives. So the Subcommittee is not proposing removal.

CHAIR POWELL-PALM: Any comments or questions for Wood? All right.

MEMBER GREENWOOD: Okay. The motion is to remove boric acid from the National List. The Subcommittee motion was by Wood, and seconded by Jerry, and with unanimous not wanting it removed on the Subcommittee.

CHAIR POWELL-PALM: And we're going to start with Carolyn.

MEMBER TENCER: No.

CHAIR POWELL-PALM: Logan?

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MEMBER PETREY: No.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

MEMBER GREENWOOD: No.

MEMBER BURCH: No.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

MEMBER HUSEMAN: No.

MEMBER GRAZNAK: No.

MEMBER TURNER: No.

CHAIR POWELL-PALM: And the Chair
votes no.

MEMBER SMITH: That's zero yes, 15 no,
zero abstention, recusal, or absent. The motion
fails.

CHAIR POWELL-PALM: Back to you,
Rick.

MEMBER GREENWOOD: I'm back. And

this one is mine, also, sticky traps/barriers. And that's in 205.601(e), insecticides including acaricides for mite control and sticky trap barriers.

Overwhelming support by our stakeholders for keeping this on the list. They find them very useful in a variety of settings for monitoring, for insect pests, and for also attracting and sticking pests to keep them out of the way.

There's been broad support for it. It does have a usually a hydrocarbon on it, but it has no contact with any of the potential food that is being grown. Any questions? Yes, Kim?

MEMBER HUSEMAN: I have more of a comment. I did read one commenters states that sticky traps can sometimes catch beneficial bugs. So I don't know.

There's not a solve that I can come up with in my mind. But just to make that clear, too. Is that, it's not discriminatory as to what

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it catches.

MEMBER GREENWOOD: Yes. And generally speaking, at least in my experience, because of the colors on some of these, they attract more of the pest insects than the beneficials.

So I don't, I'm sure that it catches some beneficials. But overwhelmingly, they get the pests. So you know, we're not in 100 percent world, I guess. So any other? Oh, yes, Javier?

MEMBER ZAMORA: Thanks, Rick. I think as a grower, sticky traps, it's a tool that we have in different settings, like you said. My concern is something what, what was just mentioned.

That, you know, they're normally blue, or yellow, and the insects, whether they're beneficials, or not so many beneficials go in and get stuck there. And obviously, they die.

But my question is, are there any other substitutions that we might be using?

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Because it sounds like this has been taken for granted because it's a no contact with the crop. But it is there near.

MEMBER GREENWOOD: Yes, I think that's I think that's a good question. And I, I don't know if there's anything else. And I don't know if industry is looking for anything else because these are so relatively inexpensive to produce.

But I don't know if there's a financial incentive to look for something other than what's already on the market. And so, I don't know if anyone else knows that? Yes, Liz?

MEMBER GRAZNAK: I don't know the answer to your question. But I can tell you using them. I mean, pretty much we use them in controlled, high tunnel, low tunnel environments.

And the amount of time that they are up is really limited because you're trying to target pre-hatching of the insect that you're looking for, so that you can time spraying to try

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and help control that specific insect.

And, and then you take them down. Because as soon as you can identify the cucumber beetle, as being there, then you know that, you know, it's May 15. And okay, they're here.

So the amount of time that they're up is not very long. And again, it's in, you know, definitely in controlled, high tunnel, low tunnel situations that they are used. Greenhouse types of locations.

MEMBER PETREY: That was great, thank you for that.

MEMBER GRAZNAK: Yes, Logan.

MEMBER PETREY: Excellent.

CHAIR POWELL-PALM: Yes.

MEMBER PETREY: That made so much sense. Okay, thank you.

CHAIR POWELL-PALM: Well, maybe not a cat expert, Liz, you are very valued for that deep vestigial knowledge. So, thank you.

MEMBER GREENWOOD: Yes, I appreciate

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that. So any other Javier? I don't, I don't think I can really answer your question because I don't know the manufacturing. But I think they're so easy to use and so cheap. I don't know if, if anyone is working on it.

MEMBER ZAMORA: I think there's maybe some opportunity to look into something else. I know that there's some other, there are growers that are using --

They might not be certified organic, but they're using other things that could potentially be a substitute, something more natural way.

MEMBER GREENWOOD: Okay, so thank you. So I would like to make the motion to remove sticky traps/barriers from the National List. In the Subcommittee, did the motion, and Amy seconded it, and it was out unanimously.

CHAIR POWELL-PALM: All right And with that we'll move to the vote. And we're going to start with Jerry, again.

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MEMBER SMITH: Logan?

CHAIR POWELL-PALM: Oh sorry, Logan.

Logan, it's you first.

MEMBER PETREY: No.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

MEMBER GREENWOOD: No.

MEMBER BURCH: No.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

MEMBER HUSEMAN: No.

MEMBER GRAZNAK: No.

MEMBER TURNER: No. Thanks, Liz.

MEMBER TENCER: No.

CHAIR POWELL-PALM: And the Chair
votes no.

MEMBER SMITH: That's zero yes, 15 no,
zero abstention, recusal, or absent. The motion

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fails.

MEMBER GREENWOOD: Next up, is elemental sulfur. And that's Brian again.

MEMBER CALDWELL: Thanks, Rick. Yes, a yet another use of elemental sulfur within organic agriculture. And this is a little convoluted, so I hope I can say this relatively quickly. This is the use of elemental sulfur within a slug control, bait based material, you know, product.

And just a little background, basically, right now, the main stuff substance that is that is used as an active ingredient in this exact same kind of product is ferric phosphate.

And there have been toxicity issues with ferric phosphate for earthworms and dogs, actually, when it is combined with the inert EDTA, which is what all the products that use this that are effective have EDTA as an inert.

And just as a little side comment, we

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can see in that case that EDTA is not acting in any kind of the normal usage of the word inert. Okay. Well, anyways, so elemental sulfur can perform the same function within these products. And --

But it was it was first approved in 2019. And ferric phosphate was approved, was renewed on the list in 2018. And one of the reasons for that was because there did not seem to be any other alternatives.

So the use of elemental sulfur for this is an alternative for what has some potentially toxic effects of the product that is currently mostly in use. So I hope that that kind of sets the ground work.

Now, the amount of elemental sulfur that's used in these products is really small. It's only 1 percent active ingredient, 99 percent "inert" ingredient in these slug baits. And we don't know what the inert ingredients are. So that's, that's a question, and just keep in mind.

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So with all that background, the committee did find that it should be kept on the list. And there have not been, there has not been much use of this product since it was only first on the list a few years ago.

And the written comments were that, five were in favor of keeping it on the list. One was against. Two said more data is needed. And one emphasized that we really need to address this inert issue.

And there were some verbal comments, too. But they were made by the same people that did the written comments, so I'm not going to double count them. So with that, I think I've probably confused everybody enough, so that we're ready for questions.

CHAIR POWELL-PALM: All right, questions for Brian?

MEMBER GREENWOOD: Yes, thanks, Brian.

CHAIR POWELL-PALM: Go ahead.

VICE CHAIR JEFFERY: Yes, I appreciated the commenters helping make sure we had our history right, and that this substance hasn't been on the list that long.

And whether or not we're in love with it, that potentially the next review could help us understand how we're functioning there. And Brian, I appreciate the depth and wealth of your knowledge.

MEMBER GREENWOOD: He's Mr. Sulphur at point. Okay. So the motion is to remove from 205.601 synthetic substances allowed for the use in organic crop production, elemental sulfur. And it left committee by Brian, who made the motion, and seconded by Jerry.

CHAIR POWELL-PALM: All right. And we're going to start the voting with Jerry.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: No.

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MEMBER NANDWANI: No.

MEMBER GREENWOOD: No.

MEMBER BURCH: No.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

MEMBER HUSEMAN: No.

MEMBER GRAZNAK: No.

MEMBER TURNER: No.

MEMBER TENCER: No.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

CHAIR POWELL-PALM: And the Chair
votes no.

MEMBER SMITH: That's zero yes, 15 no,
zero abstentions, recusals, or absent. The
motion fails.

MEMBER GREENWOOD: Okay. So next is,
coppers fixed and copper sulfate, and we'll go to
Mr. Copper. So we've gone from Mr. Sulfur to
Mr. Copper. So Jerry?

MEMBER D'AMORE: Thank you, Rick.

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I've really admired the degree of brevity with which these sunsets -- I'll put this over here, sunsets have been addressed and appropriately, so I thought. A very good show so far.

And I only say that because I find it really hard to be brief on what I'm going to be talking about because it's, it's it's a German saying which means enjoy with caution.

It can be a very nasty one, and I want to give that side of it, its proper time. So coppers sulfate copper, coppers fixed, and I'm going to read reviewing these two materials together. And we will vote on them separately.

The reason for that is that they're both for plant disease control. They both share the same annotation, they share the same 9095 Tap, they share the annotation. They share 1995 TAP. They share the same 2011 TR. And now, they share the same 2022 TR.

Copper for agricultural use is made from the byproducts of processing copper ore, and

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are considered synthetic. They are on the list of exemptions for synthetic materials in OFPA. I find it also interesting and necessary to go to the international acceptance.

And there appears to be broad consensus throughout the United States, the EU, and Canada that copper sulfate and coppers fixed are hazardous to both human health and to the environment.

Despite this, the use period for copper has been extended in all three jurisdictions, as there isn't yet a viable alternative, organic alternative. And that is the major point.

To complete the list, in Codex, permitted, it's a permitted substance, or they are permitted substances for organic foods. In IFOAM copper is only mentioned as a soil amendment and as a trace soil nutrient.

So at Subcommittee, we considered that copper compounds readily dissolve in water and

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are highly toxic to many aquatic organisms. Copper compounds bind to soil and tend to accumulate significantly in clay soils. Copper compounds can damage the plants that they are applied to.

Widespread use of copper compounds has led to the evolution of copper-resistant disease varieties. And there is a well established link between dysfunctional copper metabolism and Alzheimer's disease.

Last, foliar spray of copper mixtures has long been recognized to impact lung and liver function in agricultural workers. Out of respect for the brevity that I mentioned, I will not go through Subcommittee deliberations in 2021.

But I'll start with 2022. In July 2022, just prior to the deadline to submit proposals to the Fall Meeting, the Crop Subcommittee received a draft copy of the TR, which is found comprehensive, thorough, and sufficient.

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The 2022 TR contained updated and expanded information regarding environmental and human health concerns, and the Crop Subcommittee will continue to review the TR. I thought I was going to have to apologize thoroughly for that TR not being available.

I will apologize for that wasn't available to the stakeholders for their consideration. But we did get a hold of it. And we had a chance to consider it in its complete form.

We had some questions. It went back to the writer and today it is available to stakeholders for their review on -- do you want to help me with that one more time?

MR. CLARK: The Petition Substances Index.

MEMBER D'AMORE: Jared, thank you, very much. Okay, going back to the TR -- okay, I just did that. So in our look at the the TR and I'm speaking for more than just myself, and

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if over speak, I'm sure my, the Subcommittee will be happy to help me.

If you're outside the parameters of acceptable tolerances, there is a potential that the consequences could be more dire than historically thought.

In other words, in the previous TRs they mentioned diabetes is perhaps an affliction coming from copper sulfate overuse or over ingestion.

And now, in the TR they're making a further step to say not that the copper sulfate can cause Alzheimer's, but in causing diabetes, which then leads to Alzheimer's. So there's a distinction to be made there, I think, and quite a considerable one.

With that said, and this is the second part of the TR, in mind, with that said, it does not appear that the goal posts concerning acceptable tolerances have been moved. So in other words, you've got a band that that is

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determined, that has a certain width.

And as we know, copper is something that we need for ourselves. And copper is something that in can be deadly. The parameters of that, or the definition of that have remained the same.

So if you stay within those parameters, we've gained -- the TR indicates to me at least that we're okay. Okay. So I'll open this up to questions and comments after a very brief summary of the stakeholder comments.

In total, there were 22 written and oral comments. Most were from industry associations. Almost all of the respondents expressed concern about the continued use of copper.

In my review of the written and oral comments, I did not find an individual or association that recommended the delisting of coppers.

So that's a wide, wide range of

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consideration. Something that nobody has any problem talking about as being harmful, particularly if you go outside of the parameters that I just mentioned.

But when you have the community, and some of the community that prides itself in being strong on this type of issue, the use of this type of product, not coming forward with a with, you know, a with a no, that says a lot to me about the communities combined thought on how important this is, so.

And this is my, actually, my fourth presentation on this and the most difficult one because after making this four times at full Board presentations, it would have been easy to blow through this.

Because we've, it's been ratified. But I thought, I think, that it's our duty to hear the whole ball of wax about this product. So any questions? I'll be happy to, to go for.

MEMBER CALDWELL: Any --

CHAIR POWELL-PALM: Brian, please so ahead.

MEMBER CALDWELL: -- questions for Jerry?

CHAIR POWELL-PALM: Real quick, before we start the discussion, and Jerry had already said this. Right now we're talking about both the coppers fixed and the copper sulfate.

MEMBER D'AMORE: Correct.

CHAIR POWELL-PALM: Does everyone feel comfortable discussing them together, right now? Or do you need any distinction made between them? Okay, well then, we'll proceed.

MEMBER CALDWELL: Great. Well, Jerry, thanks so much for your work on this topic. There's been a lot of hours of serious work that Jerry has done. And he's brought us a lot of information, time, and time again over the months.

And I want to point out that the technical review that is, that has just come in,

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I guess, all those, the questions that really expanded our knowledge from previous technical reviews, were all Jerry.

Jerry, has said, well, we really need to find out about this, and this, and this. So I really want to thank you for your real concern and care about the organic community as a whole.

Just one quick comment, and that is that there are many, many new biological controls that are coming on the market every year. It's really exciting.

And some of them may in the future, allow us to get away from as much copper use. And that's a prospect that I'm excited about. It won't affect my vote today, but it is in the future. So that's it.

MEMBER D'AMORE: Well, thank you for that. And I thank you for being a great colleague and sounding board on a lot of those discussions.

MEMBER GREENWOOD: Yes, Javier?

MEMBER ZAMORA: Yes, Jerry, thank you. It's one of those substances that we, or some of us, some growers rely heavily on knowing that it's also, if it's not been carefully used can actually killed us farm workers.

I'm with Brian, right there, I think we need to come up with a substitute in the near future. Or limit, have a budget on how much could be used, and when. Because one of the questions that I have for you is, I know apple growers use it a lot. I know cranberry people use it a lot.

At what stage, this is for food production, is it used the most? Is it during dormancy stage? Is it during flowering or blooming? Or is it prior to harvest?

MEMBER D'AMORE: Any farmer want to comment to that?

MEMBER GREENWOOD: Steve Ela would like to comment on that as someone who grows. Steve? Because we've talked about this before.

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CHAIR POWELL-PALM: I don't think we can actually pull Steve in.

MEMBER GREENWOOD: Oh, that's right.

MEMBER SMITH: Sorry.

CHAIR POWELL-PALM: Despite the proximity, it's just that --

MEMBER GREENWOOD: Yes, okay.

CHAIR POWELL-PALM: -- glass barrier right there. Brian, please do.

MEMBER CALDWELL: Yes, I want to channel Steve. That's going to be really hard to do. But in terms of apple production, basically, used early in the season, around bloom time for fire blight.

It's phytotoxic, so it isn't used very much at all. Sometimes, a little bit, but very little when the fruit is growing. And then, at post harvest it can be used, after the fruits off the trees, to kind of sanitize things. So that's my understanding of it. And I hope, Steve, I hope I got it right.

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CHAIR POWELL-PALM: Do you have anything to throw in there, Logan?

MEMBER PETREY: Yes, sure. So it's to fight bacterial diseases. We don't use it much for fungi, anymore, because we have polyoxin D, which we'll be talking about soon. Anyway, so we focus it more for bacterial problems, and it does depend on the crops.

But it can be phytotoxic, so depending on how much rain we do get and how much washing we get off of the leaf is really going to adjust our rates or our frequency.

But I will state that it has, our use of coppers have been reduced because of, you know, finding better fungicides for the the fungi diseases. So I hope that helps.

MEMBER GREENWOOD: Thanks, Logan, that's great. Yes, Amy?

MEMBER BURCH: And then, just kind of want to, grain crop scenario in the Midwest, we get a lot of hail. So we would maybe apply copper

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hydroxide as just kind of a crop protectant to just mitigate any disease after a hailstorm because you just have all those injury points on a corn plant.

We also, so on the contrary side, you know, we're coupling both copper types in here. For copper sulfate, I follow the Kinsey-Albrecht principles of soil balancing and it's a very intentional, quantifiable type soil equation that we're working on.

And we recognize just, you know, applying these nutrients to the soil and let the soil feed the plant, so. And then, one more thing to highlight, this program is, you know, ranging from wine grape production all the way to corn, and everything in between.

This program states at 21 parts per million is excessive. In my soils in the Midwest, I have 1.59 parts per million of copper. So I am applying copper sulfate to get my soils and our range of that five to 10 parts per

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million, which is considered excellent.

And that helps with stock rigidity, too. So we have a lot of wind, crazy wind storms that come through, 80-plus mile an hour. And so this, this helps for our, just standability of our crops having the copper levels a certain point.

And then, just one piece on, you know, how much do we apply and just the math behind that. So copper sulfate usually comes in a 23 percent copper-type format. So approximately five pounds applied is one pound of actual copper to the soil.

So essentially, I have to, it's two pounds of actual copper to raise the parts per million of copper in the soil by one. So 10 pounds of copper sulfate applied should raise the parts per million by one part per million.

So you have to apply copper sulfate, actual, at a decent level to just raise those parts per million in the soil just because of

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the, you know, percentage of available copper. So just, yes, the mathematics behind copper is really important to understand.

And once you get that level to a certain point, it's kind of a little bit like lime in your soil. You know, it's not something that you have to then apply year, after year, after year. You just kind of maintain that level.

CHAIR POWELL-PALM: We're going to jump to Carolyn, and then Dilip, and then, Javier.

MEMBER TENCER: Okay. So I'm curious to understand what crops this is used on. So first, I thought it was just apples and wine. And now I hear greens. And so, I'm just curious, like, how widespread is the use in terms of the kinds of crops you would use this for? Thank you.

MEMBER D'AMORE: I'll stick with my farmers, if I may.

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MEMBER GREENWOOD: Let's go around.
What do you think, Liz? Can turn your mic on?

MEMBER GRAZNAK: I think like
potentially all crop production.

MEMBER TENCER: So like the economic
damage, just to the wine sector isn't like not
the most important part, even though it says
here. Okay. So it would be harmful to say,
other producers?

MEMBER GRAZNAK: Tomatoes, grains,
yes.

MEMBER TENCER: Rice production?

MEMBER GRAZNAK: Rice.

MEMBER D'AMORE: Tree fruit.

MEMBER GRAZNAK: Potentially fruit,
definitely fruit.

MEMBER D'AMORE: Yes.

MEMBER BURCH: It might be used in
other ways, you know, depending on the crop. But
if you're just looking at soil balancing, I mean,
it can be very versatile for whatever crop you're

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growing.

MEMBER TENCER: Thanks, farmers.

CHAIR POWELL-PALM: Dilip?

MEMBER NANDWANI: No, question was answered in that.

CHAIR POWELL-PALM: Okay.

MEMBER NANDWANI: Thank you.

CHAIR POWELL-PALM: Javier, Did you have another question?

MEMBER ZAMORA: Yes. So I wanted to say, again, as a grower, I do know that the value was as a nutrient. It's there, and we need, and we're barley need it for many, many, many years.

But just the usage, on what potentially will be harmful to a human being that it's eating, whether it's corn or tomato or an apple, that's, that's where I, you know, that's that's one of my main concerns there.

Again, yes, there are a lot of rules, if we're applying it on how much and when, and the protection that it's needed as a farm worker.

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But so, we just -- and I get it to prevent injury after a storm, like what Amy just explained.

So there is, obviously, a need for food production. But we have to look forward and think of the future. And how can we get away with this things that that are really bad for humans.

CHAIR POWELL-PALM: Great point. Allison, please go ahead, and then, Brian.

MEMBER JOHNSON: Thank you. Jerry, thank you so much for this detailed and balanced presentation. It's really helpful, as I consider my seat on the Board as the public interest representative and representing the voices of farm workers, ecology, everyone who isn't here on the Board.

And trying to balance that with the very real needs of the organic farming community. And I think these materials are particularly tricky. And it, it's, I'm struggling with it.

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harmful materials off the market, the line that I always hear over and over is, our industry collapses without this material. We need this material.

And then lo and behold, when one is gone, life goes on. So I really appreciate all of your experience and the anecdotes about how you use these materials. And I'll just say directly that I'm trying to balance that with those who aren't in the room.

CHAIR POWELL-PALM: Brian, please go ahead.

MEMBER CALDWELL: Yes, just to add on to what Javier and Liz mentioned. That for tomatoes, in contrast with apples, it can be used, right, right up to a day or two before harvest. So you can, you know, actually have some residues on the fruit.

And they've, you know, hopefully figured that out so that those residues -- and they have figured it out. Those residues are not

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toxic to the consumer. But they are there, so.

MEMBER GREENWOOD: Thanks, Brian,

CHAIR POWELL-PALM: Wood, please go ahead.

MEMBER TURNER: I just want to acknowledge Allison's comments, and say I'm in the same, I'm struggling with the same issues here. And I just want to ask the farmers again, are we comfortable? Farmers in particular, are we comfortable with the way this is listed? The way it's written in the listing?

And are we comfortable that we've got enough going on, in everything we're doing? I'm including research priorities. I'm including everything we're trying to do to sort of move this along.

Because I don't want to conflate of a lot of issues that we're dealing with today. But I do want to ask that specific question. Are we doing enough?

Are we doing enough as a Board to move

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this along, and get this, and get this figured out in a different way? Because I mean, I totally hear all your comments. It's very loud and clear. But I just, I want to make sure we're doing enough today.

CHAIR POWELL-PALM: And I want to give Jerry credit for bringing this is to a different discussion than I think it was looked at before. We're really considering it in a unique way. My farmer take that I want to sort of throw out there is not letting perfect be the enemy of the good.

When we think about these materials, again, we carry a lot of weight for the damage of greater agriculture and how it's used. And when we think about that, we require soil tests to use these micronutrients.

We have really clear parameters on the certifiers and on the enforcement to make sure we're not -- and we can always do better, but not over applying them.

If we apply that to greater

agriculture, or we saw this system be adopted, you know, across the entire country, we suddenly realized rapid pollution decreases.

And so, I think when we were considering how much to change ourselves, I just don't want us to lose the forest for the trees as to how good of a job organic is doing.

And that we don't necessarily need to be thinking about how to compensate for all the ways this product, these products are misused. Carolyn, please go ahead.

MEMBER TENCER: Nate, could you just elaborate on the point you made about soil testing, and the role of the certifier, and inspector, and the farmer in terms of usage? Because I think that's another important consideration.

CHAIR POWELL-PALM: Hey, Kyla, what is the citation for micronutrients on the National List?

MEMBER SMITH: Well, I mean, I think

there -- well, we're going to talk about micronutrients --

CHAIR POWELL-PALM: We are.

MEMBER SMITH: -- later. But I would say in reference to this, it does say it must not be used in a manner, or it must be used in a manner that minimizes the accumulation of soil, or of copper, accumulation of copper in the soil.

Anyway, so that is often evaluated through testing. And year over year, producers will show that they're compliant with that through soil testing.

CHAIR POWELL-PALM: So if you have this product on your inputs list as a farmer, your certifier is going to flag it as something to watch, monitor.

That if you're going to keep using it year after year, you have to show how you're managing it in the soil and present the soil tests to your inspector or certifier.

MEMBER GREENWOOD: Okay.

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MEMBER TENCER: Thank you.

MEMBER D'AMORE: May I?

MEMBER GREENWOOD: Yes, Jerry.

CHAIR POWELL-PALM: Jerry?

MEMBER D'AMORE: Thank you for that.

My first initiation to this substance or this material was in aquatic uses. And it alarmed me so much that I really went out of my way and probably was a pain in the neck to some certifiers.

As to, what exactly happens on the ground? How long do you keep the records? And the reason I am giving you the presentation that I am, is because at that level, I really derived a great sense of satisfaction.

Great sense of comfort, that it is being watched, and records are being kept, and things are staying in check. So that was going to be my last piece, is to call on a certifier and say, hey, help us with this, but. So I concur with what you just said entirely.

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CHAIR POWELL-PALM: I think in response to this, this discussion it would be awesome to see ACA, or other certifiers articulate and examine how they manage this material. And think about, is it good enough?

Not necessarily for us to act on MSB, in the moment. But to have a little bit of perspective as to how this is going. I think that was something Jerry raised that was very interesting to me. Let's jump to Amy, and then, Mindee.

MEMBER BURCH: And my comment, again, is on copper sulfate. So this is this soil applied copper form. From a farmer point of view, this element is really expensive. And like I did the calculations, you need a lot of pounds to raise the parts per million by just one.

So we are, as farmers, really good stewards of this particular nutrient just because of the expense. And you need specialized equipment to deliver this to your soil. Because

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we're applying five pounds per acre.

So a few marbles in a very large area, if you can imagine that. So we need specialized equipment that can deliver precisely that amount to our crops. And on our farm, we're actually using soil maps and variable rating lists.

So we only apply it in certain areas on one field, just because of the expense. But it does, there is a difference. And Jerry, you highlighted that.

When it's applied on, you know, like we discussed last year, in rice production, directly in the water that is very different in how that's digested compared to applying it in the soil.

And also, I never, or I forgot to recognize you for all the work that you've done on this topic. I really appreciate your immersion into this area. It's really important. And this discussion is really important. But I just wanted to provide that math for you, too,

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Carolyn.

MEMBER TENCER: Great, thank you. I really appreciate that.

CHAIR POWELL-PALM: Please go ahead, Mindee.

VICE CHAIR JEFFERY: Thank you. I also feel the pain of the decision making here. And I appreciate that, what I might characterize as some of our more conservative stakeholders are acknowledging the pain of this issue, but also supporting relisting.

MEMBER D'AMORE: Correct.

MEMBER GREENWOOD: Okay.

CHAIR POWELL-PALM: Yes, Kyla?

MEMBER SMITH: Okay, sorry, one more comment. So, I think copper can get a little confusing because it is so many places on the National List, right? So we are talking about coppers fixed, here. And copper sulfate for plant disease control.

MEMBER D'AMORE: Correct.

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MEMBER SMITH: I do think that some of the comments, Amy, that you're actually making more go into, as a soil amendment under the micronutrients.

MEMBER BURCH: Yes.

MEMBER SMITH: Right? Okay. So just want to make sure that we're clear on what we're talking about. So Logan was giving examples more relevant to this particular listing. And when I was talking about certifier oversight, and I was speaking specifically to that, and the accumulation in the soil.

When we get to micronutrients and talk about copper, again, then there's a totally separate annotation that we can dig into more. But I just want to make sure everybody was clear, because it was getting a little bit confusing.

MEMBER TENCER: I'm just going to crack a joke here. Clear as mud. Thanks, Kyla.

CHAIR POWELL-PALM: Thank you, certifier.

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MEMBER PETREY: Nate, I have one other short comment.

CHAIR POWELL-PALM: Sure.

MEMBER PETREY: And it was more to Woods' statement about the, you know, making progress with copper. And just, even in the conventional world, copper has been around a long time. They're still there.

It's about the only bacteria side that we use. Because we don't use, you know, a lot of antibiotics, and for agriculture. We really stay away from those a lot. So I don't know how much developments, or what we could expect to get away from coppers.

Bacteria is always going to be a pathogen for plants, and it's a significant pathogen. You know, and to answer some of those, like how devastating would it be?

For certain crops, I don't grow many crops that have devastating issues from bacterial diseases, but there are some that are very bad,

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and can cause complete crop failure.

And so, I don't see this getting off the list. I don't see a whole lot of progress. I think the progress made is to follow the label. Because like Brian stated, they have, there's been a lot of research done on as far as the residuals, and how you're supposed to handle that from a consumer, you know, safety standpoint.

And so, as long as the growers are following that, following the rules. But I think coppers are going to be on there for quite a while just because there isn't, you know, much innovation that's able to be done there. Just because we stay away from antibiotics.

CHAIR POWELL-PALM: That's super helpful, Logan. Okay, appreciate that.

MEMBER GREENWOOD: Nate, okay, so I think we're ready. I'd like to make just two other comments. Number one, for our stakeholders, I think you can see the kind of discussions that we have on these compounds. I

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mean, there's a lot of in depth work, a lot of research, and a lot of pain too.

Because I think nobody wants to have some of these compounds around. And you're forced, in a way, on this committee, and maybe it's a good thing I'm getting off, so I won't be forced anymore, to make these decisions about, you know, things you don't really want, but you sort of need.

And I'd just like to make that point. And again, with the Subcommittee, we have really in depth discussions with a lot of knowledgeable people, and people that are willing to spend the time to dig in.

And in particular, on the sunsets because people think we just rubber stamp the sunsets. Not true at all. I mean, we've gotten way deep on these things, sometimes just to end up confusing us.

But at least we look at it. We don't want a rubber stamp them So, I'll go ahead.

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We're going to do two votes. The first one is to remove fixed coppers from the National List. And that was a motion by Jerry, and seconded by Brian to not remove it. So, Nate?

CHAIR POWELL-PALM: All right. We're going to start the voting with Javier.

MEMBER ZAMORA: As painful as sounds, no.

MEMBER JOHNSON: Yes.

MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

MEMBER GREENWOOD: No.

MEMBER BURCH: No.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

MEMBER HUSEMAN: No.

MEMBER GRAZNAK: No.

MEMBER TURNER: Yes.

MEMBER TENCER: No.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

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MEMBER D'AMORE: No.

CHAIR POWELL-PALM: And the Chair votes no.

MEMBER SMITH: Hold on, Nate, I got a little lost here. Okay, so that's two yes, 13 no, zero abstention, recusal, or absent. The motion fails.

CHAIR POWELL-PALM: Thank you.

MEMBER GREENWOOD: Thank you. So, the next sunset is polyoxin D.

MEMBER D'AMORE: You want to do the, we have to do the --

CHAIR POWELL-PALM: We have to do the second copper.

MEMBER GREENWOOD: Oh, yes, that's right. Yes.

MEMBER GREENWOOD: Okay. The second topic is to remove copper sulfate and other copper --

MEMBER D'AMORE: No, sir. This is just the copper sulfate, then.

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MEMBER GREENWOOD: Yes, right, copper sulfate.

MEMBER GREENWOOD: Remove copper sulfate from the National List. The motion was by Jerry in the Subcommittee, and seconded by Amy. There was -- the problem is I get a referral on this.

CHAIR POWELL-PALM: Oh, yes, sure the was --

MEMBER GREENWOOD: Nate, you can read.

CHAIR POWELL-PALM: Yes.

MEMBER GREENWOOD: Yes.

CHAIR POWELL-PALM: So one yes, five noes, one abstention, and one absent out of Subcommittee to the full Board.

MEMBER GREENWOOD: Okay.

CHAIR POWELL-PALM: All right. And we're going to start the voting with Allison.

MEMBER JOHNSON: Yes.

MEMBER CALDWELL: No.

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MEMBER GREENWOOD: No.

MEMBER BURCH: No.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

MEMBER HUSEMAN: No.

MEMBER GRAZNAK: No.

MEMBER TURNER: Yes.

MEMBER TENCER: No.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

CHAIR POWELL-PALM: And the Chair
votes no.

MEMBER SMITH: And that's two yes, 13
no, zero abstention, recusal, or absent. The
motion fails.

MEMBER GREENWOOD: Okay. Now --

CHAIR POWELL-PALM: So real quick, a
time check, Rick.

MEMBER GREENWOOD: Yes.

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CHAIR POWELL-PALM: So we got 12 minutes. We do have, we have to go to lunch at 12:30. Do we feel confident we could get polyoxin D in 12 minutes? All right.

MEMBER GREENWOOD: Okay.

CHAIR POWELL-PALM: Brian's feeling confident. Okay.
. All right. Okay. Brian's feeling confident.
Okay.

MEMBER GREENWOOD: Take it Brian.

MEMBER CALDWELL: Thank you.

CHAIR POWELL-PALM: Oh, Logan's disagreeing, dissenting. Do you want to -- we're going give it a college try, Logan. We may have to come.

MEMBER PETREY: Give it a shot.

CHAIR POWELL-PALM: All right.

MEMBER PETREY: Give a shot. I'm thinking for me, but it's a lot to cover, so. So we'll get on the soap box for you two.

CHAIR POWELL-PALM: Okay.

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MEMBER PETREY: You're ahead of lunch.

CHAIR POWELL-PALM: All yours, Brian.

MEMBER CALDWELL: All right. The timing of this is excellent. Coming right after copper. Because this may be an alternative to copper use, as Logan pointed out. So polyoxin D, zinc salt, is a microbial product.

And it classed as synthetic because the actual substance polyoxin D degrades pretty quickly. So they make it into a zinc salt that's more, a little more stable in the soil, in the environment.

It is an effective fungicide. And that's important because sometimes we say, well, what about alternatives? And, and yes, sometimes there are alternatives, but they may not be really economically effective.

So this is one that is, by all accounts pretty effective against fungal pathogens. Okay. The way that polyoxin D works

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is that inhibits pathways of chitin formation. And chitin is a critical part of fungi and insects.

And so, there are, there's questions as to whether polyoxin D would have negative effects on soil biota, particularly soil fungi, and insects in the soil.

And the, the kind of the counter to that, is that it is not very persistent. Even though it does have that zinc ion on it. And the half life is considered to be 16 days in the soil and 2.3 days in, when it's exposed to sunlight in the environment, which is relatively short periods.

Now, it has low toxicity to humans, animals, and bacteria, low toxicity to plants. For earthworms, there was a comment, a quote in the technical review, saying that the EPA, "deemed the effects to be below the level of concern for earthworms."

And just to finish up here, in the

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written comments, there were eight in favor of relisting, one against, two said look closer at this. And in particular, that we needed more research on the effects of polyoxin D on soil fungi, and insects.

And just the last comment is that, as I mentioned before, there are more of these microbial based products that are in the pipeline. And that this is, this is the way I see it, the avenue of reducing some of the other fungicides like copper that are less desirable. So ready for questions.

MEMBER GREENWOOD: Okay.

CHAIR POWELL-PALM: Questions for Brian? Allison, please go ahead.

MEMBER JOHNSON: Thanks, Brian. I see the note here about the potential for a cross-resistance. And I'm curious if you have any more info about how widespread the use is. And that, that I think plays a very important role in the risks of developing resistance and

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the transfer to human medicine.

MEMBER CALDWELL: Yes, so talking about the possible effects if similar products were used in human medicine. And I was very concerned about this one when I first took this on.

But it really seemed like the comments from the community, in general, were that it's not, polyoxin D is not currently used against human fungal diseases, which it would seem to have potential for, but actually it's --

I don't remember the exact reason that reason, but within the human body, it takes a really huge amount of it to affect any kind of fungi. That, you know, the fungal diseases are pretty rare, but they're becoming more common in people.

And it seemed like the concerns for crossovers, by people who know about this, were not -- I don't want to say not significant, but they were not a level of concern. So, yes,

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that's great. We really want to vet these things out as best we can, so.

CHAIR POWELL-PALM: Dilip, please go ahead.

MEMBER NANDWANI: Thanks, Brian. You have very wonderful insight on this one. Very quick, I know we are less desirable on copper uses, and we had a lot of discussion. And you mentioned about, that it could be alternative to that copper.

So do you see this as a, like, a viable alternative in future? It's coming, maybe, when its uses are increased, we know more about this product? Than it could be acceptable from the stakeholders and community? Thank you.

MEMBER CALDWELL: Yes, great question, Dilip. Well, so an important distinction that Logan made. Polyoxin D is effective against fungi, but not against bacteria. And so, bacterial diseases may, you know, hopefully we'll find other alternatives for

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them.

But this will not help against the, to reduce the copper when it's used for bacterial diseases. However, historically, I mean, back, you know, ten, 15 years ago, copper was kind of used for everything, any kind of plant disease as almost the first line of defense.

And polyoxin D is effective against so many pathogenic fungi that it, as Logan pointed out, can really reduce the amount of copper that's used for those kinds of pathogens.

Thank you.

CHAIR POWELL-PALM: Other questions for Brian? Go ahead, Mindee.

VICE CHAIR JEFFERY: So am I correct in understanding this is, came onto the list in 2019? I did see the suggestion that we might need a little bit more time on this one, because it's a fairly new substance. I just want to highlight that. I saw that in the comments.

MEMBER CALDWELL: No, 2012 is when the

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TR was written.

VICE CHAIR JEFFERY: Right. But it says a 2018 recommendation, and I think I saw in public comments that, that went live at 2019. Do you know?

MEMBER HUSEMAN: I read the same.

MEMBER PETREY: It's new.

VICE CHAIR JEFFERY: It says 2019.

MR. CLARK: Yes, it was added in 2019.

VICE CHAIR JEFFERY: Great, thank you, Nate.

MEMBER CALDWELL: Okay.

MEMBER PETREY: It's new to organics. I'm looking at like an EPA sheet from 2001. And it's saying that it has, and this is not for organics, obviously. This polyoxin D salt, they're just saying that --

It says, based on required toxicity tests no risk to humans are expected from products that contain the active ingredient, or use it, used by the label directions, and as low

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or no risk to environment.

So I mean, it's, it is new to the organics because we would have been using it earlier than last year, last couple years.

CHAIR POWELL-PALM: Mindee, please go ahead.

VICE CHAIR JEFFERY: Yes, thank you, Logan. Thank you, also Jared, for that clarification. It's compelling to me that a previous Board voted substance on the list, and it could behoove us, as a community, to let it play out in its use, and keep paying attention to the concerns.

MEMBER CALDWELL: Okay. Any more?

CHAIR POWELL-PALM: Yes, anymore? Shockingly, that I think we might be able to get this done, folks.

MEMBER GREENWOOD: Okay.

MEMBER CALDWELL: Just one last comment that I made. And that is that, this product is used in very small quantities per

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acre, as well, which is a plus, so.

MEMBER GREENWOOD: Okay.

MEMBER PETREY: That's a good point. Like copper is used at like one or two pounds to the acre on, depending on the, I guess, depending on the active ingredient percentage. But you use like eight fluid ounces of polyoxin D. I don't know the active ingredient amount.

But it is small. He is correct in that. And then, if you were to use Cueva, which is a liquid copper, you're using, the rate is like one to two gallons per acre for a leveled rate. So you are right, Brian, it much smaller.

CHAIR POWELL-PALM: All right. And as luck would have it Brian, you are the first vote on this.

MEMBER SMITH: Wait you have to --

CHAIR POWELL-PALM: Oh sorry, we have to read into the thing.

MEMBER GREENWOOD: I need to make the motion.

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CHAIR POWELL-PALM: Okay.

MEMBER GREENWOOD: So the motion is to remove polyoxin D, zinc salt, from the National List. And it left the Committee, Brian made the motion, Amy seconded, and it was unanimous. Or no? Yes.

MEMBER CALDWELL: Wait, I have a reflection here.

MEMBER GREENWOOD: Yes.

CHAIR POWELL-PALM: There's five noes, and three absent.

MEMBER GREENWOOD: Yes, yes.

CHAIR POWELL-PALM: All right. Go ahead, Brian.

MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

MEMBER GREENWOOD: No.

MEMBER BURCH: No.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

MEMBER GRAZNAK: No.

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MEMBER HUSEMAN: No.

MEMBER TURNER: No.

MEMBER TENCER: No.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

CHAIR POWELL-PALM: And the Chair votes no.

MEMBER SMITH: That's zero yes, 15 noes, zero absent abstentions, recusals. The motion fails.

CHAIR POWELL-PALM: All right, folks, with a minute to spare. Nice work. So we're going to keep the crop party going after lunch. But we'll have 90 minutes for lunch. So see you back here.

MEMBER GREENWOOD: And we'll be back for the Logan show.

CHAIR POWELL-PALM: We'll be back for

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the Logan show, yes. All right.

MEMBER GREENWOOD: Thanks, everybody.

(Whereupon, the above-entitled matter went off the record at 12:29 p.m. and resumed at 2:05 p.m.)

CHAIR POWELL-PALM: So to get kicked off, we're going to start with -- and I'll hand it back to Rick. Start with Amy. And just again, a reminder on the agenda, all of Logan's materials are going to be combined at the end.

So we're going to break up micronutrients. It's going to be Amy. Then we're going to go to Wood with vitamins, and then we're going to go to Javier with lead salts. And then, we're going to go to Logan.

MEMBER GREENWOOD: Okay. No, thanks, Nate. So Amy, humic acids.

MEMBER BURCH: Thank you, Rick. Welcome back everybody, good afternoon. All right. We are starting with humic acids. And should I read this into the record?

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CHAIR POWELL-PALM: Yes, if you want to just give it a high level description. Then, Rick will read it into the record, and they'll vote.

MEMBER BURCH: Okay, that sounds good. So, this is in regards to using humic acid, and as a plant or soil amendment, and it is with alkali extracts only. Humic acids can be swill applied or foliar applied depending on the specific product.

Humic acid affects soil fertility by making micronutrients more readily available to plants and contributing, oh sorry, making micronutrients that are already available in the soil more available to plants, not necessarily contributing any nutrients to the soil itself.

According to the TR, humic substances can chelate or bind soil nutrients, improve nutrient uptake, reduce the need for nitrogen fertilizer, remove toxins from soils, and increase biological activity.

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Commercially available, humic acids are derived from leonardite lignite, or coal extracts, from non-synthetic humates by hydrolysis using synthetic or non-synthetic alkaline materials are permitted including the use of sodium, potassium, and ammonia hydroxide.

So that's somewhat similar to how we started off crops, talking about potassium hydroxide. And I will get to that comment about fortification in just a little bit. And I'd like to probably pull in Brian again because we talked about that earlier.

So I'm tipping you off. But anyway, there were 13 commenters in favor of use of humic acids. And those were from all functional groups, certifiers, as well as farmers, and different farmer advocacy groups.

Humic acids are widely used in various crops and most of the comments were more towards produce or tree fruits. One certifying group mentioned that there were 718 members that had

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humic acids on their OSPs.

Growers also noted that humic acids are particularly important in sandy soils. There was one certifier, and one advocacy group that weren't necessarily opposed to relisting, but wanted to know more data on efficacy and justification since this mining of the past to feed the present, was the comment.

And then there was one advocacy group that voted to, or recommended to delist humic acids. So that was kind of the disbursement of the public comments.

One thing that a material review organization brought up is the point fortification. Because this is, this process is done with the alkali extractants.

And those, again, can be in the forms of potassium hydroxide, ammonium hydroxide, et cetera. So it, right now, the current annotation, and that was the recommendation that we actually beef the notation up, because there's

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no limits, there's no guardrails around this.

So the risk for fortification could happen. There's some testing that can be done. However, this does not limit what product can be used outside of alkali extractants only. So there's many different options.

And at the end of the day, it's hard to test. So this product, the annotation's a little bit vague. So I would recommend maybe adding this to a work agenda item to make it more clear.

But there's a couple other references on our National Lists that make it a little bit more clear. One is about aquatic plant extracts. And that, right now, the annotation, it's still a bit gray, but it's better.

It says, is limited to the use of potassium hydroxide or sodium hydroxide to the amount necessary for extraction. But I think we can push it that much further. There's also recommendations to just annotate it in terms of

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a pH. That we can use this extract and up to a certain pH level.

So right now, we're not necessarily voting on the notation. But again, I just wanted to highlight that for the Board to know that this could potentially have more work to be done to it.

MEMBER GREENWOOD: Okay. No, thank you, Amy. So questions for Amy on humic acids?

CHAIR POWELL-PALM: All right, would you read it into the --

MEMBER GREENWOOD: The motion to renew humic acids from the National List. In Committee, the motion was made by Amy, and seconded by me. And it was seven not to remove it, unanimous.

CHAIR POWELL-PALM: All right. And with that, we're going to start with Dilip.

MEMBER NANDWANI: No.

MEMBER GREENWOOD: No.

MEMBER BURCH: No.

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MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

MEMBER GRAZNAK: No.

MEMBER HUSEMAN: No.

MEMBER TURNER: No.

MEMBER TENCER: No.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: No.

CHAIR POWELL-PALM: And the Chair
votes no.

MEMBER SMITH: That zero yes, 15 no,
zero abstentions, recusals, or absent. The
motion fails.

MEMBER GREENWOOD: Okay. So next
Amy, again. So you have micronutrients, soluble
boron products.

MEMBER BURCH: Okay. Moving on to

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micronutrients focusing only on soluble boron. Logan will take up the balance here in a little bit. Boron is a micronutrient that can be soil or foliar applied. According to the technical review --

And we did ask for a new technical review this year just because boron was coupled with the other micronutrients and we wanted to make sure to do enough due diligence on this specific micronutrients, so we updated that.

Soluble boron products appeared on the National List for use as micronutrients since it was first published in the year 2000. It's permitted to be used on a international basis as well, just for some history there.

And the one thing for environmental issues to highlight, it is a mined substance. There were 13 comments from our diverse, organic functional groups in support of this product.

One comment to note is that soluble boron products are essential nutrients for plant

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development. They're necessary for growers to be successful in organics. There were two comments that stated they didn't oppose listing the substance.

And then there was one advocacy group that was in favor of delisting due to environmental, health, essentiality, and compatibility concerns. And highlighted if, the question was if there were in enough non-synthetic borates, such as borax to meet the needs of organic producers.

MEMBER GREENWOOD: Okay. Thank you, Amy. Questions for Amy, about soluble boron products.

CHAIR POWELL-PALM: Is that your hand up, Jerry? Are you raising your hand? Okay. Brian, please go ahead.

MEMBER CALDWELL: Yes, Amy, I'm sorry, if you, I don't -- I was not quick enough if you wanted me to say something in that past discussion.

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But I don't think it made much difference. But I'm just wondering why boron is separate from everything else in this listing? Or maybe, maybe you don't have the history for that?

MEMBER BURCH: That's a good question. I don't have the history. I think that was in inception of the National List.

MEMBER GREENWOOD: Yes, I don't know. Jared, any idea why it's separate?

MR. CLARK: Not off the top of my head.

MEMBER GREENWOOD: Okay. Okay, no, thanks. So any other questions for Amy? Okay. So I'll read the motion to remove soluble boron products from the National List.

And that came out of Committee. It was a motion by Amy, and seconded by Jerry. And seven votes from the Committee were no, with one absent.

CHAIR POWELL-PALM: All right. And

with that, we start the voting with you, Rick.

MEMBER GREENWOOD: Okay. No.

MEMBER BURCH: No.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

MEMBER GRAZNAK: No.

MEMBER HUSEMAN: No.

MEMBER TURNER: No.

MEMBER TENCER: No.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

CHAIR POWELL-PALM: And the Chair
votes no.

MEMBER SMITH: That's zero yes, 15 no,
zero abstentions, recusals, or absent. The
motion fails.

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MEMBER GREENWOOD: Okay. So we'll go to Wood, now, vitamins C and E.

MEMBER TURNER: Thanks. The substances are vitamin C and E, as listed at 205.601(j) as plant or soil amendments. Most recently, there was a 2015 TR on these materials. These vitamins, including synthetically derived C, ascorbic acid, and E, tocopheryl, are generally considered non-toxic essential ingredients for terrestrial and aquatic organisms.

Vitamin C and E are used to promote both growth and yields, and to protect plants from oxidative stress due to salinity. There was a previous effort --

The listing originally included C, E, and vitamin B1, thiamin, which was, in the previous sunset process was separated out from the other two vitamins.

And removed on the basis that foliar and soil applications of that material

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definitively not stimulate root growth in transplanted crops.

There is still some concern that we don't know enough about these materials, about whether they actually work. And that's, was indicated in the TR from 2015.

The feedback from the community was split on these materials, equal, right down the middle. We had three that supported delisting the material. And three that supported continue to list the material.

The discussion tends to be about whether or not the material is effective or essential. But that's a debated topic among the community in terms of the materials themselves. Some argue it is. Some argue it isn't.

Those that are using the material or support keeping the material on the list suggest that it is being used in small, small volumes, small quantities, and particularly is important in some fruit production.

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So there's, some certifiers have suggested that they have been a number of client users who use the materials. So the community is split.

That said, in our discussions as a Subcommittee we considered to be compliant with OFPA, and did not propose, or are not proposing removal.

MEMBER GREENWOOD: Okay, thank you. Any questions for Wood?

MEMBER NANDWANI: Thanks, Wood. It's very quick. I'm just reading here about this, environmental issues. And just wondering, you can probably quickly tell about. It says that inorganic compounds such as boron, and what we are discussing, its an inorganic compounds.

I'm just wondering about, do you know? Organic form or organic compounds of these micronutrients? Perhaps Brian or somebody else would know?

MEMBER GREENWOOD: I think you're in

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the --

MEMBER TURNER: I don't think I'm following your question.

MEMBER GREENWOOD: Now, it's you're in the wrong --

MEMBER TURNER: We're in vitamin C and E.

MEMBER GREENWOOD: -- vitamin C and E.

MEMBER TURNER: Yes, so --

MEMBER GREENWOOD: That's going to be next.

MEMBER NANDWANI: Sorry.

MEMBER TURNER: Okay. All good, all good.

MEMBER GREENWOOD: Okay. Any, any other questions? Okay.

MEMBER TURNER: All right.

MEMBER GREENWOOD: I'll read into. The motion is to remove vitamin C and E from the National List. Motion was by Wood in the

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Committee, seconded by Brian, and seven no votes in the Committee.

CHAIR POWELL-PALM: And with that, we'll start the voting with Amy.

MEMBER BURCH: No.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

MEMBER GRAZNAK: No.

MEMBER HUSEMAN: No.

MEMBER TURNER: No.

MEMBER TENCER: No.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

MEMBER GREENWOOD: No.

CHAIR POWELL-PALM: And the Chair votes no.

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MEMBER SMITH: That's zero yes, 15 no, zero abstentions, recusals, or absent. The Motion fails.

MEMBER GREENWOOD: Okay. Thank you. So last, before we get to Logan's group, we have Javier. This is Javier's first sunset, so take it away.

MEMBER ZAMORA: Thank you, Rick. Thank you for making it easy for me. This is shouldn't be any controversy here. It's lead salts. Lead salts is listed on our National Organic List of Substances as 205.602(d).

Lead salts are listed as a non-synthetic prohibited material that has some really adverse health consequences if people eat it, or inhale it. So most of the comments that we got, if not all, they suggested that it should be on the list as prohibited material. And most of the Board members are agree to that.

MEMBER GREENWOOD: Okay. No, thank you. And good job. So the issue, I think, with

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lead salts is one of those that we don't have to argue about. It's sort of nice to come across a compound like that. So any questions? Okay, no.

CHAIR POWELL-PALM: Any burning desire to have lead salt back in use?

MEMBER GREENWOOD: Yes, we got rid of leaded gasoline. We might as well get rid of leaded salts. So the motion to remove lead salts from the National List, and it was by Javier, and seconded by Amy, and the committee had seven no votes.

CHAIR POWELL-PALM: All right.

MEMBER SMITH: So just to be clear, a no vote would remove it. And because it's a non-synthetic, it would allow, be allowed to be used. So just making sure. It's like opposite, opposite day.

CHAIR POWELL-PALM: Because it's on the Prohibited Natural List.

MEMBER GREENWOOD: Yes.

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MEMBER SMITH: Okay. So, a no vote keeps it on, which means it's prohibited.

DR. TUCKER: Yes, the real question here, folks, when you get confused is, are you voting to change the list or not? It's that simple. Are you are voting to change the list or not? If you're voting to change the list than vote, yes.

If you're voting not to change the list, vote no. And that applies to every single vote. That's the underlying I in principle here, is are you voting to change the list or not?

MEMBER SMITH: Okay.

CHAIR POWELL-PALM: All right. I think we start with Kyla.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

MEMBER GRAZNAK: No.

MEMBER HUSEMAN: No.

MEMBER TURNER: No.

MEMBER TENCER: No.

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CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

MEMBER GREENWOOD: No.

MEMBER BURCH: No.

CHAIR POWELL-PALM: The Chair votes
no.

MEMBER SMITH: Zero yes, 15 no, zero
abstentions, refusals, or absent. The motion
fails.

MEMBER GREENWOOD: Okay. Logan, so
why don't we start then with your first thing on
the list, which was the proposal carbon dioxide
as a petition substance?

DR. TUCKER: Hey before --

CHAIR POWELL-PALM: Logan, one
second.

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DR. TUCKER: -- so before we move to Logan, I would like to call a point of order. Somebody previously thanked Logan for not having her baby, so we could do this.

I would actually say we ought to thank Logan's baby. And so, I think, Logan, I did want to jump in before you started, just to say thank you for engaging online like this.

We have never -- well, we haven't done this since somebody broke a femur a few years ago, which was a very, kind of early experiment. And you're handling this with such grace. And just so seamlessly. I did want to thank you for your participation.

MEMBER PETREY: Thank you.

DR. TUCKER: And thank your baby, for holding on.

MEMBER PETREY: I'll let him know. I'll let him know. Thank you. Well, thank you all for accommodating me. It means a lot, so thank you, very much. And my husband didn't want

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me traveling over there. So thank you, very much.

Okay. We'll start with carbon dioxide. And then, I'll just work through the sunsets except biodegradable biogas mulch is going to go last. Is that correct?

CHAIR POWELL-PALM: That's correct, yes.

MEMBER GREENWOOD: Correct.

MEMBER PETREY: Correct, okay. All right, so carbon dioxide, we received a petition. It seems like a long time ago. But as my first proposal, went through some of the issues there.

I guess, most of the Board members remember that I didn't decouple some of those. The two requests to have it as, I mean, 205.601(a) and (j). So (a) would be an outside disinfectants and sanitizer for irrigation. And then, (j) as plant and soil amendments.

And we have moved (j) to the spring. We've requested a TR. So we're just going to

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focus today on the algaecide disinfectants and sanitizer for the irrigation, for that use. So for that use, we have received a lot of comments.

And most have been in favor, you know, of needing this, or it being a good alternative. So the current alternatives right now, they have citric acid, sulfur burners, and saying that the CO2 would be a good fit because it is a safer product.

Okay. So get into the Subcommittee review. Carbon dioxide is understood to be a material with low, or inherently low risk. We do have it as a processing aid. But non-synthetic sources are not available due to the lack of infrastructure from ethanol plants.

Just doing some research there, and they don't have the sufficient supply needed. And it is also, at 205.605 as a synthetic as well in the processing for the same reasons. So what is the need for carbon dioxide? And why do we need to reduce pH or clean out lines?

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And a lot of this is going to be more in, like, your drip lines. Maybe a couple drip farmers on there, I'm sure that they could tell you guys that, you know, drip has very small emitters on it that, for water to be able to leach out.

And they get clogged up by bicarbonates if you're in alkaline soil, or by algae, algal build-up. And so, lowering the pH can clean out or flush these lines. And so, if you are clogged up, I mean it can be very detrimental to your crop.

So using this is to be able to flush out. And so, from the commenters, when we saw comments from people who actually run into this issue, they were in support of using a new product. Now, there were some groups and coalitions that say we didn't have any farmers that requested the need.

And maybe, they didn't have farmers that ever used any pH adjusters in their in their

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water supply for, you know, for the irrigation. But the ones that do use pH adjusters were desiring to use, to carbon dioxide as a alternative.

And so, again, we are kicking the other one to the spring for a TR report, or with a TR. And as far as alternatives, compatibility, we talked about the circle sulfur burners and citric acid.

Sulfur burners creates sulfuric acid by dissolving the fumes of burning sulfur and irrigation water. Pure sulfur is an odorless, tasteless, light yellow, solid, usually solid, or blocks or pellets. But it is, it kind of can be irritating to the skin, irritating to the eyes.

And under acidic conditions, sulfuric acid may liberate sulfuric dioxide, which can be a respiratory concern. So again, from talking with some growers that are using this product, they are interested in carbon dioxide, which would be an inherently low risk and easier to

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use.

Also, there is a limit. Because it's a natural process, there's a limit to the pH that the water can get to, which is a pH of five, just due to the carbonic acid and the saturation of that.

And so as far as, also, any byproducts that may come off of it, just carbonic acid. It's a very, very natural deal. Anyways, I'll go ahead because I know we got a long list. And are there any questions from you guys?

CHAIR POWELL-PALM: Any questions for Logan? All right.

MEMBER GREENWOOD: Okay.

CHAIR POWELL-PALM: Oh, Amy, did you have one? Allison?

MEMBER JOHNSON: Thank you, Logan. And sorry, if they missed this piece. Can you repeat or clarify? It says this, this is a recycling process. Is that, does that mean you're pulling CO2 from the atmosphere and using

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it?

MEMBER PETREY: Sure. Well, no, it's from plants. Let me see, specifically, which type of plants. But it's when it is captured. And right now, because they're shoving carbon dioxide -- what I don't understand.

They're shoving like carbon dioxide into mines, or into like holes, or something in the ground to store it, so that it's not being released, also, from some kind of manufacturing process.

And so, this is used, instead of either releasing it into the air, or trying to hide it somewhere in the ground, they're using that product.

So it's not, nothing is being produced for this use, for this product. It is being used as a byproduct, or being pulled off from byproduct process.

MEMBER GREENWOOD: No, thanks, Logan. Seeing no other questions. So we have the motion

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to add carbon dioxide as an algaecide, disinfectant, and sanitizer to irrigation systems for cleaning.

And it came out of Committee. It was motion by Logan. I seconded it. And six of us were in favor of adding it. Two were absent at that Committee meeting.

CHAIR POWELL-PALM: All right. And we're going to start the voting. Start the voting with Mindee. And so, for this one, let's clarify, Kyla. For a proposal --

MEMBER SMITH: I like the way Jenny put it. Change in the list. So that mean, adding this is a yes. Okay?

VICE CHAIR JEFFERY: Yes.

MEMBER GRAZNAK: Yes.

MEMBER HUSEMAN: Yes.

MEMBER TURNER: Yes.

MEMBER TENCER: Yes.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: Yes.

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MEMBER D'AMORE: Yes.

MEMBER ZAMORA: Yes.

MEMBER JOHNSON: Yes.

MEMBER CALDWELL: Yes.

MEMBER NANDWANI: Yes.

MEMBER GREENWOOD: Yes.

MEMBER BURCH: Yes.

MEMBER SMITH: Yes.

CHAIR POWELL-PALM: And the Chair
votes yes.

MEMBER SMITH: That's 15 yes, zero no,
zero abstentions, recusals, or absent. The
motion passes.

MEMBER GREENWOOD: Okay. Thank you,
Logan. So now, we go on to micronutrients,
sulfates, carbonates, oxides, or silicates of
zinc, copper, iron, manganese, molybdenum,
selenium, and cobalt.

MEMBER PETREY: And I have no idea why
boron is not part of this one either, so. I
don't know. But, okay, so I guess, we're going

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to talk about micronutrients at 205.601(j).

And as I stated before with other micronutrients, they are very important and can be very limited in soils. But they cannot be used as a defoliant, herbicide, or desiccant.

Those made from nitrates or chlorates are not allowed. Micronutrient deficiency must be documented by soil or tissue testing, or other documented and verifiable method as approved by the certifying agency.

So, again, as Kyla mentioned before with other things, they're flagged that we need to be testing. And farmers are taking tissue samples and soil samples to be able to identify that.

Usually these are, can be expensive. So we do, they're used minimally. And they're also minimally needed by the plant. But they are vital for plant growth and plant production.

As far as the comments, there was one group that -- so overwhelmingly in support.

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There's one group that was, that stated that synthetics aren't compatible and may not be needed.

However, most of the other commenters are saying that the natural sources are very slow to break down and would not provide the need that we have for these micronutrients.

As far as environmental issues there can be buildups and that considers heavy metals. But at the rates that we use them, and because of the testing, and that's why the annotation is in there to protect that, and for that not to be an issue there. Are there any discussions or any comments?

MEMBER GREENWOOD: Questions about, it's big basket. But essentially, they're all the same in their use. So any questions or comments? Yes?

MEMBER TENCER: I have a question. And I apologize farmers, because I'm sure this is really obvious to you. But is this is really the

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only way to add this to the soil?

So if you're like rotating your crops, and cover cropping, and doing all of those things to build your soil organic matter, is it that these things just don't come at the correct rate? I know I'm sorry.

CHAIR POWELL-PALM: Do not apologize. That is a great question.

MEMBER TENCER: Well, it just shows how little you know when you're not a farmer.

CHAIR POWELL-PALM: Yes, go ahead, Liz.

MEMBER GRAZNAK: So the, the way that I actually apply a lot of these is fully foliarly. Add it to water, and then it's sprayed on the leaves. Especially if tomatoes, which are such a high nutrient requiring crop. And in such very, very small, small amounts.

MEMBER GREENWOOD: Any other?

CHAIR POWELL-PALM: Do you want to -- some, Amy, as well?

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MEMBER BURCH: Yes, absolutely.

MEMBER BURCH: Carolyn, it's a great question. We always talk about complementary rotations, and trying to build our soil nutrient levels.

You know, in general, a lot of the nitrogen can be generated through complimentary rotations and certain cover crops that are legumes, can contribute nitrogen to the soils. But that strategy is a bit limited when it comes to micronutrients and trace elements. So we're typically doing that to fluctuate some of our macronutrients.

MEMBER TENCER: Thank you.

MEMBER GRAZNAK: Yes, but it's a good question. And actually, I had a comment, Logan. And maybe I'll pull in Kyla for this. This was a situation by a fellow farmer of mine. He put on a starter fertilizer. So mainly, a component was a macro nutrient.

However, the in that composition of

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the starter fertilizer, there was a small fractional amount of zinc. So I'd say that fractional amount was maybe like .01. And the case was a soil test wasn't necessarily a supplied to document zinc deficiency.

Even though the functionality of that starter fertilizer wasn't to deliver zinc. It was just a blended type product with very nominal amounts of anything else outside of a phosphorus component.

So I'm just kind of questioning what the protocol or procedure would be. I think, I believe he got a non-compliance just because he didn't deliver that soil deficiency documentation for zinc. And it just wasn't as practical of an application, so.

MEMBER BURCH: That's strict.

MEMBER SMITH: Yes, unfortunately, that's what annotation point says. However, I will say that, I forget when exactly it happened, but they the annotation did change. Well, now

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I'm getting confused. Hold on a second.

Oh, yes. So it did change and there was the last bit that said, or other documented and verifiable method as approved by the certifying agent. So we will, PCO, I know, in our policy will look at other like third-party, you know, research information.

That could support that in a case where the operator didn't do testing, or sometimes it's just that the the plant can't take it up. So the soil is not deficient or something. So something like that, that further justifies the plants need even though this, the soil is not showing a deficiency.

So that was added because it was a little bit too strict and boxed in. And I think that operators have been appreciative of that opening up. I know, I did read that in the public comments as well.

MEMBER GREENWOOD: And Carolyn, one other thing. I'm a tree grower. We do leaf

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analysis and I have zinc problem. So I've added zinc and we don't do crop rotation. My trees have been there forever.

So when we talk about agriculture, it's just not all row crops and there are a lot of fixed things. And you know, the apple growers, I guess, might do that, too. I wouldn't know. Anyhow, okay, any other questions? Yes?

MEMBER ZAMORA: Just a little comment, as a grower, from a farmer to a scholar. We have pretty much 18 nutrients that we need to grow things, big, medium, small, NPK big. Magnesium, calcium, manganese, all those things, smaller.

And the little BB gun pellets are the micronutrients. We use them very little. Unless, you have, you grow something that eats a lot of zinc, like he said.

And then, you need to demonstrate that it's needed with the soil sampling, or a tissue sampling. So these are actually very minute

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things.

But as growers, and based on what you grow, sometimes you need them to make sure you have a viable crop. So that's, I hope, that's my scholar-farming thing.

That's how I understand it. I mean, you have 18 that, the last one out of the 18 might be bleached that we need for plants to grow. So that's how.

MEMBER TENCER: That's really cool. I'm going to use that in my classes, big, medium, and small.

MEMBER ZAMORA: I'll do a Zoom call on your class.

MEMBER TENCER: Thank you, so much.

MEMBER GREENWOOD: Okay Thanks, Logan. So the motion to remove micronutrients, sulfates, carbonates, oxides, or silicates of zinc, copper, iron, manganese, molybdenum, selenium, and cobalt from the National List came out of committee. The motion was by Logan,

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seconded by Amy, seven no, and one absent.

CHAIR POWELL-PALM: And we're going to start the voting with Kim.

MEMBER HUSEMAN: No.

MEMBER GRAZNAK: No.

MEMBER TURNER: No.

MEMBER TENCER: No.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

MEMBER GREENWOOD: No.

MEMBER BURCH: No.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

CHAIR POWELL-PALM: And the Chair votes no.

MEMBER SMITH: Zero yes, 15 noes, zero

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absent, recusal, or abstentions. The motion fails.

MEMBER GREENWOOD: Okay, thank you. So, Logan, you have squid byproducts. And I remember when you came to me and asked to have all these sunsets. I was really surprised. But you know, I'm glad we were able to let you do this.

MEMBER PETREY: The event was easy.

MEMBER GREENWOOD: That was my recollection, any way.

MEMBER PETREY: Yes, yes I was, I was throwing my hand up. So squid seemed fun. So anyway, it's, you know squids kind of easy. So, okay. So we squid byproducts listed at 205.601(j).

So squid byproducts, they must be from food processing-wise only. And it can be adjusted with the sulfuric citric, or phosphoric acid. The amount of acid shall not exceed a minimum needed to lower the pH at 3.5.

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And that is to maintain stability. And so, that they don't decompose that moment. Because that that is not, not a fun deal to deal with. Okay, so squid it has to be listed separately from fish because it's not a fish.

And so, that is why it's added separately. Interesting point is that squid species, they die after they spawn. And so, that, it is limited to harvesting squid after that, right before that they die, or as they're dying.

And so this is considered to be, not an effect on the biodiversity or the diversity in this species in there. So it is limited to those fisheries and after that process.

So squid what's its use, it's as a fertilizer, having the NPK values as low as 222 to 372. Okay, so it is a relatively low fertilizer. That's typical for some of the organics.

And as far as the public comments,

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most in favor, all that one is what I saw. All about one, which is against the synthetic, you know, the adding the acids to it, you know, and having to use that product. They say was it not needed.

But all others were in support, so that it fit. It's like the liquid fish, as well. And otherwise, no environmental issues because, like I said, harvested after that. Are any questions?

MEMBER GREENWOOD: Yes, questions for Logan on liquid squid products, byproducts?

CHAIR POWELL-PALM: Go ahead, Mindee.

VICE CHAIR JEFFERY: Jared, is this one of those 2019 additions?

MR. CLARK: Yes, this was also added in 2019.

VICE CHAIR JEFFERY: Thank you.

MEMBER GREENWOOD: Okay, hearing nothing else, the motion to remove squid byproducts from the National List left the

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committee with the motion from Logan, seconded by Brian, seven no, and one absent.

CHAIR POWELL-PALM: And with that, we're going to start the voting with Liz.

MEMBER GRAZNAK: No.

MEMBER TURNER: No.

MEMBER TENCER: No.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

MEMBER GREENWOOD: No.

MEMBER BURCH: No.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

CHAIR POWELL-PALM: And the Chair votes no.

MEMBER HUSEMAN: No, from Kim, as

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well.

MEMBER SMITH: Oh, I'm sorry, almost -- I'm sorry.

CHAIR POWELL-PALM: All right.

MEMBER SMITH: Zero yes, 15 no, zero abstentions, recusals, or absent. The motion fails.

MEMBER GREENWOOD: Okay. Oh, wait, it's Logan, again. Tobacco dust, nicotine sulfate.

MEMBER PETREY: This is like that lead salt. It's pretty easy. Okay, so this is a natural, prohibited substance. Tobacco dust at 205.602(j), nicotine sulfate. It's been on the list since the inception, so.

And understandably why, it is harmful to humans. And so, it says nicotine is a natural insecticide produced as a secondary metabolite in tobacco. Tobacco dust can be used in agriculture for pest control.

And the dust is a byproduct of waste.

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It can be homemade. And so, that's, you know, we're having to keep it on the list to make sure that none of these are used. The commenters are 100 percent for keeping it on the list as a prohibited substance.

Also all the international acceptances, there's no reference to tobacco dust. But our Subcommittee voted all in favor of keeping it on, as well. So are there any questions now?

MEMBER GREENWOOD: Now, thank you, Logan. And this is the same as the lead salts. I mean, it's on the list as a prohibited substance. So any other questions? So the motion to remove tobacco dust, nicotine sulfide, at 205.602. And the motion out of Committee was Logan, seconded by Wood. Seven noes and one absent.

CHAIR POWELL-PALM: All right. And we're going to start the voting with Wood.

MEMBER TURNER: No.

MEMBER TENCER: No.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

MEMBER GREENWOOD: No.

MEMBER BURCH: No.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

MEMBER GRAZNAK: No.

MEMBER HUSEMAN: No.

CHAIR POWELL-PALM: And the Chair
votes no.

MEMBER SMITH: Zero yes, 15 no, zero
abstentions, refusals, or absent. The motion
fails.

CHAIR POWELL-PALM: And folks, there
are a few exciting things about this particular

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agenda other than everything. So I propose we take a quick break. And then, give Logan a chance to get a drink of water. And then we're going to finish up.

MEMBER GREENWOOD: Okay.

CHAIR POWELL-PALM: All right. So let's come back in ten minutes.

MEMBER GREENWOOD: Okay. Thanks, everyone. I'm not coming back.

(Whereupon, the above-entitled matter went off the record at 2:47 p.m. and resumed at 3:02 p.m.)

CHAIR POWELL-PALM: Was that a little much? Yes. Chair Emeritus --

(Simultaneous speaking)

MEMBER GREENWOOD: Logan, what you've waited for, biodegradable biobased mulch film. And, Nate, I don't know if you want to do a little preamble.

Because just to make sure that people understand the difference between what we voted

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on before, versus what this is, to put it in context.

CHAIR POWELL-PALM: Absolutely. So, it seems just yesterday we were talking about biodegradable mulch. And we were. Because it was very recent.

So, last fall we passed an annotation change where we lowered the biodegradable biobased mulch film to have 80 percent biodegradable status.

The listing that we're looking at today is the 100 percent listing. And so, it's sort of in this interesting purgatory, where we have passed an amendment to the annotation, and now we're considering the whole listing.

And so, what we're voting on today is, do we keep biodegradable biobased mulch film on the list at all? If we delist biodegradable biobased mulch film, it will also get rid of the last October, last fall's vote.

So, the whole thing goes away if we

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delist today. And if we re-list then the annotation will change, because we have been in communication with the program that they're going to work on it after this vote.

So, they wanted to see, is that worthwhile if we're going to delist all together. And if we re-list and drop to 80 percent, and we hopefully see some action, where folks would then come up with materials that meet this definition. Any questions on that?

I feel like all of our June and July was filled with discussions around BBMF. And what are we talking about? And what even is this? And just wanted to make sure we're set before Logan dives in and we think about, Jerry, please go ahead.

MEMBER D'AMORE: So, 100 percent's not there. Is there an 80 percent we can hold in our hand, and wave around, and touch, and feel?

CHAIR POWELL-PALM: And I will refer that to the material lead. There is not.

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There's not an 80 percent that --

MEMBER PETREY: No.

CHAIR POWELL-PALM: -- we can touch
in our hand and feel.

MEMBER D'AMORE: Thank you.

MEMBER PETREY: I have spoken with a
company that had a prototype. But that was it.

MEMBER GREENWOOD: Okay. So, Logan,
now that we have the context, the floor is yours.

MEMBER PETREY: Is Asa here?

MEMBER GREENWOOD: Asa is here, yes.

MEMBER PETREY: Well, I wish he could
step in. I wish I could call on him. You know,
he's done a lot of working to get us there.

MEMBER GREENWOOD: No, he's under the
table right now.

MEMBER PETREY: Oh gracious. Okay.
All right. Thank you. Okay. Biodegradable
biobased mulch film is listed at 205601B as a
herbicide, weed barriers, as applicable mulches.

Biodegradable biobased mulch film as

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defined at 205.2 must be produced without organisms or feed stocks derived from excluded methods.

History, it was recommended, or the Board put it on 2012. This is a statement from that recommendation. It says, NOSB sees the approval of these materials as an opportunity to reduce pollution substantially without sacrificing organic farming principles.

The first several criteria apply to those certifiers to the MROs will determine allowed products.

So, it was added. And because we are, there is a lot of organic farming that has plastic culture uses. And as we'll go along we'll get into the waste issues of plastic mulches.

And we actually have a couple of plastic culture farmers on the Board. So, they're going to be able to tell their stories as well, and what they think about it. You know, their experience, it's really important for this

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topic.

Okay. So, the use of mulches in general is to suppress weeds, conserve water, and facilitate production of row crops. Plastic mulches are also used to help heat up the soil.

It's been noted that biodegradable biobased mulch is not as good as the plastic mulches for that, as they're questioning whether, you know, it's needed for that.

Paper mulch and natural mulches do not provide that. It actually cooled the soil more than it would just to be bare ground.

So, we move on to the environmental issues. This is I guess the most prevalent part of the commenting. And the concerns about BBMF have been discussed extensively in prior documents, including discussion documents, reports, proposals for limitation changes.

The concerns are what, you know, what does it break down into. We're dealing with that keyword, the macroplastics. But there is also a

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terrible issue with the plastic mulches that we currently use.

And from a lot of commenters there's, it's no longer recyclable, and they're having to just throw it in the landfill. And it is a huge waste stream that we're dealing with.

So, we asked some questions to the stakeholders. The first one asking, is there any 100 percent biodegradable that has come up? Any products available? There are none. And likely various after, actually none for 80 percent that I know of.

We actually had a researcher from Washington State University. I think she mentioned that 60 percent currently is the highest that they have.

Question 2. Mulches are critical to organic farming operations. Are those operations eager for biodegradable mulches? So, that's specifically looking for comments from people who are in plasticulture.

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And we got overwhelming yes. It seems like everybody that's using plastic in organics want some kind of alternative that is more environmentally friendly, and that doesn't leave the remnants of the plastics that they have.

Number 3. How much does this include the remaining efforts that seem to remove the standard plastic mulch?

So, we discussed this. And we know that it doesn't stay together the entire season. And once you try to move the plastic mulch, as you're pulling it off the field it gets ripped, it gets shredded. And it stays in the ground for a very, very long time.

I grew up on a plasticulture farm. And I remember plastic just blowing in the yard, you know. I mean, it does come off in small pieces. And that's very expensive.

Actually, one commenter mentioned that it cost, I don't know what California wages are. I know they're high. But it was somewhere

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around \$1,000 an acre to have all of those pieces removed after a use.

And organic farming, because it does rip, and to my knowledge organic farmers are pulling it up after every crop. Whereas, a conventional farmer will try to get two or three crops out of one plastic use.

Organic, to my knowledge again, we've got two people on here. But to my knowledge they're going to pull it up after every because of all the tears and holes, and the weed issues that could come through that.

And Question 4. If any producer has experienced the trial biodegradable mulch to share? That's a tricky one always. Because that's going to rely on an organic grower that is also conventional, because they're using it. They are, or just has some plot area to decide.

And we did have a commenter on these, well except for of course for the Washington State University presentation that we did

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receive.

We had somebody that tried it on his conventional ground. And his concluding statement, so there was no difference between the application and the efficacy of the biodegradable biobased mulch and the PE mulch.

The biodegradable held without a problem. This is important. Because plastic needs, it needs to hold to avoid weed growth. At the end of the season we saw about 30 to 50 percent soil exposure.

I don't know the product. I assume it was around 60 percent biodegradable. I'm not sure which one they were using. But they did see that the efficacy of it was comparable as far as all the things it provided for the plastic mulch.

So, in our subcommittee we voted in favor to delist, because of the environmental concerns. And the plastics were a huge topic.

But I want to go on to the comments from, the written comments. Just go through a

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few of those.

So, we had mixed reviews. We actually had, to me it seemed like all the farmers that used plastic mulches were wanting to have biodegradable biobased mulch re-listed for this innovation, for it to keep being progressed, and keep, for the research to continue.

Because they are in dire need of wanting something that would be better for their farm.

Let's see. Most, well every comment was in opposition to the idea of plastic mulch. Even the growers that use it saying they want something.

And then of course, the people who were opposed to using the biodegradable biobased mulch were against the plastic too. And so, their recommendation was stating that natural mulches be used.

And so, I don't think the natural mulches are an alternative to the plastic mulch.

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And I'll go into a little bit of that, you know, discuss that. And I know that that's been asked.

And so natural mulches. And even, okay, so even in the CACS PowerPoint that Amy had, we had a lot of grower pictures. And one caught my eye.

And it was, I think from Liz's farm. And it has plastic beds. And in the furrow you had natural mulch. And it was not used where the plants were. It was used in the furrows to probably protect, you know, the weeds. So, to block weeds.

So, it is, you know, it can provide some of that. But then it showed me that plastic beds are used in so many other different reasons. The plastic beds hold that bed all season long.

And that's important for irrigation, because you're running a drip line, and you need to have a packed good bed to get equal watering. You also need to maintain a bed for harvesting.

You know, if you trellis, or if you're

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staking and running lines you don't need things to be washed away. They need to be safe. And that's like for tomatoes and peppers, and cucumbers can be trellised as well, eggplant.

And so, it gives you consistency with harvests. And I would imagine, even though strawberries aren't trellises, the maintaining a bed, and actually a high bed so that they can pick a lot faster, and I'm sure Javier can speak to that a lot.

And so, the natural mulches are just, I don't know how you apply it, you know, on a larger scale, by putting out cedar mulch, or straw, or, you know, plastic is pulled by a tractor or an implement, and laid down, and laid out that way.

But also, you have the option I guess of living mulches. And we know that runs into concern. Andy was talking about that being, you know, a huge competitive to the corn crop.

Rolling and crimping is an art, which

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she knows. And it's, to be able to grow a cover crop for four months prior, which a lot of edge farmers might not have that opportunity to do that, and especially like on a raised bed.

That's actually really, really hard to do, to get that to lay down, and to kill it at a certain time with the crimp. And making sure that you grow it.

And you may have to fertilize that crop to be able to get enough biomass to provide the weed barrier that you need, or that the mulch would, the plastic or the biodegradable biobased mulch would provide.

So, there come, I don't, it's not looking, some of the growers mentioned who were using the plastic said that their recycling places were no longer taking it. So, everything is going to the landfills now.

So, just one last statement. We are dealing with a potential microplastics regarding listing the produce. But at least with

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biodegradable biobased mulch we're limiting the macroplastic that we're having to deal with. Until we move forward with this we will be dealing with both.

So, that is what I have, a lengthy sunset. I'm going to open it up for any kind of questions or discussions. And I will welcome Liz and Javier to talk about their farms, and their experience as well.

MEMBER GREENWOOD: Okay, no. Thank you, Logan. We really appreciate it. Yes, Javier, do you want to go ahead?

MEMBER ZAMORA: Sure. Thanks, Logan. It's all really, really good information. And I know this is something that has been debating for many, many years. And people get really emotional.

I will tell you as a grower, and Liz could probably, you know, share her experiences as well. I tried burlap. I try straw. I even tried this 60 percent biodegradable.

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The biodegradable, the material that are available right now, they don't really hold really well. And we still don't know what the residue is after we use them.

And we have a really, this is essential, because really cool climate. I think, I would assume that it lasts longer, or performs better in Watsonville than in Texas or the Valley. Because it's hotter and more humid, or whatever it is.

I think it's, there's a change that needs to happen. It's not here yet. And I'm looking for it as a farmer, and as someone that wants to feed the soil, not mine the soil, and wants to make sure that my kid and my farmers around me can have a healthier soil than I took it on when I first took the land.

I think we need to look at the practical usage of what's available now. And in my case whether we use conventional plastics or the materials that are available, there's still

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residues that we're leaving behind.

And unfortunately the plastics are not being recycled. We do our very best job to make sure that we put them aside. We take them to the landfill or the place where they're supposed to recycle. But I understand they're not recycling.

So, we almost, as a grower I feel like we're hitting a dead end. But we're also, I also feel like the community is asking for a change. But I don't see the manufacturing making something that can accommodate what these prior Boards have come up with.

So, there is more work that needs to be done. And I'll stop there.

CHAIR POWELL-PALM: Thank you, Javier. Jerry, please go ahead.

MEMBER D'AMORE: Logan, thank you very much. It's a great presentation. I can't believe all that you took on. You must have been out absent on one day.

I have two questions. And I

understand that, you know, we're not allowed, or we don't deal with pricing. However, I'd like to know if at any point there was an indication of the cost of the 100 or the 80 percent, vis a vis polyethylene. And it doesn't even have to be a dollar --

MEMBER PETREY: Yes.

MEMBER D'AMORE: Is it a little bit more expensive, or a lot? Was it --

MEMBER PETREY: It is. I would say it's probably double the cost --

MEMBER D'AMORE: Okay.

MEMBER PETREY: -- currently.

MEMBER D'AMORE: Thank you.

MEMBER PETREY: And that is talking about 60 percent. That's not even the 80 percent. We actually had one commenter on there that, I think it was a group or a coalition that was stating about their growers and their growers' comments to say, we're like to try it. But we haven't even looked at it, because for one

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it's, you know, not allowed. But the price point is very high.

MEMBER D'AMORE: Thank you for that. My next question is, do we have any idea of the ratio of organic mulch users versus conventional? In other words, what do we, what's, what are we running after here, five percent, three percent, seven percent of the mulch usage?

CHAIR POWELL-PALM: Just to clarify, Jerry, real quick.

MEMBER PETREY: The total plasticulture use? Is that what you're asking?

MEMBER D'AMORE: Please. If there's any --

MEMBER PETREY: Or are you asking, I'm sorry, go ahead.

MEMBER D'AMORE: No, you go ahead, please.

CHAIR POWELL-PALM: So real quick, let me jump in here.

MEMBER PETREY: Yes, okay.

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CHAIR POWELL-PALM: Yes, Logan, you're correct. So, Jerry's asking about total plasticulture --

MEMBER PETREY: Okay. So --

CHAIR POWELL-PALM: -- what percentage does this represent?

MEMBER PETREY: Got you. So, acres, I don't know what it is. But I do, and Liz or Javier, correct me if I'm wrong. But from what I know about organic farmers with plastic use, they're going to pull it up every season.

Where a conventional grower will try to get away, because they can spray herbicides over it. I mean, they can spray. So they're, what they do is, they'll put it down for their most valuable crop, like a pepper for example.

And they'll use it for that high production, that high input. And then they will try to get like a squash or something cheaper on that plastic, just because it's there, and they already have the drip there. So, they're not

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going to spend the extra cost.

And they'll do that for a couple of seasons, and then pull it up once it's just completely hole shot, and then there's none left.

So, what I'm implying is that the acres might not be comparable. I don't know them anyway. But it could be that organics use it more frequently within the season. But, Liz, do you, is that how you handle it? Or are you --

CHAIR POWELL-PALM: All right. Go ahead --

(Simultaneous speaking)

MEMBER PETREY: -- double crop?

MEMBER GRAZNAK: I don't know of a person, I don't know those numbers. I can tell you that --

MEMBER PETREY: Do you double crop on your --

MEMBER GRAZNAK: No.

MEMBER PETREY: -- plastics?

MEMBER GRAZNAK: No.

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MEMBER PETREY: Okay. Yes, okay.
That's what I was asking. I'm sorry --

(Simultaneous speaking)

MEMBER GRAZNAK: Every small scale
producer that I know, you know, that's my size,
we're all using plastics.

MEMBER PETREY: Okay.

MEMBER D'AMORE: May I continue?

MEMBER PETREY: And even a larger
grower organic they're going to pull it up --

MEMBER GRAZNAK: Oh, yes.

MEMBER PETREY: -- after the end of
the season.

MEMBER GRAZNAK: Yes, yes.

MEMBER DIMITRI: And explain why that
is briefly?

MEMBER GRAZNAK: Weeds.

CHAIR POWELL-PALM: Okay.

MEMBER PETREY: Yes.

CHAIR POWELL-PALM: Finish your
thought though, Jerry.

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MEMBER PETREY: You get holes, right?

MEMBER D'AMORE: Sure thing.

MEMBER PETREY: You're getting holes in the plastic during the crop, during the cycle, you know. So --

MEMBER DIMITRI: During the season?

MEMBER GRAZNAK: Oh, yes.

MEMBER PETREY: And it's blowing. Yes.

MEMBER D'AMORE: And thank you for that. My only reason for asking those two questions is, what is the chance that we'll really get some of the big producers of this product fired up for the, for what we're looking for?

I mean, it strikes me that, and I know this is extremely difficult. But doing this without somehow herding in the conventional pieces I think is going to be a real hard road to go.

And if the price is expensive, and we

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get it to, if it gets to that point, and we're going to burden the organic farmer with something that is appreciably more than the conventional product, I just don't know how that's going to play out. That, you know --

MEMBER PETREY: So, the hope is that, also that you're not picking up fragments of plastic. And so, there would be some labor costs that are offset to that, to that initial cost.

And whether manufacturers will devote just for the organic industry, we see that happening in fertilizers, and chemicals, and all, and you know, pesticides, things like that, that are catered to the organic industry.

So, I think we are large enough to be able to, you know, to provide some enthusiasm for that. But will a grower, Liz, would you swap if it were double, if you didn't have to go and pick and up at the end of the season?

MEMBER GRAZNAK: What did, what are you --

CHAIR POWELL-PALM: If it was double the cost would you do it just so you don't have to rip it up at the end of the season? Would you use this biodegradable mulch?

MEMBER GRAZNAK: I would use biodegradable mulch in an instant if I could.

CHAIR POWELL-PALM: Even if it's double the cost?

MEMBER GRAZNAK: Absolutely.

CHAIR POWELL-PALM: Okay. Javier, please go ahead.

MEMBER ZAMORA: Logan, I want to go back to, because you were trying to get an answer from Liz. And how do you guys do it? I'll, if I may, most --

MEMBER PETREY: Please.

MEMBER ZAMORA: -- plastic users or growers that would use plastic for strawberries, raspberries, tomatoes, or whatever it is, really, really high percentage of us would use it for one year, and gets removed.

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And there's some other organic growers that, in my case I probably keep ten percent for a second year. And this is plastic.

So, obviously whether it's biodegradable or conventional plastic, you will have remnants of the plastic there, regardless of how good of a job you do.

In the organic community it's well known that for weed control sometimes you come in and burn before your carrots germinate, to control the weeds.

When you do that you're actually burning the remnants of plastic there too. And rarely people talk about that. And I'm not talking about your back burn. I'm talking about the pyro, you know, UFO look like on a big --

MEMBER PETREY: Yes. I know what you're talking about, yes.

MEMBER ZAMORA: -- tool. Or sorry, on a large tractor. So, we have to look at those things and talk about it, so we can make a smart

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decision on what we're dealing with here, versus just the heart. I hope that answered your question, or tried.

MEMBER PETREY: Thank you.

CHAIR POWELL-PALM: Other thoughts? Brian, please go ahead.

MEMBER CALDWELL: Yes. I have so many thoughts on this I can't marshal them all. But this is really one of the most difficult decisions for me that I've encountered so far on the Board.

Because I'm going to switch my vote from last year. I was very optimistic last year, and felt that an 80 percent biobased product that would, as we were given to understand, at least the way I understood it, would essentially be 100 percent biodegradable over a reasonable amount of time, that that was a real solution to the, our super plastic problems that we've been talking about here with conventional polyethylene mulch.

And I was really excited for organic

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to lead the way on that. But I'm really, I've changed my mind, partially due to some of the reading that was, accompanied our written comments from the spring meeting, and for the fall meeting.

That it seems to me that the studies that have been done to verify that these products would fully biodegrade, that research was really weak to me.

And in particular when one of the researchers said that they were using visual collection of fragments to decide whether, you know, what, the percentage that had been degraded.

There's a lot of these materials that you would not be able to see, that would still be there, and that wouldn't be counted with a visual kind of count, so, even if you did it with a microscope, which I assume they do. So that, that really, you know, kind of weakened my image of this great solution.

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And the other thing that happened recently was that the whole PFAS issue came up. And that was an example of a very wise decision that was made in, what, 2002 or somewhere in there, of not allowing sewage floods, products of any kind to be used in organic farming.

And at that point I was convinced that sewage floods was also an important way to connect the cycle, complete the cycle of nutrients, which I still think it is. But I don't think we're there, for organic farming.

But it was not allowed. And sure enough, it turns out that our brother and sister farmers in Maine are having real serious issues with PFAS residues, forever chemical residues from previous applications of sewage floods that was thought to be okay by everybody, you know, certainly the Government regulators that were in charge of it.

So anyways, to make a long story short, I'm going to change my mind about this.

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And I'm really hoping that manufacturers will petition for products in the future that we will be confident will be 100 percent biodegradable.

And I'm not sure that the percentage of biobased materials is critical, is such an important component as we've been thinking as long as it's really biodegradable.

I think some synthetics are probably not that bad in the product. Again, as long as it was all the way to water and CO2. That's what I'm talking about when I say 100 percent biodegradable.

So, to make a long story a little bit shorter, that's, those are the reasons that I'm changing my mind. And I'm really disappointed. Because I was very hopeful for this. And I guess that's about it.

MEMBER GREENWOOD: Okay. Any other questions or comments? Amy?

CHAIR POWELL-PALM: Yes, Amy, go ahead.

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MEMBER BRUCH: Sure. Liz, did you want to jump in first?

MEMBER GRAZNAK: Okay. Well, I think you should start, and then I'll finish actually, since you've used this.

MEMBER PETREY: Let Liz finish. She'll do the passion.

MEMBER BRUCH: Yes, yes. Because I do want to hear what you have to say before I comment, if possible.

MEMBER GRAZNAK: I think that the theory behind biodegradable mulch is the ideal optimism that organic farming is about.

Most growers that I know would be thrilled if we had an awesome biodegradable mulch that we could use and that would get plastics out of our lives.

And I'm a realist. I totally understand that it takes a long time to develop this kind of product. And if we don't give as much incentive and as much motivation to

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industries to develop these products, they need a push. They need a shove in my opinion.

And I want this product to be available. And I want to do as much pushing as I can to have them develop it.

And I feel like if we take it off we're going to make their lives even less incentivized to keep fighting to try to come up with something that we could use. And I want them to have a lot of incentive.

CHAIR POWELL-PALM: Amy, go ahead. And then Wood, and then Jerry.

MEMBER BRUCH: I think you're a better closer, Wood.

MEMBER TURNER: No, no. I don't want to be a closer. I want you to go.

CHAIR POWELL-PALM: We're not quite done. So, this is good, folks. Don't worry about closing quite yet.

MEMBER BRUCH: Okay.

MEMBER TURNER: So, I totally

appreciate what Liz is saying about the shove. But I guess like others should be talked about I'm very concerned and confused about what our shove looks like, and what it takes for us to do the shove.

Is it a imperfect aspirational listing? Or is it saying something louder to the community to say, show me what you got when you got it ready?

By not having something that's as messy as I think what we, with all due respect to my, all of us who were on the committee at the time, you know, it's a, I certainly have second thoughts about what we did.

And I think I've come to the conclusion that, you know, for the moment I'm, I think we've gotten ourselves into the situation where we got to, it's almost a, it's an absurd choice on some level.

Is it plastic that we can see, and see the problem? And just say, gosh, we got to get

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all that PE out of the field. We got to figure out how to get those pieces up. Or is it plastic that we can't see?

And I think I, I think it's sort of like the way I feel about offshore wind, the way I feel about smokestacks. If we want to power our society with coal, you should be able to see it. You should have it right in the middle of town.

You should have it sitting right there polluting every community and town. And if you don't, and you really were wondering sort of what the alternative looks like, don't be opposed to offshore wind.

Don't be, because it, because we need to see the infrastructure. We need to see the problem. And I feel that way about this plastic. I want to see the PE in the field, and feel the pressure that we put on ourselves to pick it up.

Five percent of plastics in this country are recycled. We should be embarrassed

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about that. And I don't, I want to, I know we're going to talk about that tomorrow. But I just, I can't, I don't want to hide it.

I don't want it to be hidden in the soil, the plastic that I'm concerned about. So, I'm, if we're, if we have pieces of plastic not, that hasn't biodegraded in the soil, it's, I'd rather be able to see the big pieces of plastic that we need to pick up than have it buried in the soil somewhere.

So, I don't know if that makes any sense to anybody. But that's sort of the, it's a very rambling statement. So, it's probably better for you to close, Amy. That's, I mean, honestly, like, I just --

CHAIR POWELL-PALM: I just feel that's been a hole in these things, Wood. All right. let's have a few more people. So, Amy, if you want to go ahead.

MEMBER BRUCH: I will. And hopefully there's other so I am not closing. Okay, maybe.

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CHAIR POWELL-PALM: There will be.

MEMBER BRUCH: Great. Okay. Yes, this is a tough issue. I sympathize with fellow farmers that are using this, and have the desire to have something better.

I think we can probably all share that common goal, that we want something better than what the current status is.

In my mind it's hard to reconcile though wish lists and want, because this doesn't exist. And then are we making things on our wish list become this biodegradable mulch?

Because I just don't know if we're reconciling reality just because we don't have a product. This is, this doesn't exist. And it's tough to analyze it.

It's unique. Usually when we have a product on the list it's something we can see. A petitioner has the burden of, you know, proof in the research and all the information for us to review to support this.

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Right now research is very limited. Subsequent use of this product, you know, outside of maybe two, three, four years, we just don't have that information.

So, I'd like something better than the current moment too. But my push would be, let's get out of the box of thinking. Let's have a better type of plastic.

I just think innovation really needs to be more than replacing plastic with plastic. I think that's going to be a hard ask. But this has been on the list a long time. And we just haven't seen too much movement unfortunately.

So, taking it off the list I don't think will stifle too much innovation from that aspect or regard.

I thought it was interesting, one of the research commenters that we had made the comment, biobased content does not correlate with the degradation.

So, I know we all want degradation to

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happen. But we also need this to be a natural substance too, and not putting more plastic into the soil.

And then there was a comment about the prediction rate of degradation in Washington, which has a Mediterranean climate. So, it said it would take, prediction wise, 21 to 58 months. And that's at a 90 percent degradation rate.

And we're, I just, you know, I just don't know if we're there. This has to degrade in all sorts of climates. There's a lot that we're requesting here with this listing. And it's difficult in my opinion to analyze.

And I think, I mean, just process oriented and process driven, I think we need to return back to our basics and delist this, and have a petitioner have to onus to provide that data that we need to evaluate this, so we're evaluating something real, than evaluating something abstract.

CHAIR POWELL-PALM: Next we're going

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to go to Jerry. Did you still want to go, Jerry?

MEMBER D'AMORE: You did do the appropriate close in my mind. I think we need to turn this thing on its head. And I think we need disruptive innovation. And I think that what we're doing right now actually stifles what would end up being good stuff.

CHAIR POWELL-PALM: Kyla's next.

MEMBER SMITH: Okay. Thanks, yes. Very interesting conversation. I wanted to do two points.

There's been lots of talk about this like product that is theoretical, and doesn't exist. However, when the petition was originally submitted the petition, there was a product that met the definitions that are in 205.2 of biodegradable biobased plastic mulch.

So, at some point in time in the deliberation with the Board, and then subsequently the NOP published a memo that, and during that time it was like, it, you know, in

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the definition it just says biobased. It doesn't say anything about a percentage.

And so, there were products on the market that met that. But, so then the NOP clarified in a memo, 100 percent biobased. And so then, those mulch films that were petitioned, that we had in our hands, were not allowed to be used.

So, I just wanted to sort of take us back for a minute. Because there were products. And, but then, you know, sort of, that fell apart.

The other thing that I was going to talk about was, is the, is process. So we, as Nate said at the start of the conversation, we voted last fall to have this annotation change. And we haven't seen that through.

And so, I feel like we came up with this sort of regulatory solution to try to have companies innovate and get a product now with this new definition, right, that could be viable and usable.

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And we're now not seeing that through. We're just like, forget about that. It like sort of negates our previous work. And that feels really uncomfortable to me.

And so, I am a proponent of, you know, let's sort of work our process, work it through. And then, you know, we sort of have put everybody on notice.

And if there is still enough innovation then we have an opportunity to make a different choice at the next sunset. But it feels premature to me to not work our process. Thanks.

CHAIR POWELL-PALM: Okay. Going to go to Mindee, Dilip, Allison, then Amy.

VICE CHAIR JEFFERY: I mean, this is just painful for me all the way around. I definitely see myself as a fundamentalist in the biological and cultural methods, and compost and mulch in the general ethos of who I am and what I want for organic.

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And while I've been doing policy work I've really challenged myself to be a practical compromiser. And in this situation it just hurts my feelings to think about what we don't know about the impact to the soil.

And for me that's where I think in this situation I'm probably going to vote more with my heart and with my usual philosophical underpinnings than how much respect for the work that everybody's doing on this issue, and how it, what the impact might be.

And I think if there wasn't the possibility for petitioning something that was real in the future, then maybe I could get swayed off my biological and cultural roots in this situation.

But right now I just, I love my compost piles. And every time I pull a sticker out of them I'm, you know, that hurts my feelings that they're in there. So, in this case with this method I think I'm going to stick to my

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heart.

CHAIR POWELL-PALM: Dilip, please go ahead.

MEMBER NANDWANI: Thanks, Nate. Logan, first and let me thank you putting together this beautiful review. Very in depth, and very good analysis.

You mentioned Washington State University. And that OEA project was also in collaboration with the UT and some other universities. And I'm going to read one of the paragraphs of the findings about that. Not the big one.

But personally I, my research firm I've been using and doing a lot of research and education on using different types of mulches, whether it's the plastic and whatnot, with straw and all that. I will not go into the details, and I'll just stick to the point.

But the plastic mulch is, like a lot of farmers they have experience that when they

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removed on the organic farm, I mean, when we harvest our crop.

And then we, there's a requirement and we remove the plastic mulch. And we still see the pieces there. And that's, of course, I agree with them.

Going back to now the findings of this limited research on the BB, biodegradable mulch. This project, they have done it. And I agree with lot of the comments here that there is not much research.

And the findings have been done on this topic. But there's limited information available. And I would like to just read a few lines. It won't take long.

Just for the understanding that this biobased does not entail biodegradability, nor does it imply that fossil based materials are not biodegradable.

It is then essential to understand that biodegradability is an inherent property of

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a material that is independent of its feed stock source, but depends on the molecular structure of its polymeric constituents and their ability to be utilized by microorganisms.

So, the biobased materials, what they contend is the carbon atoms derived wholly or partially from renewable feed stock. And based on this definition some, but certainly not all mediums are biobased.

And finally, as they allow that currently 100 percent biobased mulches they are not available. However, double of soil biodegradable plastic mulch entirely from biobased sources remains a continue endeavor.

And this is my two cents. Thank you, Chair. Sorry. So, the conclusion of that finding kind of is that currently 100 percent biodegradable mulch is not available.

However to double up the soil biodegradable plastic mulch entirely from biobased sources remains a continue endeavor.

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CHAIR POWELL-PALM: Continued
endeavor, yes. Absolutely.

MEMBER GREENWOOD: Thank you.

CHAIR POWELL-PALM: Allison, please
go ahead.

MEMBER JOHNSON: Thank you. I'm
really struggling with this one too. And I feel
like I have an advantage and disadvantage of the,
a newcomer, not having been through the journey
that you all have been to.

But looking back on it now.

And I really appreciate, Brian, your
point about PFAS as sort of other materials we've
encountered over time that seem safe, and then 20
years later we have a huge contamination problem.
So, I'm weighing that on one side.

And then, Liz, I also really
appreciate your point about needing incentive,
every incentive we can have out there to move us
away from plastic.

I think where I'm coming down is

thinking about there being a 60/40 product that exists as in Chiles isn't meeting the mark.

And imaging that next year there's a 73 percent product that works pretty well, has good evidence that it biodegrades. And we've boxed ourselves in with an annotation, imaging what the product could be, but without a specific example to look at.

So, I'm hoping that if we take this off the list now that we're sending still with our discussion and the history on this issue a very clear message that if someone brings us a product that improves over plastic we're going to be really excited to move it forward. And we'll make that a priority.

CHAIR POWELL-PALM: Thank you, Allison. Okay. Amy, go ahead. Okay. Go ahead. Yes.

MEMBER HUSEMAN: Logan, actually I'm going to ask this question back to you as a person who's done a lot more thorough evaluation of the

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comments, and as the lead on this.

Can you remind me, how many people in the farming community have asked or support removing this?

MEMBER PETREY: Sure. Thank you for asking. So, I have 12 listed comments. And on the 12th one is where I have 70. Because it was a repeated comment, not from farmers, of how we should be using natural, the natural mulches instead. And that's what is organics. And so, I do have them listed. And it is, one, seven of the 11 are in support.

MEMBER HUSEMAN: Thank you, Logan.

CHAIR POWELL-PALM: Okay. Amy, please go ahead.

MEMBER BRUCH: Yes. And, Logan, thank you so much for your work with this. This is a difficult topic. And you embraced it after Asa left us. So, you're doing a fantastic job of just communicating the big picture with this, and all the details. So, thank you.

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Good discussion. Allison, I really appreciated your comment too, from a legal perspective. I thought that was really interesting.

I just want to make one comment in relation to my table partner here, Kyla. You did mention about, you know, this is interesting. Since we already voted on this in one way, shape, or form last year I just wanted to make note for the Board and for the new people, we did vote on this.

It narrowly passed there. And it does sound like there's a few vote changes that we just learned about that maybe would have thought about things different.

So, new information's come into play. I agree about following the process. But I think there's two processes we're kind of looking at. How do we normally approach national list items? And what did we do last meeting?

So, we kind of need a way, the pros

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and cons about those two items. But I believe the vote last year narrowly passed.

CHAIR POWELL-PALM: Kyla, please go ahead.

MEMBER SMITH: Yes, okay. So, response back. So I think it is important for us to think about this. Because we may have a lot more work to be done with annotation changes, right.

Like, there's this idea about like the national list being imperfect, and wanting to sort of clean that up. There's lots of ideas out there with annotations.

And we have a sunset process. And so, it's, we're going to have this, these dual tracks like all the time if we go forth with that work to change annotations.

And so, for me, I'm like, I have to trust the process. I have to trust that we're going to do that work of looking at an annotation.

And because the rulemaking process is

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sometimes slower than might all like, that things might come up for sunset while we're in this herky jerkiness of the annotation change.

And so, I just want to sort of set the stage that we're going to probably be having more of these conversations with listings if we're going to undertake cleaning up the list and looking at annotations.

CHAIR POWELL-PALM: Any other comments, questions?

MEMBER PETREY: I do have one after, to kind of group things in. But, okay. Okay. So, I do want to hit on a couple of things. Thank you, Kyla for that.

And I do feel like, okay, so in the previous sunset for this it was zero take it off to ten to leave it on. So, you know, the 100 percent people were excited about.

I do feel like this is a knee jerk reaction to the fall, and to block, you know, a previous ruling. And if we do, and there is the

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option obviously to take it off and for a petition to come forward.

So, we take it off. And then that gets rid of the 80 percent. Now there is no limit to what, you know, on the list. And so, if we get a petition for 70 percent, or even, you know, that Allison mentioned, or something less.

Or just say something comes up, then we could be looking at something that's actually less biodegradable than what we have in the 80 percent, if that hits the market first, and somebody puts a petition forward for that. So, we could be looking at something coming on the list that is less than 80 percent.

And so, the, okay. You got it, Rick. So, the degradable part of it, yes. Okay. So then you're looking at the visual and the non visual. And I think it is not fair to say that every bit of the plastic mulch that is left is visible.

And I don't think that it's fair to

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say that there aren't some invisible really small parts left. And so, what you actually see behind a plastic field left behind is not all of it.

And so, that is something that I wanted to mention that, you know, we have this idea that 100 percent of what's left behind, the plastic we can see, and we can go pick up.

I don't think that that's true. I think that it has probably, could be just as much left in the soil that's invisible, or tiny that we cannot see as the other biodegradable mulches. Anyway, so okay. I hear you all are ready to wrap it up.

VICE CHAIR JEFFERY: No, Logan.

CHAIR POWELL-PALM: A hot mic moment that was not actually in reference to you, Logan.

MEMBER PETREY: You got me there.

VICE CHAIR JEFFERY: No, Logan, that was my fault. I just wanted to check in.

MEMBER PETREY: Okay. It is getting dark here.

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(Simultaneous speaking)

MEMBER PETREY: And really, those were the three points.

CHAIR POWELL-PALM: That's why we put this on at the end. It's all good. Real quick, Brian, and then Rick.

MEMBER CALDWELL: Yes. I'm sorry to belabor the discussion here. But just a quick point about biobased. I think biobased has been a little bit of a red herring in our discussion here.

Because in our brains biobased kind of translates to biodegradable. But our researchers have said no. And what we have to think about is that what biobased means is, for instance, that sugars from a corn plant are the carbon source that, using a hypothetical.

It's probably not really sugars. But something like sugars from a corn plant are the raw ingredient that is highly synthesized to make a plastic polymer mulch, okay.

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So in other words, the biobased part of it is not, it's not any kind of like, you know, plant like substance in the final product at all. It's all just an input that then goes through an industrial process and is synthesized into plastic.

And so it's very important from the standpoint of trying to reduce reliance on fossil fuels, okay, you know, to substitute a plant source from a fossil fuel source.

But it is not, we shouldn't think of it as being related at all to how biodegradable the final product is. So, I just wanted to put that out there.

CHAIR POWELL-PALM: Yes. Dilip, go ahead.

MEMBER NANDWANI: A very quick response to Brian, what's said. And I'm giving official definition for the term biobased. Materials that contain a renewable plant, marine and forestry based resources not derived from

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petroleum. Thank you.

CHAIR POWELL-PALM: Rick, go ahead.

MEMBER GREENWOOD: Okay. Anyone else? Can I --

CHAIR POWELL-PALM: Kyla has one more after.

MEMBER GREENWOOD: Yes. Well, I was going to echo what Kyla said. We spent an awful lot of work on the other thing. And I, maybe we did it wrong. But we went through the process.

And I'm afraid, I won't be on the Board, but we might not want to pick up other things in the future, because something else is coming that might change our views.

So, you know, wasted a lot of time. And maybe it's a good thing to re-look at it. But somehow I'm afraid for the process.

CHAIR POWELL-PALM: Any other thoughts?

MEMBER GREENWOOD: Jerry? No.

CHAIR POWELL-PALM: Questions?

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MEMBER GREENWOOD: Should I --

CHAIR POWELL-PALM: Oh, I'm sorry, Kyla. I forgot. Kyla, please go ahead.

MEMBER SMITH: Oh, yes. Sorry. I just, in our walk down history lane I was just wanting to make sure I was clear on what I said before.

And so, that the petition was for biodegradable, made from bioplastics. But then the proposal that was released from NOSB included the term biobased.

So, anyway, I just wanted, and I think I said that there was a product. There was like four. So, just to be, just to correct the record.

MEMBER GREENWOOD: Okay. So, I'll go ahead and read the motion.

CHAIR POWELL-PALM: Please. The motion, just for everyone. We're going to take this vote slow. So, I'm going to call on you, and then you're going to vote. So, just --

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MEMBER GREENWOOD: Okay. A slow vote. Okay.

CHAIR POWELL-PALM: Slow vote.

MEMBER SMITH: I have to go between the yeses and the nos. And it is hard for me to switch between Y and N. Thank you.

MEMBER GREENWOOD: Okay. That's good. And again, thanks, Logan. So, the motion to remove biodegradable biobased mulch film, BBMF from the national list. The motion was made by Logan. I seconded it. It left committee with four yeses, two nos, one abstain, and one absent. So, start the voting.

CHAIR POWELL-PALM: All right. And just to take a moment, Kyla, would you remind us that we are with a no vote voting to keep this listed, correct?

MEMBER SMITH: Correct.

CHAIR POWELL-PALM: And we are going to start the voting. And remember, do not vote until I call you, please. We're going to start

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they voting with Carolyn.

MEMBER DIMITRI: Yes.

CHAIR POWELL-PALM: Logan.

MEMBER PETREY: No.

CHAIR POWELL-PALM: Jerry.

MEMBER D'AMORE: Yes.

CHAIR POWELL-PALM: Javier.

MEMBER ZAMORA: Yes.

CHAIR POWELL-PALM: Allison.

MEMBER JOHNSON: Yes.

CHAIR POWELL-PALM: Brian.

MEMBER CALDWELL: Yes.

CHAIR POWELL-PALM: Dilip.

MEMBER NANDWANI: Yes.

CHAIR POWELL-PALM: Rick.

MEMBER GREENWOOD: No.

CHAIR POWELL-PALM: Amy.

MEMBER BRUCH: Yes.

CHAIR POWELL-PALM: Kyla.

MEMBER SMITH: No.

CHAIR POWELL-PALM: Mindee.

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VICE CHAIR JEFFERY: Yes.

CHAIR POWELL-PALM: Kim.

MEMBER HUSEMAN: No.

CHAIR POWELL-PALM: Liz.

MEMBER GRAZNAK: No.

CHAIR POWELL-PALM: Wood.

MEMBER TURNER: Yes.

CHAIR POWELL-PALM: Don't get ahead of me now. I'm taking the moment in.

MEMBER TURNER: Yes.

CHAIR POWELL-PALM: Thank you. Yes. I just about, just taking a moment here.

MEMBER DIMITRI: I bet Steve feels your pain right around now.

CHAIR POWELL-PALM: I hate to throw a real wrench into this. But just for a little context, I want everyone in the room to think about, when we think about aspirations, this is really an aspirational discussion.

Are we going in the direction, and moving towards a product and a vision for how we

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execute this sort of agriculture? And I think because we don't have a product, and we are trying to move the needle in big ways, that the Chair votes no.

MEMBER SMITH: Nine yes, six no, zero abstentions, recusals, or absent. The motion fails.

CHAIR POWELL-PALM: To everyone on my team, this is the hard stuff. And I am so grateful for all of you, to be able to ideate together, and envision this world.

And I used to like voting last. And that just sucked. So, all right. Looking to our agenda.

MEMBER GREENWOOD: So, that's it for crops. And I just wanted to tell Logan, you have my permission to go have your baby now.

MEMBER SMITH: No, no, no. Not until after like 9:15 a.m. tomorrow morning. Then you can have your baby.

MEMBER PETREY: That's right. My

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time. You're off my time.

VICE CHAIR JEFFERY: Good job, Logan.

CHAIR POWELL-PALM: Yes. Thank you, Logan.

MEMBER PETREY: Thank you all. That was fun. And I appreciate all the discussion, and the care, and everything. So, thank you all.

CHAIR POWELL-PALM: All right. We're going to recess until tomorrow, folks. Thanks very much.

(Whereupon, the above-entitled matter went off the record at 4:04 p.m.)

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NATIONAL ORGANIC STANDARDS BOARD

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FALL 2022 MEETING

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THURSDAY
OCTOBER 27, 2022

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The Board met at the Holiday Inn
Sacramento Downtown - Arena, 300 J Street,
Sacramento, California, at 9:00 a.m. PDT,
Nathaniel Powell-Palm, Chair, presiding.

BOARD MEMBERS PRESENT

- NATE POWELL-PALM, Chair
- MINDEE JEFFERY, Vice Chair
- KYLA SMITH, Secretary
- AMY BRUCH
- BRIAN CALDWELL
- CAROLYN DIMITRI
- GERARD D'AMORE
- LIZ GRAZNAK
- RICK GREENWOOD
- KIMBERLY HUSEMAN
- ALLISON JOHNSON
- DILIP NANDWANI
- LOGAN PETREY
- WOOD TURNER
- JAVIER ZAMORA

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NOP STAFF PRESENT

MICHELLE ARSENAULT, Advisory Board Specialist
JARED CLARK, National List Manager
ADAM DIAMOND, Ph.D., Agricultural Economist
VALERIA FRANCES, Standards Division
DAVID GLASGOW, NOP Associate Deputy
Administrator
FRANK HALPRIN, Ph.D., Management and Program
Analyst
ERIN HEALY, Director, Standards Division
ANDREA HOLM, Materials Specialist
DEVON PATTILLO, Agricultural Marketing
Specialist
JENNIFER TUCKER, PhD, NOP Deputy Administrator
PENNY ZUCK, Organic Policy Advisor

FORMER NOSB MEMBERS EDUCATIONAL PANEL

ASA BRADMAN
JESSE BUIE
STEVE ELA
SCOTT RICE

CONTENTS

Handling Subcommittee (HS)	
Proposal: Peroxylactic acid (APoLA@)	
- petitioned.....	12
Proposal: Phosphoric acid - amend annotation	
- petitioned.....	25
Proposal: Ion exchange filtration -	
Recharge Materials.....	28
Discussion Document: Ion exchange filtration	
- Resins.....	30
2024 Handling Sunset Reviews:	
Attapulgate	47
Bentonite	50
Diatomaceous earth	60
Magnesium chloride	63
Nitrogen	65
Sodium carbonate	67
Acidified sodium chlorite	71
Carbon dioxide	74
Sodium phosphates	76
Casings	80
Pectin	88
Potassium acid tartrate	92
NOSB Officer Elections	154
NOSB work agendas/Materials update	177
Recognition of outgoing member	181
Other business and closing remarks	187

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

(9:03 a.m.)

CHAIR POWELL-PALM: So just a little run over the itinerary. We're going to start with a question about the transition program to Jenny real quick, and then we're going to jump into Handling. We're going to take a break. We're going to finish up Handling, and then it's lunchtime. After lunch, we get to finish up unfinished business.

So unless something exciting happens, we probably won't have any deferred votes. So we're going to have an opportunity to talk about meeting timing, and that's been a question we've heard several times on public comments. We're then going to be able to chat about plastics.

Now I want everyone on the Board and in the audience to remember, we don't have a work agenda item. So I would be really stoked if we ideated on what, given that we've all read OFPA, what we could do with plastics. And we're going

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to set a timer because that could go on forever, and we're not going to let it go on forever.

Then we're going to have elections for officers for this next year, and we'll go to our NOSB update. After that, we're going to have our four members who didn't get to have an in-person last meeting join us for a Board Q&A and try to quickly get all of their wisdom downloaded to the current Board, and also recognize them for their exceptional service.

All right. Well, let's get going. Allison, did you want to start with your question for Jenny?

MEMBER JOHNSON: Sure. Thank you, Nate. Jenny, I so appreciated your presentation on the transition program and all the work that you've done to pull this together on a kind of a lightning-fast timeline. It's really unprecedented and exciting, and I've been enjoying the time outside the meeting to chat with folks who are starting to form this regional

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web that will roll out the program.

But I'm still a little bit fuzzy on the details of how it's going to work, so I was hoping you could say more about the structure of the regions, who point people are, if people are interested in being involved and just a little bit more detail about how the regional partnerships will work for the top program.

DR. TUCKER: Yeah. Happy to, and appreciate the question. So, first, I just want to say good morning to everyone. Day 3 is always you know who the diehards are who come back for Day 3. So thank you for being here. Yay Day 3 people.

Okay. So a bit more logistics about how the agreements will work for the top partnerships. There are six regions that -- and we showed the map of that. We were really emphasizing the partnership network nature of this.

In practicality, the way that works is

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USDA can't possibly have arrangements with everybody. Just -- it's not workable. And so we have selected one lead in each region who will hold the agreement with USDA. So it's a cooperative agreement where we literally cooperate with the lead partner. And then we, at NOP and the lead partner work very, very collaboratively together to figure out who will be all of the folks within the region.

Those folks will then -- many of them will have sub-agreements under the master agreement that the lead partner has with USDA. So those sub-agreements will be a next step after we get the agreements in place with USDA, which -- USDA and the lead partner. And those are working their way through the process.

This is a 5-year program. We don't know what we don't know yet. And so some of those partnerships may end up being they'll start with one-year agreements or see how it goes, and then build on from there. We're holding some

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money back for the underserved groups that we don't know about yet.

There's some partners who say I don't need any money, I just want to be involved. And so they won't need to have agreements, they'll just be involved for no money which is always great.

And so that will be the next phase of this is those partnership networks, there are five different areas, the statement of work, technical assistance, mentorship programs, community building, workforce planning, and data and reporting, those need to be covered in each state in each region. So that's a lot of partners to coordinate. And the leads and USDA will work very closely together to kind of -- and with the partners themselves to figure out who is best suited for which activities in which area.

So the six leads are, just for folks who haven't seen that level of detail yet, working from east to west -- and if you want a

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little hint on this, if you forget or don't -- you lose the little piece of paper or napkin you write this down on, if you go to the map that I put up at the beginning of the presentations, it's the logo right under the name of the region. So the lead is the logo right under the name of the region.

So working from east to west, the lead was identified as the largest, nonprofit certifier affiliated organization in the region. Okay? So cooperative agreements are with nonprofits generally. And so we picked the nonprofit that's affiliated with a certifier that had the most certified operations in the region.

So it was an objective process. Often these types of things are competitive agreements where you put out a call for a proposal and you get all sorts of responses. That's what we tend to do in NOP.

Because this is a nationwide initiative and we wanted to have more control

during the process, that's why we chose to do the directed award. It gives us a lot more freedom over the course of time because if we had done the call for proposals, we might have missed an entire region because no one submitted a proposal for that region. So that's why we did the directed awards to the six organizations.

We did want to be very fair and objective about it, so that's why we picked the largest, nonprofit, certifier-affiliated organization in the region because, ultimately, a lot of the mentors and a lot of the technical expertise resides in those organizations that already have those kinds of capabilities stood up.

So working from east to west, drumroll please. Okay. The mid-Atlantic northeast is PCO, Pennsylvania Certified Organic. They have the most certified operation of all the nonprofit certifiers in that area, and already have strong partnerships with the folks up in New England,

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and have already talked to, for example, all the -- oh, there. Wow. Yay. Thank you. I was going to ask for that, and then I thought, no, that's too much to ask for, I'm not going to ask for that. Thank you. So we got PCO, visual aids are always helpful.

Moving to the southeast, Florida Organic Growers. They are very tightly affiliated with the Certifier QCs, and they are a nonprofit. So that's how they were picked for the southeast. In the Midwest, it's MOSA. So MOSA has the largest number of certified operations, and a nonprofit structure there.

The plains are OCIA. OCIA has the largest account of certified operations. They're a nonprofit. In the southwest, west/southwest it is CCOF Foundation. So the CCOF Foundation is the largest certifier-affiliated nonprofit. And then up in the northwest it's Oregon Tilth. And so many of those folks are in the room -- have

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representatives in the room if you want to say hello to them. So Oregon Tilth is up in the northwest. So, again, by acronym it's PCO, FOG, MOSA, OCIA, CCOF, and OTCO, so. Did that answer the questions?

MEMBER JOHNSON: Yeah. That's great. I really appreciate the additional detail. Thanks so much.

DR. TUCKER: That might have been more than you actually wanted.

MEMBER JOHNSON: No, that's perfect.

CHAIR POWELL-PALM: Thank you, Jenny. All right. So first subcommittee we're going to get kicked off with Handling, and I'll take a beat. Go ahead, Kyla. But I'll hand it off to Kyla Smith, chair of Handling.

MEMBER SMITH: Okay. Good morning, everybody. Bring my mic a little closer. Okay. So as most of the subcommittee chairs have stated, I, too, agree that we had a great semester. We had a great crew. In the Handling

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Subcommittee, we had several new members joining the team, and we packed -- and we had a packed work agenda item or work agenda this semester with a couple of petitions, a dozen sunsets, and everyone's favorite topic, ion exchange.

And I also am very grateful that Logan is still here. Hi, Logan. And with us today. And that the tech gods have blessed us this entire week. Logan's going to be kicking us off with peroxy-lactic acid. We'll just say POLA. And so, Logan, I turn it over to you.

MEMBER PETREY: Thank you. Thanks for opening up with the word, I'm going to say POLA from now on so we know what we're talking about. But, otherwise, I'll get held up. Okay. Great. So, yes, we received this petition. It's for a sanitizer. And so POLA, it was petitioned by the Z Company as an anti-microbial processing aid for application onto the meat and poultry carcasses, parts, trims, or in organs to get to the national list at 205.605(b).

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It's a synthetic product, and it's in an aqueous mixture for the use in process water, ice, or brine used for production processing. So it's not just to clean the surfaces, it's actually in the water flush, the water stream.

So the subcommittee, we reviewed POLA petition and the technical review, and discussed the issues that are characteristic to most sanitizers and to microbials. The subcommittee was hesitant to add another synthetic to the list. However, you know, we have -- excuse me -- and just handling all the chlorine items and everything else, we are open to the idea that maybe there are some better fits out there. And so we were really relying on a lot of our -- to fill in those gaps and the needs from our stakeholders and the public comments.

We also, you know, in Handling last fall, we were going over CPC, and that seemed to be quite controversial. We had a lot of responses on CPC. And a lot of negativity, it

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was really easy to kind of put that one down and move on. This one -- POLA is inherently low risk, breaks down into lactic acid and carbon dioxide. It's compared often to peracetic acid which, again, is probably safe for -- it is safe for handling, and it does breakdown quickly so you don't have any residues on the carcasses.

But again-- -- so I went to the commenters and we asked, we had some questions, specific questions. And those were, "Are pathogens populations getting harder to control in meat and poultry processing facilities?"

So we had one answer, yes, there are some struggles. We had a couple commenters say, no, we're not having any problems, everything's okay. What we have in our toolbox is fine. But there weren't any specifics, and there weren't any like specific requests, and especially not for this product.

The second question, the petition compares POLA to PAA, peracetic acid. "Is

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peracetic acid the dominant material used in the facility?" So because there was a lot of comparisons, we were just trying to see because POLA is actually less volatile as PAA and could be a safer product to use for the employees. And so we were curious if that would, you know, fit in in place of PAA.

Didn't get any responses there. "Have chemical rotations aided in pathogen resistance management?" Didn't get any specifics just from the comments to say that what we have is working. And we also were trying to, you know, ask that question to try and not remind people to use -- or maybe to remind people that we are supposed to be looking at this as an IPM (phonetic), even in the processing plant, not just in the field, we're willing, you know, just to break any kind of resistant strains or anything that you're -- you need to be adding in multiple chemistries to prevent resistance.

And, lastly, "Are your current

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antimicrobial products preventing you from reducing water use in your facility?" And so in the TR, there was a statement made that the POLA could potentially reduce water use. And so a lot of the chlorine products, just to make sure that, you know, it has to be clean water or you have to keep adding -- you have to keep adding and this -- some kind of like citric acid or something to keep the pH right for that chemistry for that to work. I'm not great at all these things, but that's what I understand talking with our food safety person.

So there is a lot of water that has to be cleaned, a lot of water use, and it was stated that POLA could potentially reduce water. But not -- this question was not thoroughly answered or answered by our stakeholders.

So most of the comments, there was a request for a comprehensive review of sanitizers. That was almost in every single comment about POLA, referencing POLA. And so from the Organic

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Research Foundation priority presentation yesterday -- I think it was yesterday. Yesterday was a long day. I think it was early yesterday, the first presentation that we saw, it had all of the research priorities or what the NOSB has asked, you know, to go on as research. And I think chlorine and non-chlorine sanitizers was put on in 2015 and zero products have been started.

So that does not seem to be a focus on, you know, on looking for that. And so it seems like stakeholders want a comprehensive review of sanitizers. We talked about chlorine, you know, but I don't know how much is going on past that. Anyways. Just wanted to bring that up. I saw that and noted it down.

Although, POLA could be a good product to add as a safe sanitizer, it doesn't seem necessary at this time, nor is there enough information to confirm its efficacy and listing justification because there is not much data.

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It's a relatively new product. The TR really had to reference the patent. And so that's not really valid for a lot of us to go on.

And so, although it doesn't seem like it would be a harmful product to put on at this time, there's not enough data. And our commenters mentioned that, too. They just wanted more TR, a third-party TR, but after, you know, kind of going through the subcommittee, speaking with Kyla that there's not data there to go after. So the option of the subcommittee might be a waste of time because there isn't that information out there. Anyways. I'll pass it back to you, Kyla.

MEMBER SMITH: Thanks, Logan. So we have to do two motions here. So we have to do a classification motion, and then we'll do the listing motion. So the first motion is to classify peroxy-lactic acid --

CHAIR POWELL-PALM: And do we want to do questions and discussion for -- if there's viewpoints?

MEMBER SMITH: Oh, shoot. Sorry.

CHAIR POWELL-PALM: All good. Any -- and I don't want to presuppose, anybody have questions for Logan on this material? Please go ahead, Kim. Oh, sorry, I mean Liz.

MEMBER GRAZNAK: I think the thing that hit me the most is that you got little to no response from the people that supposedly are interested in this with the questions.

MEMBER PETREY: Right. Yes. Thank you. Yeah. So we got -- well, we did ask, you know, very specific questions really trying to -- because I guess after going off through the chlorines from last year and the CDC, and getting so many responses, I just was like ready for people to really dive in. But it just wasn't the main focus.

So I have just -- now we did have a repeated response that was like 60 or 70 of copied response, and it was opposing the product just needing more data and wanting a comprehensive

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review of sanitizers. And that was it.

It wasn't, you know, going into the questions. We really wanted producers to come in and say, hey, we really need help on this food safety deal. We're having a lot of issues with efficacy, like it was stated in the petition, to control these, you know, these bacteria problems because that's a big concern for the safety of the consumer. But we just -- we didn't get it. So, yeah, kind of surprised, too.

CHAIR POWELL-PALM: Kyla, please go ahead.

MEMBER SMITH: Yeah. I'll just add a little bit more to that, too. It seemed like from the few comments that we did get, that either from a certifier asking their producers or an end user that may use this, that they both stated that the current options out there are fine, the current tools are effective. And that they might be open to other options, but not POLA at this time due to the lack of data.

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CHAIR POWELL-PALM: Kim, please go ahead.

MEMBER HUSEMAN: I'd support Kyla's response from an end user standpoint and the need in this space.

CHAIR POWELL-PALM: Dilip.

MEMBER NANDWANI: Good morning. Just to add to what Carolyn and Kyla said to support - - and this is from -- and Logan, you did a very nice review -- that these -- stabilizers are required for POLA solutions due to the reactivity of peroxy-carboxylic acids. And the decomposition of these acid would create production and be unsafe for transport, and there are strict regulations under FDA and U.S. Department of Transportation for allowed stabilizers.

So I see a little bit here that we don't have the data, and as relates from other agencies that they are very cautious about that. So I will just echo what others, too, have said.

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Thank you.

CHAIR POWELL-PALM: Thank you. Any other questions or comments? All right. Let's go ahead with the motions.

MEMBER SMITH: Okay. Take two. I need to drink more coffee. This is what this is telling me. So classification motion. Motion to classify peroxy-lactic acid, POLA, as non-agricultural synthetic. It was motioned by Logan. Seconded by myself. And passed out of subcommittee with six yes and two absent.

CHAIR POWELL-PALM: All right. And with that, we're going to go to the vote, and we're going to actually start with you, Logan.

MEMBER PETREY: Okay. Yes.

MEMBER D'AMORE: Yes.

MEMBER ZAMORA: Yes.

MEMBER JOHNSON: Yes.

MEMBER CALDWELL: Yes.

MEMBER NANDWANI: Yes.

MEMBER GREENWOOD: Yes.

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MEMBER BRUCH: Yes.

MEMBER SMITH: Yes.

VICE CHAIR JEFFERY: Yes.

MEMBER GRAZNAK: Yes.

MEMBER HUSEMAN: Yes.

MEMBER TURNER: Yes.

MEMBER DIMITRI: Yes.

CHAIR POWELL-PALM: And the Chair votes yes.

MEMBER SMITH: That's 15 yes, zero no, zero abstentions, recusals, or absent. The motion passes. Give me one sec, Nate. Okay. Jerry. Okay. The national list motion is the motion to add peroxy-lactic acid, POLA, for use as an antimicrobial agent in process water, ice, or brine used in the production, processing, and preparation of meat and poultry products at 205.605(b) of the national list. It was motioned by Logan, and seconded by myself. And it passed -- and the subcommittee vote what three yes, three no, two absent.

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CHAIR POWELL-PALM: All right. And we're going to start with Jerry for the first vote.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

MEMBER GREENWOOD: No.

MEMBER BRUCH: No.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

MEMBER GRAZNAK: No.

MEMBER HUSEMAN: No.

MEMBER TURNER: No.

MEMBER DIMITRI: No.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

CHAIR POWELL-PALM: And the chair votes no.

MEMBER SMITH: That's zero yes, 15 no,

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zero abstentions, recusals, or absent. The motion fails. Okay. Next up is phosphoric acid, and this is my material. So phosphoric acid was petitioned to expand annotation, so it's currently listed on the national list with the annotation of cleaning of food contact surfaces and equipment only.

And so it was proposed to expand the annotation to allow as an acidifier to adjust pH of an extraction solvent to extract antioxidants or other target molecules from lamiaceae plants provided the amount of acid used shall not exceed the minimum needed to lower pH to 2.5.

This substance went back to subcommittee in the spring so we could explore the intended uses more fully, and after that further review at subcommittee, we are not in support of expanding the current annotation. And from my read of the public comments, most, if not all, stakeholders were in support of this position confirming the subcommittee's rationale

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for not changing the annotation due to not being essential. So that's it.

CHAIR POWELL-PALM: All right. Any questions or comments for Kyla? Seeing none, please go ahead, Kyla.

MEMBER SMITH: Okay. So the listing motion is to amend the annotation of phosphoric acid to add the underlying verbiage so it would read in full, "Cleaning of food contact surfaces and equipment, and as an acidifier to adjust pH of an extraction solvent to extract antioxidants or other target molecules from lamiaceae plants provided the amount of acid used shall not exceed the minimum needed to lower pH to 2.5," at 205.605(b). It was motioned by myself and seconded by Dilip. And the motion out of subcommittee -- or the vote out of subcommittee was zero yes, six no, two absent.

CHAIR POWELL-PALM: All right. And with that, we're going to start the voting with Javier.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

MEMBER GREENWOOD: No.

MEMBER BRUCH: No.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

MEMBER GRAZNAK: No.

MEMBER HUSEMAN: No.

MEMBER TURNER: No.

MEMBER DIMITRI: No.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

MEMBER D'AMORE: No.

CHAIR POWELL-PALM: And the chair
votes no.

MEMBER SMITH: Logan, you were a
little quiet. Just confirming you voted no?

MEMBER PETREY: Yes. No. I voted
no.

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MEMBER SMITH: Okay.

MEMBER PETREY: Sorry.

MEMBER SMITH: Thank you.

MEMBER PETREY: I voted no.

MEMBER SMITH: Thanks. Okay. So that's zero yes, 15 no, zero abstentions, recusals, or absents. The motion fails.

Okay. Moving on to ion exchange recharge materials. So this is also me. So the topic of ion exchange was sent to the Board in 2019 by the National Organic Program. There have been a few discussions and a few proposals since then.

The Handling Subcommittee decided to split this topic into two components for this round, so the ion exchange recharge materials being presented as a proposal and the resins being presented as a discussion document which we'll talk about in a moment. We decided to go that route because the recharge materials is the easier of the two.

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Over the many discussion documents and proposals, the consistent feedback from the community, you know, throughout that time is that recharge materials must be listed. The recharge materials meet the definition of a processing aid, and therefore must be listed. Public comment in this round resoundingly confirmed this position that recharge materials must be listed. Back to you, Nate.

CHAIR POWELL-PALM: Any discussions, questions for Kyla? All right.

MEMBER SMITH: Okay. Can you go to Page 2 please? Thank you. The motion to approve the recommendation that recharge materials used in ion exchange filtration process must be listed on the national list. It was a motioned by myself, and seconded by Kim. Passed out of subcommittee with six yes and two absent.

CHAIR POWELL-PALM: And we'll start the voting with Allison.

MEMBER JOHNSON: Yes.

MEMBER CALDWELL: Yes.

MEMBER NANDWANI: Yes.

MEMBER GREENWOOD: Yes.

MEMBER BRUCH: Yes.

MEMBER SMITH: Yes.

VICE CHAIR JEFFERY: Yes.

MEMBER GRAZNAK: Yes.

MEMBER HUSEMAN: Yes.

MEMBER TURNER: Yes.

MEMBER DIMITRI: Yes.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: Yes.

MEMBER D'AMORE: Yes.

MEMBER ZAMORA: Yes.

CHAIR POWELL-PALM: And the chair
votes yes.

MEMBER SMITH: That's 15 yes, zero no,
two -- I'm sorry zero abstentions, recusals, or
absent. The motion passes. Okay. I'm going to
take a drink of water and then do my Jenny Tucker
pause drink of water.

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Okay. Resins discussion document. So resins, very different story than our friend recharge materials, and there has not been consistent feedback and agreement from the community.

So just a quick reminder of how we got to where we are today. The NOP sent -- as I said before, the NOP sent the Board a memo in August of 2019 requesting the Board to provide a recommendation on ion exchange filtration due to certifier inconsistency. The Handling subcommittee presented a discussion document at the spring 2020 meeting, and then a proposal at the fall 2020 meeting.

The fall 2020 proposal recommended that the recharge materials be listed and the resins not be listed. The vote was nine yes, six no. Therefore, it failed because it did not reach the two-thirds decisive vote needed. And from my recollection, that vote didn't pass because those in opposition wanted to better

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understand the comments around degradation.

The Handling Subcommittee asked for this back, and so we -- the Handling Subcommittee got it back on our work agenda, and we presented a proposal at the spring 2021 meeting which outlined the complexity of the topic and the challenges related to FDA definitions and how they do or do not align with OFPA.

The proposal passed, and we included in the cover letter a request for NOP to engage with FDA on their classification of resins. We got that memo back and that helped frame up the discussion document which we presented for this meeting.

In that document, we presented a series of questions, one of which was the presentation of some options for how we can move forward. And so I'm going to run through those options and the stakeholders that supported those and their rationale.

So option one is do not list. So

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organizations that were in support of that option were some trade associations and some certifiers. The rationale was that OFPA requires the listing of ingredients on the national list, and that the Harvey lawsuit further clarified that that that included processing aids.

Resins, by definition, are neither processing aids, nor ingredients. Therefore, it is outside the -- outside of the Board's purview to review these materials for inclusion on the national list.

However, stakeholders in support of option one also indicated that it's part of certifier review process currently to review the description of ion exchange in their review of the organic system plan, verify that the recharge materials are on the national list, verify that the resin was reviewed and is approved by FDA as a food contact substance, and that the NOP should provide this in an instruction to certifiers.

Option two was a categorical listing.

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The type of -- the organizations that were in support of this option was a material review organization. They did not acknowledge that option one and two are both blanket allowances of resins, and recognized the challenge with annotating resins that the Board would want to prohibit. So categorical listing, and then it could be like except blah, blah -- like except Y, except Z. And that would be challenging because each of those sort of exclusions would need to be petitioned.

So they offered a different approach to the annotation. They proposed that the annotation could describe the appropriate characteristics and use parameters considered to be consistent with organic principles. For example, a criterion could be that operators maintain ion exchange resins in good working condition.

So to me that feels very similar, actually, to what is already occurring by

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certifiers through their OSP review and during inspection of these processes. So, in practice, with the tweaks offered the stakeholders in support of option one to have that instruction to certifiers and the proposed annotation offered by the stakeholders in support of option two, you sort of end up in the same place with a blanket allowance with further review of these processes to ensure that resins and their use complies with organic principles.

Okay. We're almost done here, guys. Option three, list individually. Stakeholders in support of that option were some certifiers and some advocacy groups. Those in favor of this option focused in on the prior vote stating that the Board already this option down. So basically knocking that out of the running. However, as I noted in my timeline review, the vote was nine to six, which was only one vote shy of passing.

They also recognized that the issues presented was a categorical listing, therefore,

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by default there's option three left. They also recognized that resins, while they may not be ingredients or processing aids, they also conclude they are functionally different than some other food contact substances like a table and support digging into this through the Board review and approval process.

Let's see. Stakeholders in option -- in support of option three also noted that they'd be in support of continuing to allow resins currently in use and to continue that allowance until the resins could be petitioned and reviewed by the Board.

Okay. And then lastly, you know, there's been a lot of discussion around the topic of leakage or degradation, and so as I already said, as I recalled from that 2020 vote, those that voted not to pass wanted to better understand the comments that had been submitted around degradation. There were concerns about, like, leakage and contamination.

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So there still appears to be some mixed information on this topic submitted through the public comment which I think the subcommittee can dig into and parse out as we lead up to a proposal.

Some of the written comments that stuck out to me on this are as follows, and I'll just some quotes. So, quote, "An ion exchange resin system in good working order could be seen as analogous to a plastic container, mechanical filter, or a conveyor belt, a set of materials that are held up to 205.272 which is the contamination practice standard in the regulation."

Another quote. "The 2020 TR on ion exchange filtration notes that degradation of ion exchange resins can happen with some regeneration methods. However, the result is a loss of ion exchange activity either due to strong absorption of compounds from purified food products or additional cross-linking between existing

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functional groups on the polymer or with absorbed materials. The report did not find evidence of resin materials leaching into food or materials being filtered."

Another quote. "At no point would the resin themselves be viewed or approved as incidental additives. They are not designed to become part of the food product even at an incidental level." And then we also heard during the oral comments that -- sorry, that it -- anyway, I think that's good for now. So, yeah, more around like leakage and degradation.

So I'm really grateful that this is a discussion document. There's a lot of complexity, and we heard a lot of information provided in public comment. And I'm excited to go back and dig in with my fellow Handling Subcommittee colleagues and bring back a proposal to the spring.

CHAIR POWELL-PALM: All right. Well, we're not voting on this one, so any questions

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for Kyla? Please go ahead, Wood.

MEMBER TURNER: Kyla, can you just -- for the full Board, can you just remind folks as a certifier what the full scope of these -- of the practical application of these materials and the full scope of their use?

MEMBER SMITH: Yeah. It's used for filtration, so juice, sugar. I'm going a little bit from memory here, but things that -- anything that -- fluids that you want to filter out heavy metals or, you know, things like that.

MEMBER TURNER: Thanks. I think we get lost in the details of the actual question at hand and don't think about the practical application, so that's why I'm asking.

CHAIR POWELL-PALM: Other questions for Kyla? Amy, please go ahead

MEMBER BRUCH: Kyla, thank you for that overview. Had a question for you, put on your certifier hat. Okay. We have 70 plus certifiers. I think there is, what, plus 20 plus

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resins that are approved by the FDA. Is that correct?

MEMBER SMITH: I think there's 30.

MEMBER BRUCH: Okay. Thirty, even more. Okay. Seventy plus certifiers, 30 plus resins. You reviewed an idea of guidelines that certifiers could follow to verify these resins, kind of in conjunction with option one.

What if the process that a certifier is working through, they decide not to approve this resin for use for one of the operations, how does that information then get transferred to the community because I'm sure if one certifier wouldn't approve a resin for use, that information would be beneficial to the community. So I'm just wondering how that process would flow.

MEMBER SMITH: Yeah, that's a good question. I don't know if I have a great answer for that for you at this time. I do think that -

-

VICE CHAIR JEFFERY: Is it -- if the FDA says that's a yes, then they start talking about whether the resin can be used, and then the OSP -- that's where the OSP looks at it?

MEMBER SMITH: Yeah. I mean I think that if it was listed as a food contact substance through the FDA, and it's being used properly by the operator and sort of checking, you know, maintenance and things like that, then I don't -- I think that they would then be allowed. And I think that all certifiers would make the same decision.

CHAIR POWELL-PALM: Can I jump in here? I think like -- well, a part -- a portion of what you're asking, Amy, is how do we get the mind of all 70 certifiers to the few more firing neurons connecting and making a more complex organism than each just being siloed by themselves.

And I think that's a greater question for the whole community, how do we collaborate

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more? How do we realize the potential of all of these different, very smart reviewers having a say about should something not be allowed. I think to Kyla's point, on the whole as a food-contact surface, usually there's not ones that are unapproved, if I'm catching that right on the whole.

MEMBER SMITH: Right. I mean it would be similar to -- I don't have a good -- like a wire mesh or something like that.

CHAIR POWELL-PALM: Any follow up then, Amy?

MEMBER BRUCH: Not necessarily. I just -- I mean it's just to -- I think that's a good way to frame my question a little bit better, Nate, it's just that eliminating the silo approach, I just see this as a process that could end up that way.

And just to make sure that there is a mechanism for shared learnings if something were to stand out that, you know, because the -- option

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one would be essentially a blanket approval. So need to make sure the lines of communication would be open since there's so many different groups within our organization, certifiers, et cetera.

MEMBER SMITH: So I'll add one thing. I think that that's why those in favor of option one really pointed towards the instruction to certifiers in the program handbook that could help sort of flesh that out.

The other thing that I could offer is that certifiers are currently taking this approach, and so happy to reach out to them like in this next semester as we move into deliberation at subcommittee to ask a little bit more details on how -- what that process is working like for them currently. And there is also the material conflict policy where when certifiers disagree on something, we pitch it to the program.

DR. TUCKER: Which is how you got

this in the first place.

MEMBER SMITH: Yeah. Exactly.

CHAIR POWELL-PALM: Carolyn, please go ahead.

MEMBER DIMITRI: So maybe a different variation of what Amy was asking. Is there a way to determine which resins are used more often than others because that could be helpful information going forward? I mean -- and I know there's a way, but I -- can we use that way to ask people?

MEMBER SMITH: I mean, yeah, again --

MEMBER DIMITRI: And do you see that as useful, Kyla?

MEMBER SMITH: That's something that I can try to get some more information on.

CHAIR POWELL-PALM: Great. Well, with no other questions or comments for Kyla -- oh, Amy, I'm sorry. Go ahead.

MEMBER BRUCH: Just one more general one for you, Kyla. Are there any scenarios, and

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I believe I saw this in public comments, are there any scenarios where resins wouldn't function as designed? I mean I guess I could see maybe a maintenance challenge potentially, but it was just more of a broad question for you.

MEMBER SMITH: I mean I think as in any equipment, and this is just something that, you know, operators are really going to have to -- and they do sort of keep their eye on and make sure that they're in good working order and that just, you know, following best practices for how to maintain and uphold equipment. And these technologies are quite expensive, and so they want them to function properly because it's costly when they don't.

And then just, you know, this isn't an organic-focused problem, but if they were not functioning properly, it would be a contamination event. But there are, you know, resin, like, traps and things like that to help prevent those contamination events in the rare case that that

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could occur.

CHAIR POWELL-PALM: Let's go, Mindee, then Rick.

VICE CHAIR JEFFERY: Yeah. Sorry, Rick. I'm just going to jump in there --

MEMBER GREENWOOD: Yeah.

VICE CHAIR JEFFERY: -- because if it was a contamination event, didn't I hear that it would be the thing they were trying to edit out of the product that would be staying in the product. Not like a other substance contaminating it?

MEMBER SMITH: I mean, yeah, that's mostly. But if -- I don't know. Like if the column like totally busted open, like -- whatever, like which is probably very unlikely and the beads like did come out.

VICE CHAIR JEFFERY: Right. But they're not going to leave the beads in the juice.

MEMBER SMITH: Right. Exactly.

CHAIR POWELL-PALM: So if a conveyor

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belt sort of like started disintegrating and falling apart, should we not allow conveyor belts?

VICE CHAIR JEFFERY: Okay.

CHAIR POWELL-PALM: Go ahead, Rick.

MEMBER GREENWOOD: Just a comment.

So I use a deionizing resin and I monitor it to see how it's doing, how many ions are there. Most people in industry do that because it's for their product, and these products are pretty much FDA also. So there is a lot of other checks in terms of contamination, quality control, and all of those, so I think they're pretty safe --

CHAIR POWELL-PALM: I think as a Handling --

MEMBER GREENWOOD: -- as they are used, if it's a good processor. But that's a different issue, and that's up to the certifiers and FDA when they do their examinations.

CHAIR POWELL-PALM: As a Handling inspector, always grateful to go into facilities

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that have a food safety certification because there's a lot more eyes looking at this process and making sure that things are going right than just organic as well.

Any other questions or comments on this discussion document before we keep going on? All right. Back to you, Kyla.

MEMBER SMITH: Okay. We are now moving to the sunsets. So we are going to start with non-synthetics at 205.605. And so the first one is attapulgate as a processing aid in the handling of plants and animal oils, and this is Kim's material.

MEMBER HUSEMAN: Thank you, Kyla. Okay. So attapulgate is used as a natural bleaching clay for the purification of vegetables and animal oils. The function of the bleaching clay is to remove undesirable byproducts, impurities for the vegetable oil and animal fats thus improving the appearance, flavor, taste, and stability of the final product.

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There were a handful of commenters for attapulгите, very similar to the spring. There were four certifying agencies that responded, most with the number of entities that they have listed attapulгите in there OSPs. With that being said, only a couple of the certifying agencies brought comment forward in addition to the few users that are using it.

As we brought up in the spring, there is two ways for attapulгите to be mined -- or not mined, but to be produced. One is using an acid activation which would make it synthetic. And then one is non-acid activated. So just to bring clarity is that there are some certifying bodies that do validate that the type of attapulгите being used is the non -- a non-acid activated. And then just to reiterate that it's the intent that that's the only form to be used.

There's been a request to, you know, to maybe do an annotation just to validate, but I think it's just more clearly stated that the

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non-synthetic, non-acid activated acid leaching or acid treated is a prohibited form.

Past that, there were a couple of groups that have challenged the need for attapulgate on the national list, and, you know, request for it to sunset just because of lack of acknowledgement by OSP -- people using this product. But, you know, we do have certifying bodies that are confirming that there are people that have it on their OSPs. Back to you, Kyla.

MEMBER SMITH: Sorry. I was getting my blanket. It's cold up here. Okay. So the motion --

CHAIR POWELL-PALM: I'm just going to jump in here --

MEMBER SMITH: Oh, sorry.

CHAIR POWELL-PALM: -- real quick.

MEMBER SMITH: Geez, Nate. Sorry.

CHAIR POWELL-PALM: All good. I'm a stickler for process, you know? Any questions for Kim? No? All good? All right. I -- oh,

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Jerry, please go ahead.

MEMBER D'AMORE: Just a quick question. Other than the method in which it's mined, is there any other environmental issue that's been brought up?

MEMBER HUSEMAN: Other than it being mined?

MEMBER D'AMORE: Right. And the way it's --

MEMBER HUSEMAN: Not that's been brought up, but I think --

MEMBER D'AMORE: Yeah, I don't --

MEMBER HUSEMAN: -- the fact that it's mined is, you know, whether bentonite -- yeah, there is, you know, other mined -- the same concerns as other mined products --

MEMBER D'AMORE: Okay.

MEMBER HUSEMAN: -- is what I have in my --

MEMBER D'AMORE: But it's not like what -- it's not like what accumulates in the

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environment or in the -- I mean in its use, there's no issue?

MEMBER HUSEMAN: Not in the use.

MEMBER D'AMORE: Great. That's --

MEMBER HUSEMAN: Just in the manufacturing.

MEMBER D'AMORE: Right. Thank you.

CHAIR POWELL-PALM: I have a quick question on the summary of comments for you, Kim. The folks who were saying or who expressed a desire to have it taken off, those were more the advocacy groups, correct?

MEMBER HUSEMAN: Correct.

CHAIR POWELL-PALM: Okay.

MEMBER HUSEMAN: And it was around more of, again, the essentiality and the number of uses that are listed.

CHAIR POWELL-PALM: Sure. And so on the whole, the folks who describe -- certifiers on the whole were those who were saying that it is in use and it is showing up in OSPs, folks are

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still requesting it be listed on their material list. Is that correct?

MEMBER HUSEMAN: Yes. And one direct quote would be, "Although the use of attapulgite is not widespread, we request to move forward -- or we request it to remain, and, you know, just to move forward with clarifying the difference between acid-activated and non-acid activated."

That seems to be where the certifying body is wanting, and, you know, I've expressed a need potentially for a work agenda item on -- for that clarification and making sure that that, you know, that's where the certifying bodies tend to be coming from is just that clarification of the type as it is listed as a non-synthetic.

If it's the, you know, if the synthetic form is to be used, then, you know, we need to have an annotation or another listing as an a synthetic in 605(b). But it was just -- we need to clarify the point it needs to be the non-acid activated, acid leaching, et cetera.

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CHAIR POWELL-PALM: Thank you. I think this brings up a good example of when we're gathering information on what impact this material has on growers, handlers, folks who are actually producing these organic foods, it's important that the Board hear from those stakeholders who are actually using it.

And I think moving into a theoretical we wanted off just because we want it off isn't as helpful as actually understanding who is using it and what impact it has. And I think hearing from certifiers is essential, and that's the mode through which we can understand its impact. Please go ahead, Carolyn.

MEMBER DIMITRI: Well, I wanted a clarification from Jenny, but I see she's not here, so. I guess I was thinking about the process of if we move to -- if we ask something to sunset, then it does have to go out for public comment, right, and rulemaking? Jared, I guess you know that. So I guess the essentiality and

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the economic damage is something I think the NOP can assess even after we've voted. Sorry, Michelle, for walking away from my microphone.

MR. CLARK: Yes, that's correct. If something is voted for sunset, then it goes into the rulemaking process. Goes to proposed rule and then final rule stage. So there are other opportunities for public comment.

CHAIR POWELL-PALM: Thank you. Good point. Any other questions for Kim? All right. Back to you, Kyla.

MEMBER SMITH: Okay. So the motion is to remove attapulgate from the national list. It was motioned by Kim, and seconded by Mindee. The vote out of subcommittee was one yes, six no, one absent.

CHAIR POWELL-PALM: And we're going to start the voting with Jerry.

PARTICIPANT: No.

CHAIR POWELL-PALM: Oh, sorry. No.

PARTICIPANT: Brian.

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CHAIR POWELL-PALM: Brian. Yep.

Brian, please go ahead.

MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

MEMBER GREENWOOD: No.

MEMBER BRUCH: No.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

MEMBER GRAZNAK: No.

MEMBER HUSEMAN: No.

MEMBER TURNER: No.

MEMBER DIMITRI: Yes.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

CHAIR POWELL-PALM: And the chair
votes no.

MEMBER SMITH: That's one yes, 14 no,
zero abstentions, recusals, or absent. The

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motion fails. Okay. Moving on, still in 605(a), non-synthetics allowed. We're moving to bentonite, and that is Wood.

MEMBER TURNER: Thanks. The substance is, as you said, listed at 605(a), non-synthetics allowed, bentonite. Similar material to attapulgite, it's used as a processing aid, not an ingredient. Its absorptive qualities make it useful for removing impurities in edible oils like soy, palm, canola. It can also be used to clarify beer, fruit juice, wine, sugar, and honey, and is not present in the final product.

This is a -- the substance has had long support to remain on the list. Our feedback from the community was pretty unanimous I would say in terms of continued support for relisting. There's a phrase that's been used a lot in this round that's not -- no opposition to relisting which I hear -- I'm going to take to me support for relisting. So we've heard that phrase quite a bit this time.

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Certifiers are saying members, you know, have -- significant numbers of members are listing this in their OSPs, and there's widespread use. There is -- and I'm just going -- I'll just read this to make to reiterate some of the points that Kim just made.

During the spring meeting, we got comments expressing a specific but limited issues regarding the listing of this material that were similar to those conveyed about attapulgitite. Commenters have maintained that it's listed, only non-synthetic forms of bentonite should be used at 605(a), and that acid-activated bentonite, which is treated with sulfuric or hydrochloric acid should be listed at 605(b) if allowed. And without that clarity, certifiers may be inconsistent with allowing certain forms of bentonite which could be remedied with clarity provided by an annotation as some commenters have requested.

And we fully acknowledge that, and we

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acknowledge that only non-synthetic forms should be used under this listing. So appreciate that feedback on the annotation, and certainly think that should be a topic for our ongoing conversation. The committee did -- has not recommended removal from the list.

CHAIR POWELL-PALM: All right. Any questions or comments for Wood? Seeing none, back to you, Kyla.

MEMBER SMITH: Okay. The motion is to remove bentonite from the national list. It was motioned by Wood, and seconded by Mindee. The vote out of subcommittee was zero yes, six no, two absent.

CHAIR POWELL-PALM: All right. We'll start the voting with Dilip.

MEMBER NANDWANI: No.

MEMBER GREENWOOD: No.

MEMBER BRUCH: No.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

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MEMBER GRAZNAK: No.

MEMBER HUSEMAN: No.

MEMBER TURNER: No.

MEMBER DIMITRI: No.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: No.

CHAIR POWELL-PALM: And the Chair
votes no.

MEMBER SMITH: That's zero yes, 15 no,
zero abstentions, recusals, or absent. The
motion fails. Okay. We are still at 205.605(a),
non-synthetics allowed, and we're going to
magnesium chloride which is me. Oh, sorry. This
slide, one back I guess. I don't know. Slide
says maybe just out of order.

MS. ARSENAULT: We can come back to -

-

MEMBER SMITH: Sorry. I was like breathing right into the microphone.

CHAIR POWELL-PALM: We're on the hunt. We're on the hunt for the right slide. And it's not break time. While we find the slide, is everyone too cold? Are we all right? Everyone's -- okay. If you'd like a blanket, I saw someone shivering. So as long as we're okay. People are cold? Okay. Maybe if we could turn the air down, not the heat on, that might help.

MS. ARSENAULT: Do you want me --

MEMBER SMITH: Should we go --

MS. ARSENAULT: The slide is not in the deck, it was skipped --

CHAIR POWELL-PALM: Okay.

MS. ARSENAULT: Accidentally.

CHAIR POWELL-PALM: Let's go on. Do you feel like just reading it and not having the slide up, Kyla?

MEMBER SMITH: That's fine.

CHAIR POWELL-PALM: Okay.

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MS. ARSENAULT: You'll do that.

MEMBER SMITH: Okay. Hold on one moment. Flip my pages here.

VICE CHAIR JEFFERY: Michelle, are you good if we just read it? Is it good if we just read it instead of trying to find the slide? Good, Andrea? Okay.

CHAIR POWELL-PALM: Cool. Thank you.

MEMBER SMITH: I'm getting there. Okay. Okay. So, yes. So still at 605(a) non-synthetics allowed, diatomaceous earth, food filtering aid only, and this is Kim.

MEMBER HUSEMAN: So this one is actually quite straightforward compared -- so diatomaceous earth is made from fossilized remains of diatoms, and it has many, many, many applications inside of the organic industry. This is very specific to food filtering aid only. We heard from several community members in multiple facets, whether it be certifying bodies, direct users, advocacy groups. I'd say we had a

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little over a dozen commenters.

Multiple uses, multiple practices, multiple entities within certifying bodies that are using it. And the overwhelming comment is that removing it would be detrimental to juice making, to numerous entities that are currently using it as a food filtering aid. I did not get one negative reply.

CHAIR POWELL-PALM: Any questions or comments for Kim? Go ahead, Mindee?

VICE CHAIR JEFFERY: I appreciate that one of our more conservative advocacy groups supported this one with no integrity concerns. I just like the phrase no integrity concerns.

CHAIR POWELL-PALM: All right. And with that, we'll start the voting with -- oh, actually could we read the motion please?

MEMBER SMITH: The motion to remove diatomaceous earth from the national list was motioned by Kim, seconded by Mindee. And voted out of subcommittee with zero yes, seven no, and

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one absent.

CHAIR POWELL-PALM: And we'll start
the voting with Rick.

MEMBER GREENWOOD: No.

MEMBER BRUCH: No.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

MEMBER HUSEMAN: No.

MEMBER GRAZNAK: No.

MEMBER TURNER: No.

MEMBER DIMITRI: No.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

CHAIR POWELL-PALM: And the Chair
votes no.

MEMBER SMITH: Zero yes, 15 no, zero

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abstentions, recusals, or absent. The motion fails. Great. Okay. Now we're on magnesium chloride, again, still at 205.605(a) non-synthetics allowed, and that is my material.

So magnesium chloride is used as a coagulant and firming agent in tofu production as well as in dietary supplements. It can also be used as a color-retention agent. We received several comments from various stakeholders including certifiers, trade groups, and membership organizations.

From my read, there wasn't an opposition to relisting this material. However, as stated in the spring, there continues to be comments that suggest including an annotation to specify the allowed non-synthetic process as well as limiting the uses to specific types of organic food production, namely tofu and dietary supplements. And as we have already discussed, this is a broader work agenda item on annotation changes. And that's all I have.

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CHAIR POWELL-PALM: Questions or comments for Kyla? All right. We'll wait for Kim to grab her seat before we vote. No rush. Okay. Go ahead, Kyla.

MEMBER SMITH: Okay. The motion to remove magnesium chloride from the national list was motioned by myself, and seconded by Allison. Passed out of subcommittee with zero yes, six no, two absent.

CHAIR POWELL-PALM: All right. And we'll start the voting with Amy.

MEMBER BRUCH: No.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

MEMBER GRAZNAK: No.

MEMBER HUSEMAN: No.

MEMBER TURNER: No.

MEMBER DIMITRI: No.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

MEMBER D'AMORE: No.

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MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

MEMBER GREENWOOD: No.

CHAIR POWELL-PALM: And the Chair
votes no.

MEMBER SMITH: Zero yes, 15 no, zero
abstentions, recusal, or absent. The motion
fails. Okay. Still at 205.605(a), non-
synthetics allowed. The material is nitrogen,
oil-free grades. This is also my material, and
this is also an easy one. It's used to reduce
oxidation of products during processing, storage,
and packaging, and it also can be used in flash
freezing. And all commenters were in favor of
relisting.

CHAIR POWELL-PALM: Questions or
comments for Kyla? Hearing none. Please go
ahead, Kyla.

MEMBER SMITH: The motion to remove

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nitrogen from the national list was motioned by myself, seconded by Allison. Voted out with a vote of zero yes, five no, three absent.

CHAIR POWELL-PALM: All right. And with that, we will start with you, Kyla. For the vote.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

MEMBER GRAZNAK: No.

MEMBER HUSEMAN: No.

MEMBER TURNER: No.

MEMBER DIMITRI: No.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

MEMBER GREENWOOD: No.

MEMBER BRUCH: No.

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CHAIR POWELL-PALM: And the Chair votes no.

MEMBER SMITH: Zero yes, 15 no, zero absent, recusals, or abstentions. The motion fails. Still at 205.605(a), non-synthetics allowed, and this is sodium carbonate which is Dilip. Oh, Dilip's first.

MEMBER NANDWANI: Yes. Thank you, Kyla. I appreciate that, and now you can relax a little bit. You've been speaking. So thanks. I'd first like to thank, you know, our subcommittee. And when I had this little write up, Kyla and Mindee, they reviewed and gave their good suggestions. So hopefully is in good shape and it's a simple one.

Sodium carbonate, it's listed as 205.605(a), non-synthetics allowed, and the subcommittee review, use, it's a raising or leavening agent. So sodium carbonate is known as washing soda or soda ash. Also it is used in anti-caking agent, and an acidity regulator, as

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a stabilizer, and as a neutralizer for butter, cream, fluid milk, and ice cream.

So the public comments were in support of list -- keep relisting sodium carbonate because of its -- as an essence shell, you know, in the food industry as well as in a lot of the products as I just mentioned, and because it is also used as a pH adjuster in organic laundry detergents. One certifier or also commented that it is also used to clean food and remove mold.

This material is essential for organic handling and processing, and there are no alternatives available that can replace sodium carbonate. Removal of any materials allowed for cleaning can be problematic. So based on the TAP review, sodium carbonate may be produced from mine deposits or by chemical reaction which is called Solvay process.

In return submission for the spring 2022 NOSB meeting, a certifier commented, and I'm going to read that, there are a few lines.

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"Based on the original 1995 TAP reviews, the reviews considered sodium carbonate produced via Trona process to be non-synthetic, and that produced via Solvay process to be synthetic.

However, based on NOP guidance 50331, it appears that both processes result in a synthetic classification for the sodium carbonate. QAI currently permits sodium carbonate produced by Trona process based on 95 TAP review, but encourages that NOSB to examine the prevalent manufacturing processes to ensure appropriate classification and/or annotation."

It appears sodium carbonate would be more appropriately listed at 205.605(b) with an annotation to only permit forms produced by the Trona process. Hence, the Handling Subcommittee will evaluate this as a future work agenda item. Back to Chair.

CHAIR POWELL-PALM: Any questions or comments for Dilip? Liz, just go ahead.

MEMBER NANDWANI: Yes.

MEMBER GRAZNAK: Great job.

CHAIR POWELL-PALM: Seriously good job. Yes. All right. Hearing no questions or comments, we'll go to the vote, and the vote will start with Mindee.

MEMBER SMITH: Hold up. Let me --

CHAIR POWELL-PALM: Oh, yep. I'm sorry.

MEMBER SMITH: -- read the motion.

CHAIR POWELL-PALM: I'm sorry.

MEMBER SMITH: The motion to remove sodium carbonate from the national list was motioned by Dilip, seconded by myself. Passed out of subcommittee zero yes, six no, two absent.

CHAIR POWELL-PALM: And now we'll go to Mindee.

VICE CHAIR JEFFERY: No.

MEMBER HUSEMAN: No.

MEMBER GRAZNAK: No.

MEMBER TURNER: No.

MEMBER DIMITRI: No.

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CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

MEMBER GREENWOOD: No.

MEMBER BRUCH: No.

MEMBER SMITH: No.

CHAIR POWELL-PALM: And the Chair
votes no.

MEMBER NANDWANI: Thanks, guys.

CHAIR POWELL-PALM: Thank you.

MEMBER SMITH: Great job, Dilip.

Zero yes, 15 no, zero abstentions, recusal, or
absent. The motion fails. Okay. We are moving
to 205.605(b), synthetics allowed. Or acidified
sodium chlorite, secondary direct antimicrobial
food treatment and indirect food contact surface
sanitizing acidified with citric acid only. And

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this is Carolyn.

MEMBER DIMITRI: Great. Thank you, Kyla. The use for acidified sodium chlorite is as a processing aid in wash and rinse water, and it's allowed for direct food contact and indirect food contact. So there were four general areas of comments from our -- in the public. No one said anything about it in the oral comments, but in the written comments, several mentioned wholehearted support for keeping this on the list.

A few respondents wanted to see a documented use for the product, and without documented use, thought it should sunset. One commenter stated there need to be better ways to clean food contact surfaces that do not use chlorine, and another commenter reminded the NOP and the NOSB of the need to look at sanitizers as a whole.

So those were the comments. I think it seems safe to keep it on the list from my

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perspective. And I wonder if anyone has any comments.

CHAIR POWELL-PALM: Any comments or questions for Carolyn? All right. Hearing none, back to you, Kyla.

MEMBER SMITH: Motion to remove acidified sodium chlorite from the national list was motioned by Carolyn, seconded by myself. Passed out of subcommittee with zero yes, six no, two absent.

CHAIR POWELL-PALM: And we'll start the voting with Kim.

MEMBER HUSEMAN: No.

MEMBER GRAZNAK: No.

MEMBER TURNER: No.

MEMBER DIMITRI: No.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

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MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

MEMBER GREENWOOD: No.

MEMBER BRUCH: No.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

CHAIR POWELL-PALM: And the Chair
votes no.

MEMBER SMITH: Zero yes, 15 no, zero
abstentions, recusals, or absent. The motion
fails. Okay. Still on 205.605(b), synthetics
allowed, carbon dioxide. This is also Carolyn.

MEMBER DIMITRI: Great. So carbon
dioxide is used for stored -- I guess modified
atmosphere storage and packaging, freezing, for
carbonating those tasty beverages we like, an
extracting agents, and for pest control. And
basically everyone said please keep this on the
list. There wasn't even -- people use it because
obviously, we sell a lot of carbonated organic
beverages.

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CHAIR POWELL-PALM: Any questions for Carolyn? All right. Hearing none, back to you, Kyla.

MEMBER SMITH: Motion to remove carbon dioxide from the national list motion by Carolyn, seconded by Kim. Passed out of subcommittee zero yes, six no, two absent.

CHAIR POWELL-PALM: And we'll start the voting with Liz.

MEMBER GRAZNAK: No.

MEMBER TURNER: No.

MEMBER DIMITRI: No.

CHAIR POWELL-PALM: Logan.

MEMBER PETREY: No.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

MEMBER GREENWOOD: No.

MEMBER BRUCH: No.

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MEMBER SMITH: No.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

MEMBER HUSEMAN: No.

CHAIR POWELL-PALM: And the Chair votes no.

MEMBER SMITH: Zero yes, 15 no, zero abstentions, recusals, or absent. The motion fails. Okay. 205.605(b) still, synthetics allowed, sodium phosphates for use only in dairy foods. And this is Wood.

MEMBER TURNER: Thanks, Kyla. The substance is sodium phosphates for use only in dairy. Sodium phosphates are salts used as pH control agents, and buffers, and texturizers, and nutrients in organic dairy products. They stabilize milk and act as emulsifiers in cheese. It can be used as a processing agent in heavy whipping cream.

It binds to milk materials to prevent the milk from coating the equipment during

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processing. It's used in some organic milk products such as half and half and heavy whipping cream to stabilize the milk protein and ensure the products do not separate or lose protein prior to consumer use.

We have gotten -- historically got a lot of comments on this material over time, or significant comments that have been mixed with some concern over the years about potential human health impacts. There was a 2016 TR on this that was inconclusive on that fact, or inconclusive on that issue.

This time, we got about 12 -- we had 12 comments specifically in written form. Nine in support of keeping it on the list, three in support of removing it from the list. Specifically I would say the -- what's important to note is that the dairy producers who did comment said it was absolutely essential to what they do, and would cause their businesses significant challenges if they didn't have the

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material. The committee was -- is not proposing removal. And I think that's all I'll say.

CHAIR POWELL-PALM: Any questions for Wood? Dilip, please go ahead.

MEMBER NANDWANI: Very quick. Wood, three comments. You said they were in -- not in favor. Can you tell a little bit about why they were not in favor? And I'm reading here one sentence which caught my attention that this is purification step in each reaction to remove substance like arsenic, and arsenic we all know it's, you know, so I'm just curious to know what are the three commenters about.

MEMBER TURNER: Yeah. The three comments -- let's see. One was focused on the human health concerns that I mentioned that have been raised and were inconclusive in the 2016 TR. And two others were focused on eliminating inorganic phosphates in organic in general.

MEMBER NANDWANI: Okay. Thank you.

CHAIR POWELL-PALM: Any other

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questions? All right. Back to you, Kyla.

MEMBER SMITH: Okay. The motion to remove sodium phosphates from the national list, motioned by Wood, seconded by Kim. Passed out of subcommittee zero yes, six no, two absent.

CHAIR POWELL-PALM: All right. And we'll start the voting with Wood.

MEMBER TURNER: No.

MEMBER DIMITRI: No.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

MEMBER GREENWOOD: No.

MEMBER BRUCH: No.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

MEMBER HUSEMAN: No.

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MEMBER GRAZNAK: No.

CHAIR POWELL-PALM: And the Chair votes no.

MEMBER SMITH: Zero yes, 15 no, zero abstentions, recusals, or absent. The motion fails. Okay. We are moving to 205.606, non-organically produced agricultural products allowed as ingredients in or on processed products labeled as organic.

CHAIR POWELL-PALM: Real quick, Kyla. Let's maybe take a break --

MEMBER SMITH: Do you want to --

CHAIR POWELL-PALM: -- real quick.

MEMBER SMITH: Yeah. I was wondering.

CHAIR POWELL-PALM: Yeah.

MEMBER SMITH: Okay.

CHAIR POWELL-PALM: We're doing really good on time.

MEMBER SMITH: I know. Yep. Okay.

CHAIR POWELL-PALM: So let's come

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back at -- we can still come back at 45, yeah?
Cool. Yeah. So let's take a break until 10:45,
and we will reconvene then. See you all then.

(Whereupon, the above-entitled matter
went off the record at 10:22 a.m. and resumed at
10:49 a.m.)

CHAIR POWELL-PALM: All right. So as
we wind our way back to our seats, we're going to
get started back with Handling again. And we are
just cruising. So it's going to be casings,
pectin, and then potassium acid tartrate, and we
will be done with Handling. So props to you
Chair. So go ahead, Kyla, I'll hand it back to
you.

MEMBER SMITH: Okay. My table
partner's making crinkle noises up here. Okay.
So we are at 205.606, non-organically produced
agricultural products allowed as ingredients in
or on processed products labeled as organic, and
we are at casing -- or B, casings from processed
intestines. And this is Mindee.

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VICE CHAIR JEFFERY: Thank you, Kyla. And, Allison, I promise you won't have to be afraid. Here we are at 606, casings from processed intestines are allowed only when the product is commercially available in organic form. The intestines are washed in water with no chemicals and salted using sodium chloride in water. No other ingredients or processing aids are used. Animal intestines may be from organic or non-organic animals as slaughterhouses do not separate certified and non -- certified organic and non-organic offal.

We have these comments from stakeholders. There were three suggestions for a discussion document on the barriers to organic casing production, but we also have an extensive comment from a producer outlining the barriers to organic production. I gave a comprehensive overview of these comments in the spring meeting, and we heard from this producer in oral comment last week.

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Another commenter noted that if non-organic casings were prohibited, we would not be able to produce organic sausages. Casings are essential to organic production, and I suggest the listing should remain until we see some major developments in infrastructure in the final stages of processing to produce inorganic casing.

CHAIR POWELL-PALM: Questions about intestines for Mindee. Please go ahead, Kim.

MEMBER HUSEMAN: Love to talk about guts. So I just confirmed with Wood that I don't think that this is a research priority as it stands today, but this does continually get brought up is what are the barriers for separating conventional from organic casings, the amount of organic hog production in the U.S., or even abroad, and what does it look like from an economic standpoint for organic casings to be a viable, commercially available product?

And I understand the reasons why it's not, but maybe it would be something to consider

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for a research priority and what would it take. And just -- I want to make sure that I bring that up.

CHAIR POWELL-PALM: Carolyn, please go ahead.

MEMBER DIMITRI: I want to follow up on what Kim was just saying, and I think maybe some of that market development money that's being rolled out could be helpful here because my guess is it's the -- something to do with the access to processing facilities for the hogs after -- the organic hog sectors.

MEMBER HUSEMAN: Can I follow up on that just real quick?

CHAIR POWELL-PALM: Oh, and I'm ready to follow up on that, so go ahead.

MEMBER HUSEMAN: Okay. Yeah. I think you're spot on, Carolyn. And the overhead in order to produce organic pork is probably quite extensive. So from a processing standpoint, it's quite simple to run an organic

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line one day, and then a conventional line three days later. But to separate the offal is a barrier, too. So I appreciate that comment there.

CHAIR POWELL-PALM: Go ahead, Mindee.

VICE CHAIR JEFFERY: Yeah. I really appreciate the comment from the producer because it does outline extensively what's happening for producers at slaughter and processing, and how just the small amount of organic processing that goes into those bigger facilities. And I think we've heard a lot in the marketplace.

And I've seen it personally in my area where, especially local producers who are doing smaller amounts of pasture-raised pork, you can't hardly even get into a facility to do an organic slaughter. So I know that there's really good work going on out there about helping producers like gain access and so we can grow those markets, but in the economy of scale, we're just not there.

MEMBER DIMITRI: I mean I think this

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kind of brings up like another market-based question because the organic livestock producers, especially the smaller scale ones, really struggle with input costs rising and then the lack of access to slaughter makes it just really hard to navigate. And I think a lot of the smaller scale producers are just giving up their -- and even up to medium scale, are just giving up their organic certification, which I know is a little tangential to this conversation, but --

CHAIR POWELL-PALM: Not at all.

MEMBER DIMITRI: -- already started, Kim. And I like this kind of conversation.

CHAIR POWELL-PALM: Absolutely. I think some takeaways from this week, and I think from every meeting, are how are we doing as coalition builders with folks who are not in organic but have a lot of the same interests, a lot of the same concerns. And this meat question I think it's just really pronounced for how we are affecting change in alignment with everyone

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else who's concerned about this issue.

So I think we've put a lot of -- a lot of emphasis and weight on standards thinking that, say, if we delisted it, it would somehow encourage innovation. Or we could take the other tact and just say how are we getting regional processing meat companies and other folks who are interested in this issue into this room to show how much alignment that we have and how we're going to innovate this together. So appreciate that, Kim. Any other questions or comments?

VICE CHAIR JEFFERY: Yeah. I'm excited about some of the work in California that's going on right now. I think there's a new coop of ranchers that slaughter in our area, and the difficulties that they face are endless, but I'm really proud of the folks up there doing work like that. So there's some hope in the future.

CHAIR POWELL-PALM: Allison, please go ahead.

MEMBER JOHNSON: Thanks. I'm just

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going to take advantage of Jenny walking back in the room to reiterate what was just said that market development opportunities for 606 products would be really great to see integrated into the transition initiative, and since you're getting set up to remind people that there is a listening session on November 15th, I believe, to raise ideas. So hopefully some of this discussion will translate to that forum, too.

CHAIR POWELL-PALM: All right. Any further questions or comments? All right. Back to you, Kyla.

MEMBER SMITH: Motion to remove casings from the national list was motioned by Mindee, and seconded by myself. Passed out of subcommittee with zero yes, seven no, one absent.

CHAIR POWELL-PALM: And the voting is going to start with Carolyn.

MEMBER DIMITRI: No.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

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MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

MEMBER GREENWOOD: No.

MEMBER BRUCH: No.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

MEMBER HUSEMAN: No.

MEMBER GRAZNAK: No.

MEMBER TURNER: No.

CHAIR POWELL-PALM: And the Chair
votes no.

MEMBER SMITH: Zero yes, 15 no, zero
abstentions, recusals, or absent. The motion
fails. Next up, still at 606, we'll move to O,
pectin, non-amidated forms only. And this is,
again, Mindee.

VICE CHAIR JEFFERY: Here we are, 606
land of commercial availability. Non-amidated

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forms of pectin are allowed only when the product is not commercially available in organic forms. Public comments for this round continued to emphasize that pectin is routinely used as a stabler, a thickener in jelling agents. Organic alternatives are still not widely available or do not function at the same quality.

There are ancillary substances present in pectin as stabilizers and standardizing agents. These could include sugar, dextrose, and buffering agents. The reference there to the 2015 TR, if anyone's more curious about that, pectin is essential to the low-sugar jam products available in certified organic forms. There are no alternatives available for this specific function according to a producer.

Stakeholders support relisting with some highlights and concerns. One suggestion included the assertion that since pectin is made from agricultural products that can be supplied

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organically, we should consider sunsetting this listing. And another requested better understanding of the barriers to organic production.

A stakeholder noted that the supplies of organically produced fruits and citrus peel byproducts are simply not available in quality, nor quantity that can provide basis for an industrial production of commercial pectin products in an organic form that would satisfy customer demand.

There's a lot -- they've listed -- I have the big list of products that can't be -- cannot be produced without pectin at this time, and that there aren't commercially available organic alternatives. And therefore, this listing of pectin remains essential to organic food production.

A side note, there was a stakeholder suggesting a potential annotation limiting forms to the high-methoxyl pectin which is extracted

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from citrus peel and apple parts.

CHAIR POWELL-PALM: Questions from the Board for Mindee? All right. Back to you, Kyla.

MEMBER SMITH: Motion to remove pectin from the national list was motioned by Mindee, seconded by myself. Passed out of subcommittee zero yes, seven no, one absent.

CHAIR POWELL-PALM: And we'll start the voting with Logan.

MEMBER PETREY: No.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

MEMBER GREENWOOD: No. Sorry.

MEMBER BRUCH: No.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

MEMBER HUSEMAN: No.

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MEMBER GRAZNAK: No.

MEMBER TURNER: No.

MEMBER DIMITRI: No.

CHAIR POWELL-PALM: And the Chair
votes no.

MEMBER SMITH: Zero yes, 15 no, zero
abstentions, recusals, or absent. The motion
fails. Last material, you all. 205.606(p),
potassium acid tartrate. This is Allison and her
first fall sunset.

MEMBER JOHNSON: Thank you. All
right. Potassium acid tartrate is cream of
tartar. It occurs naturally in grapes. It is a
byproduct of wine making. It's mainly used in
baked goods. It's an ingredient in baking
powder. It's also used to stabilize egg whites
and adjust pH, including in wine. And it may be
used as an antimicrobial. This is basically an
extract of the crusty stuff that's left in the
wine VAT after wine making, and it's extracted
with hot water.

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A note on commercial availability for this ingredient. It's tricky because it is derived from wine and the labeling restrictions for wine because of the use of sulfites mean that most wine production is labeled made with organic, and so you could only have this product currently come from organic wine made without sulfites. So that seems to be limiting the supply. There may not be any on the market, and we specifically asked about that in comments for this round and heard nothing.

So similar to the spring, we heard from a number of trade associations and certifiers who have members using this, mostly in baking. We also heard from one advocacy organization that would like to remove it because, unless we do have an organic supply, it remains a product of conventional agriculture.

And because of the comment that we included in the agenda about the made-with-organic issue, a number of groups mentioned that

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we might want to examine an annotation change to allow made with organic potassium acid tartrate. So something to consider for the future.

CHAIR POWELL-PALM: Questions for Allison? Great job, Allison. Thank you for your work. I wasn't surprised, but excellent job. And thank you for your contributions throughout the semester. It's been a really valuable voice. If we don't have any questions or comments, back to you, Kyla.

MEMBER SMITH: Yeah. Great job, Allison. I thank you bring a lot of value with your certification background on some of these materials, so.

CHAIR POWELL-PALM: And the legal background. I love having a lawyer on the team.

MEMBER SMITH: Motion to remove potassium acid tartrate from the national list, motion by Allison, seconded by myself. Passed out of subcommittee zero yes, six no, two absent.

CHAIR POWELL-PALM: And we're going

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to go to the votes starting with Jerry.

MEMBER D'AMORE: No.

MEMBER ZAMORA: No.

MEMBER JOHNSON: No.

MEMBER CALDWELL: No.

MEMBER NANDWANI: No.

MEMBER GREENWOOD: No.

MEMBER BRUCH: No.

MEMBER SMITH: No.

VICE CHAIR JEFFERY: No.

MEMBER HUSEMAN: No.

MEMBER GRAZNAK: No.

MEMBER TURNER: No.

MEMBER DIMITRI: No.

CHAIR POWELL-PALM: Logan?

MEMBER PETREY: No.

CHAIR POWELL-PALM: And the Chair

votes no.

MEMBER SMITH: Zero yes, 15 no, zero abstentions, recusals, or absent. The motion fails. And that concludes Handling.

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CHAIR POWELL-PALM: Nice work, nice work. Excellent work, team. Now the fun stuff starts. So we are just doing great on time, so we're going to go and ask our previous Board members who did not get a final meeting to join us up here. So that'd be Asa, and Jesse, and Steve, and Scott Rice. And we're making room for you. And just a moment to -- an opportunity to chat amongst us all. We didn't get a chance as new members to meet in person with them before.

CHAIR POWELL-PALM: I was looking for Mindee to get started, and she's capturing the moment. Thank you, Mindee. We all survived this pandemic together. We couldn't have gotten very far without you guys. So we wanted to just -- want to say thank you for all of the work that you did and all of the leadership you provided, even if it was virtual, to getting my class, the next class, up and going. So thank you.

(Applause.)

CHAIR POWELL-PALM: Anything we

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celebrate as far as efficacy, culture, collaboration on this Board as we see it now I think can be attributed to the tone and the real sense of mentorship and collegiality that these four brought. And so it is with no small -- none of this happens by accident. This is really intentional leadership and intentional collaboration.

I think I can personally attribute learning a ton and feeling comfortable that this Board was a place to really work out tough ideas in a very respectful environment. And so, again, thank you.

As we work -- look around the Board, I think this is our chance to try to download some information from these four. Any questions we have about history or any ideas of how they would have voted in the last couple of runs. But kind of -- we have time, folks, so just sort of open up to the floor anything we want to ask or anything that is on our minds. Oh, yeah. Yeah.

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Go ahead.

VICE CHAIR JEFFERY: I kind of asking this casually anyway, but hindsight's 2020, and at some level what do you wish you had known, tell us now like as Board members, when you look back?

CHAIR POWELL-PALM: Let's go to Scott first.

MR. RICE: Yeah. I've been asked this a couple of times now, and mostly it's -- the other part of it is are you glad you're off or do you wish you were still there. And that one's a little bit easier. I'm glad to be off, but I do miss the work. It was -- I do and don't. You know, as you all are realizing, it's really fulfilling and I just learned an immense amount about details that never thought I would be diving into even having done it in the certification world.

But, I'm sorry, but I don't have an answer of like what I would have done

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differently, or I think just being open to the ideas that your Board members bring and even when you think your mind is made-up, always be open to what comes down the comment lane, you kind of least expect it.

CHAIR POWELL-PALM: Asa?

MR. BRADMAN: In 2020 hindsight, we always have 2020 hindsight. There was some issues that I think that was the most difficult for me was hydroponics. And I didn't feel like the proposals and the things that we voted on didn't quite hit it right.

And if I were to do that again, I would think I would probably abstain and argue that we needed a better definition of what was hydroponics and -- because the vote hydroponics referred to another definition, and the other definition I didn't feel like was quite right. And I feel like there should have been consistency between some of the proposals and that, and how soluble nitrogen fertilizers like

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the soybean, you know, hydrolyzed nitrogen, we should have also put limitations on use of that in soil, or considered that.

And I also was kind of torn between, you know, in some cases where we're growing things in soil, but in many ways it's a hydroponic environment. But I feel like that issue still tears apart and that there could have been some - - I tend to be a compromiser and a, you know, I like to look for consensus. And, you know, that's not always possible. So that's something, you know, that was a hard decision.

And when I look at like the current, you know, some of the reactions to that with real -- like the real organic standard, which I think is good in many ways, but I think you should be able to grow food on the roof of a building or on a parking lot, or something that's been repurposed and it's not connected to the soil, but also is certified organic.

So I think those are issues that I

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think tore at me then, and I was new and kind of green, but I think still tear, and that need work and thought.

CHAIR POWELL-PALM: Not so much on the specifics of hydroponics per se, but on the idea of how we build this culture of collaboration and make sure that we do feel comfortable with a -- feeling comfortable that we don't need to get to an answer too quickly. That we have a discussion document process, and how long it stays a discussion document is sort of interminable.

Could you speak a little bit to how you would like to see that conversation and that collaboration, how mature it should be before we should feel the need to move forward?

MR. BRADMAN: I don't know because there were a lot of people frustrated at progress, and it felt like it had already taken too long. And as a new Board member, there was really a lot to learn about that issue. And I know for me, maybe the issue had been around for

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a while, but being on the Board, it was such a short time that getting up to speed on that was a challenge.

Another issue, and I'm going to make a pitch here, I'm going to take advantage of my last time at the mic, you know, and this came up just already in the meeting this week, the issue of having some way to allow Board members some reimbursement or, you know, I don't think compensation's the right word, but reimbursement if they don't have resources to participate on the Board.

You know, I had a job at the University of California. I had benefits and retirement, you know? Sure I was up late a lot at night working. But for folks who are, you know, dedicated to organic for their whole lives but can't afford the time that it takes to be on the Board, I think it -- that participation should be accessible to them, and I just want to reiterate that.

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(Applause.)

MEMBER PETREY: Hey, Nate?

CHAIR POWELL-PALM: Yeah.

MEMBER PETREY: I have a question.

CHAIR POWELL-PALM: Oh, sorry, Logan.

MEMBER PETREY: No. I --

CHAIR POWELL-PALM: I always look around the room and be like where are you sitting. Sorry, go ahead.

MEMBER PETREY: I mean I wasn't waving my hand or anything. I'll go after Dilip, that's fine.

CHAIR POWELL-PALM: No, no, go ahead. Go ahead.

MEMBER PETREY: Okay. It was on Asa's comment, you know, and your comment on, you know, we do want to sit on things and make sure that they're right, and vet through and, you know, it does take a while. But I can imagine being a hydroponic farmer and waiting for that to come out. And, you know, the investments that

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go in, or I can see how that's really, really list shaking, that adds a lot of pressure, too, for that.

So I can see where you're saying that, Asa, you know, you -- there was frustration possibly. Did you feel like that was part of it as well, people were kind of hanging in limbo with their production and --

MR. BRADMAN: Yes. And there were already operations that had the USDA label that was, you know, way before my time.

MEMBER PETREY: Yeah.

MR. BRADMAN: So to me, it wasn't -- it seems like the decisions in a way had already been made.

VICE CHAIR JEFFERY: I just want to give Jesse and Steve a chance to answer the first question of hindsight.

MR. BUIE: Okay. And I'm really appreciative for this opportunity. But looking in hindsight, for me, I think if I would have

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come to this position with a better understanding of the relationship between the Board, NOP, and really the bigger congressional involvement in this process, it would have -- I think it would have made me -- I could understand a lot of the problems we were having in trying to come up with solutions.

But, again, I realize that the system we're in, it's -- we have to realize we're dealing with some high-level issues, which -- a lot of which we can recommend, but the decision is still going to be made someplace else. And if we understand that, I think it'll help out a lot. But the thing that kind of got me was we were dealing with issues that we didn't necessarily -- we didn't -- how do I want to say that?

CHAIR POWELL-PALM: They were outside our lane?

MR. BUIE: Well, in a way. In a way. We didn't really create it, but then we were tasked to deal with it. And that's what we do.

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That's what we should do. Okay. And as a Board like this, whatever task we're given, I think we ought to work the best we can to make it happen. That's what we did with hydroponics. We did. We worked -- I mean we worked real hard with recommendations and all of these things.

But then we learned how the system works, and that's frustrating sometimes. But the thing -- the beauty of this whole situation now is that I really say that this community is focused on the organic label, which is what I'm all about. From day one, that's what I was about. But our efforts in the end may not always satisfy us 100 percent, but it's our -- I think we'll do the best we can to make -- to create the high standards for the label that we can in whatever decision we are making. So that's kind of where I am.

CHAIR POWELL-PALM: Steve?

MR. ELA: I guess a couple things. You know, one, I mean and just very quickly, you

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know, you asked about time and discussion documents. But when I came on the Board, discussion documents didn't formally exist. And I will give a shout out to Tom Chapman out there for kind of starting actually that process of where we actually formalized a discussion document versus a proposal that got set back to subcommittee. And I think that's -- there is an important distinction there. That does -- a discussion document has a different tone than something you might vote on.

CHAIR POWELL-PALM: Sure.

MR. ELA: And so I think that's really great. But I think the two things in hindsight I wish I'd known, and I got called out more than, well, a lot, is really understanding OFPA. And, you know, it -- as a new member you come in and you read it. I read it on the plane going to training. Read lots of things on the plane.

But, you know, really being versed back into it a year later or again of what are

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the regulations. And, you know, and I -- it's so hard to remember that because it's complicated and we're not -- I'm not a regulations person. But yet that's the world we work in.

But then the other thing I think that I came to appreciate, and it really is that everybody out there, like we're on the Board, we don't have to be the experts. You know, the public comment process gives a chance for so much brain trust from people that deal with this in their day-to-day lives.

And so I came to rely much more on public comments and throwing things out and saying what do you think, and taking that back in. And I think that, to me, those two things, understanding the role and understanding that there are smarter people in the room and that we should listen to them, so.

CHAIR POWELL-PALM: Super. Go ahead, Dilip.

MEMBER NANDWANI: Thank you, Chair.

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So this is a simple one. Among this Board, before our new members as, you know, and I'd like to seek your suggestions or any advice you want to -- or any experience you want to share with us. You know, yesterday afternoon kind of when one of the topic, we kind of struggled to -- sorry -- struggled to kind of word, or stumble and all that.

So what do you want to advise us on? And this is -- I'm looking at at least next four years. This is our first year, and we have eight Board meetings to go. This is first in-person meeting, and anything you want to just say there, you know, thank you.

CHAIR POWELL-PALM: This is for the young folks in the room, how are they going to survive these next eight meetings? What tips or tricks you got?

MR. RICE: I was glad to see you were all able to get together in person because I think -- I can't it's tough for me to imagine

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having the experience without that. And so it's, you know, I'm sure you're all relieved for that as well.

But taking advantage of that in-person time to really -- it's tough to do the long conversations on the technical things on a subcommittee call, and, of course, you can have other calls. But just that face to face I think has been over the years really, really helpful for me and just taking advantage of that.

MR. ELA: I'll echo that, and I think, you know, the hard part on phone calls is the subcommittee is only a part of the Board. And so you get to a full Board meeting and the subcommittee has their recommendation. And then the people that aren't on the subcommittee on Zoom are right there in the thick of it, and there's no chance for the discourse among the Board or with stakeholders to think about the nuances of something that is in writing, but it's maybe in much more detail. So I think the in-

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person side is really important for just discussion and going back and forth.

And I also think, you know, it's fine for votes not to be 15/zero. You know, it's good to have robust discussion and to disagree. And then move on, and the next vote's something different.

And I mean that's, you know, Asa talked about hydroponics, but I think aside from the issue of hydroponics, the real danger in that discussion was the Board divided. And not just on that topic. It created two camps, and that I disliked. And so I just would say to this Board, agree or disagree, disagree vehemently, you know, go tooth to nail and arm to arm, and then go to dinner together.

CHAIR POWELL-PALM: Yeah. Yeah.

MR. RICE: And not, you know, it's not, oh, I'm only going with my friends or this. And I think that is so important to just be people and not have the topic define who your

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friendships are.

MR. BUIE: You know, that was tremendous. But I also want to say I think for the next four years, and during this next four year, this Board is going to have to deal with some issues that's really going to tax your expertise. And I think that part of the solution to that is, number one, that you're going to have to really do your homework to defend whatever your position is.

And that's the other beauty of this Board. It's like every -- nobody shouts anybody down. You will be able to thoroughly present whatever your position is, and that's the beauty of it. But the challenge that you're going to have with the topics that are coming up, I really don't know how you're going to make it.

CHAIR POWELL-PALM: There's a vote of confidence right there.

MR. BUIE: But you will. But you will. You're going to make it. And as Steve

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said, you're going to have to hang together. And really, the stakeholders are going to be the ones who are going to give you that -- going to give you a lot of that guidance that you need. But we know how that works.

You know, when you sit in this position, your ultimate goal is to focus on that organic seal. That's going to be your guiding issue right there. Regardless of whatever all these other pressures that you're going to have on you, and you're going to get legislators, too. That's in there, too. Big money people. All of this stuff. But in the end, you need to -- you're going to have to focus on the organic seal.

CHAIR POWELL-PALM: Do you want to jump in there, Jerry?

MEMBER D'AMORE: If you don't mind. Jesse, that was great, and it was one heck of a teaser. And so I was going to ask one question of the four of you, and I'm going to start with you, Jesse, because you're halfway there.

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I was watching all of you out in the audience, and there was some nodding of the head and some, oh, okay. But my one question would be as you look at us today, define what you think might be coming. Tell us what you think is some of what we're going to have to deal with that may not be so apparent to these folks sitting here, including myself.

MR. BUIE: Yeah. Yeah.

CHAIR POWELL-PALM: There is no requirement to --

MR. BUIE: Well, you know, as they say, I'm not going to throw a grenade and then run back in the foxhole. Rich started this. That's who really started it. I think that's where you're talking, some of the issues that's going to come up that's -- the generic engineering stuff and how organic is going to deal with that.

I see that being a big issue as we want to keep organic farming competitive, and

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that's the challenge we're going to have. We're going to have to survive. We're going to have to stay in business. But you got all of these competing technologies out there which how we deal with that is going to determine how organic comes out in the end.

I don't know again. Okay. I don't know. But that's my concern. How will this Board deal with the new technologies and the new emphasis on providing food to inner cities and all of these kind of issues which we kind of deal with from the standpoint that this -- organic is not elite, but many people say we are.

But if we're going to definitely deal with some of these other food shortages and issues, things are going to have to be done a little different. That is going to be the challenge of this Board to figure out how to do that.

CHAIR POWELL-PALM: Let's go to Javier, and then Amy.

MEMBER ZAMORA: Thank you. I have had the opportunity to speak with all of you and spend time off the, you know, after the meetings, and I really appreciate what you're bringing to me as a newbie, as a new Board member on the time that you would take and to give me your expertise and educate myself so I can become a better Board member.

But at the same time I'm hearing frustration and perhaps things being conducted in a way that perhaps this Board did not agree on. I mean -- and some decision were made prior to you guys voting on something, I'm talking about the container-growing stuff.

My question to you is do you think if some of those decisions are made in a different way, do you think that's going to -- it's jeopardizing the value of this Board as giving direction to the NOP? And also will that create a new movement, a new label? How do you feel about that? And I'm thinking 10, 15, 20 years

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maybe my daughter will be dealing with that, my grandkids.

VICE CHAIR JEFFERY: Do we need to acknowledge that you all came in on hydroponics and went out on a pandemic? I mean --

MR. BRADMAN: I feel like I want to respond through I'm not sure how to. You know, I mean I think, you know, I mean this kind of thing ties back to hydroponics because that was one of the issues that, you know, people felt did -- could warrant a new movement, or -- and I felt at the time that there should be an organic hydroponic label so people know what they're getting. And, you know, that kind of disappeared after the issue was off our agenda.

But, you know, I think USDA organic though still sets the gold standard in many ways. And I think that it will, and I think that will always be true. I mean -- and there are hard issues. I mean like carrageenan is another issue where, you know, a previous Board voted to take

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it off and the NOP did not respond. And then we voted with a strong majority to take it off, but it was, you know, nine to six, not ten to five.

And, you know, I think there's always going to be that kind of gnashing of teeth. But I just would go back to what Steve just said, you know, the people on the Board I think really always have represented kind of a diverse, you know, diverse constituency, and that there will be differences.

But, you know, I think that, you know, going forward, that there is still a real commitment to the label. And, you know, what Jesse just said about competitiveness and, you know, I mean we have organic becoming a big industry that I think it does change, you know, it's different from when I first got interested in these things in the 70s, you know, when I was in high school. And, you know, I think there's always going to be some challenges with how that's going to move forward, and it's hard to

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predict what the future is going to be like.

But I agree that it has to be competitive, and prices need to be accessible, and, unfortunately, a lot of conventional-grown stuff doesn't incorporate those external costs, so they're not seen. So I don't know quite how to answer it, but I think we just have to all do our best, you know?

CHAIR POWELL-PALM: Question from Amy and then Kim, and then I've got one.

MEMBER BRUCH: Thank you so much. I am so happy to just meet all of you personally. This is quite a treat and pleasure. And just one comment, I've just been really reflecting on the sense of family, both with our Board and our community. And when I think of farming, it's a big family operation that I'm a part of which is exciting, and I often try to think about and balance how to hold on to my family traditions and my family history all while trying to be innovative and adaptable just so I can continue

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my farming operation to the next generation.

So we've kind of talked about a little bit of the past and some of the technical challenges. I'm just curious from your perspective on kind of the present and the future on some of -- I'll just entitle them social challenges right now which is exciting. We have the transition initiative delivering some needed funds to our community. We have terms such as climate smart-ag, regenerative ag, et cetera. How do we as a program continue to be a leader, share the good things that are happening, and where do we need to go from here? I'm just curious from your perspective.

MR. RICE: I mean, yeah I was just thinking -- and this sort of relates I guess to the last one, too, of just -- you have this label that is trusted, the -- and kind of on Steve's point of like rooting it in -- rooting your work in OFPA to sort of shape what that looks like. And I'm not answering your question. Give me

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another minute to think about it here.

CHAIR POWELL-PALM: Could I try to rephrase it a little bit, Amy? Oh, yeah. Go ahead.

MR. ELA: I think my last year on the Board, now I keep, you know, it's so easy to get in the weeds. You know, does this material check the boxes? Does it meet human health? Does it meet this? Does it meet that? And I think I'm becoming more higher level again and coming back to organic principles. And, you know, they're a little mushy sometimes, but, you know, really coming back is like does this fit what I think organic should be?

And so rooted in OFPA, but taking the higher level, philosophical approach, we're still an organic label that's based on principle, not practice. And so I'd like to root myself back in that. Does this -- in my gut, does this feel like a good idea?

And so I just -- I guess that's -- so

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I get excited about climate smart. Like, yeah, I am a climate smart grower. You know, this is part of my ethos of when I make decision on my farm, yes. And so some of these things I get really -- it's like, yeah, thank you for recognizing that, or it should be recognized because that is who I am.

And so those -- that's, you know, I think the climate side of things and the resiliency of are really important, and that I like seeing that. So go ahead.

CHAIR POWELL-PALM: Kim, go ahead.

MEMBER HUSEMAN: Okay. I'm going to hopefully give you guys a little bit of a slam dunk here. We'll see. As I look across this room, once Rick finishes out the last part of this semester, there's five of us that you guys nursed along our first couple of years, and I feel like -- and then it was expressed when we first -- because we had the opportunity to meet in D.C. before everything just completely shut

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down, and that little bit of time was so valuable.

But that learning curve was like flat, like I don't know what I'm doing. I don't know what I'm doing. And then, oh, my gosh, here is the roller coaster because there is no other option.

So whoever the lucky ticket is that gets to fill this role and be coddled by 14 people for two years before we start falling off like flies, this circle -- I guess where I'm going is from a mentorship standpoint, what advice can you give us in mentoring other Board members on -- even though we're in this time period where one lucky golden person is going to get two years of, you know, more experience. But I do kind of, you know, Javier, Allison, Dilip, Liz, and Carolyn's group, you guys are going to have so many new people coming in.

CHAIR POWELL-PALM: It was a quartet.

MEMBER HUSEMAN: I'm so sorry.

CHAIR POWELL-PALM: No Carolyn.

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MEMBER HUSEMAN: Yes, it was. I had the four and the five. I'm so sorry. I actually had you bundled for the minutes, so I'm sorry. But so -- okay. So, again then, we've had -- we have four people that will be just the cornerstone to the group with a lot of new faces.

So any mentorship advice that you have to bring people up to speed, not on their expertise and what they bring to the Board, but just how to, you know, manage in the forum that we are in?

MR. RICE: I think it was really great when we did have that opportunity to be together in D.C. And we gave in a day and a half or however much time we had, I feel like we focused a lot on sort of how we relate to the industry, to USDA, and kind of about -- very much about process and sunsets. And it was just -- I mean it's a lot of information.

And I remember, call you out -- not call you out, Wood. But like you made a very

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good point after that day and a half, he's like this is all well and good, and I kind of get this sort of idea of what we're here for, but what's my job? Like what am I supposed to do? Or what is it -- because we spend all this time talking about the sort of nitty-gritty.

And I think you have to strike that balance between like what the big picture is, but it is actually what -- what's the -- I think the detail helps in that process to figure out just your role. It isn't a great deal about the material review, but there's so much more of it. I think spending the -- taking the time to just explain the process I guess would be the best advice because there's a lot of it -- if you haven't been coming to meetings on your own, is -- it's overwhelming.

CHAIR POWELL-PALM: We'll go to -- oh, go ahead, Rick. And then Kyla. That's all right.

MEMBER GREENWOOD: Okay. So I know

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all of you people. And we all worked on human capital. That was, you know, seeing Scott down there. What do you think about -- I mean what do we need? Looking back now, how would it have helped you? Do we need people do you think to help review literature? You know, how is that really going to play out in reality?

And I think everyone agrees it's a challenging position. It takes time. And where are the guidelines? How far can people go? So I'm just curious from your, you know, you've all been on the Board, what did you think would have really helped you? Steve?

MR. ELA: More coffee. I think it's really individual. I think, you know, on, you know, when I was working on ammonia extracts, somebody helped with literature, you know, additional literature reviews, so like just finding the articles. I mean even if I could say this is the article I want to read, get it for me, that would have really helped me.

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I see other people writing -- or I mean I think we all have our skill sets and we have our weaknesses, and that is highly variable depending on the person. So, you know, I don't think there's a thing that -- so, yeah. But I think in the human capital side, you know, what I really hope -- there's a lot of day-to-day sunsets, and I mean you've been going -- you zoomed through them today because they're not all that controversial. One took longer yesterday because it was more controversial.

I mean I hope for all of you as Board members that somewhere in your tenure of being on the Board, you get at least one topic that you feel like makes a real difference. And not to say these other things don't make a difference, they make huge differences. You know, the little sunsets do make differences.

But I hope you get a time to something that you feel like, wow, that was cool, you know, I got to make my impact on a movement. And, you

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know, I don't know what that will be, and it may be some of the things that Jesse brought up so. But, you know, that's my, you know, among the mundane parts, you get to have the excitement of something cool.

MR. BUIE: You know, also we need to go back to this basic person that we don't know what that -- here's a new person coming to this Board, what is that person, what is that those characteristics I think is what you're talking about. And it has to be an individual who first understands the organic situation fully and be focused on making sure that whatever they do, that they're going to, you know, they're going to work in compliance with what the mission is.

And that basic person, whether it's in environmental whatever, I think that's what -- when we get these different areas is where we started to come up with differing, divergent ideas on different things that in the end, we have to bring it back and focus on this -- the

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task that we are trying to do.

So that basic person needs to be someone who is, I guess you want to say, open minded and has the ability to work with everybody. And then from that, you can take that person and kind of mold them into what you want to do once you get them into a committee because of the process that we have.

You know, I went back to saying that the way this organization works, you're going to get an opportunity to present your position fully and to try to convince people, you know, to go your way. And I think that's the key to making this thing happen.

But it starts off with that basic person who knows how to go and get the knowledge that -- to defend their position. And then bring it back to deal with everybody else and try to work with them to, you know, to come up with a decision that needs to be made.

CHAIR POWELL-PALM: Kyla, go ahead.

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MEMBER SMITH: Hi, everybody. Thanks for being here with us today, and for being in the hot seat. This has sort of been asked, but I was thinking about it from a different perspective.

A lot of times, you know, being on a Board, it's not in a public setting, right? So it's behind closed doors and you get to have your debate. And then it really healthy Board gets to walk out the door and speak with one voice on the decision that was made. How do we do that here when the debate is public? How do we like leave the issue at the table and be healthy and successful in our communities?

MR. ELA: I'll just say that -- well, two things. One, is in a -- and I'll speak very -- from my own very personal views here, but like with NOSB support, and I know one of the things was to include other people on the subcommittee calls, and I personally valued that it was only NOSB members on the calls because I think it

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allowed people to speak maybe counter to even their own beliefs sometimes. But to explore and not have any fear of repercussion, you know, nobody -- and then, you know, to write it up.

And then for the whole Board to debate it publicly, I mean I really believe in transparency, I think there's this -- you do need a chance to have things that you can just brainstorm and not have any backlash on.

But then, ultimately, you have the tough decision and you still say you're a person. I disagree with you, but you're still a person. And so walk out the door of like, you know, I enjoyed being on this Board because of the people and because of meeting people. You know, that was the highlight. You know, the topics were cool, but the people were the biggest thing, so that to me is you're going to fight like hell and then walk out and have a beer.

CHAIR POWELL-PALM: Let's go to Allison. Oh, sorry, do you want to jump on that.

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Allison, go ahead.

MEMBER JOHNSON: Thank you. Asa already touched on this a little bit, but I'm wondering reflecting back on your time on the Board and who you tended to hear from, and who you didn't hear from and the reasons that you may not have heard from a wider array of stakeholders, I'm interested in your thoughts on how we can help more people see themselves in organic both from a producer and consumer point of view, and what steps this Board could take to proactively invite more people in.

MR. BRADMAN: Do you mean invite more people onto the Board or into the whole process?

MEMBER JOHNSON: Into the organic community.

MR. BRADMAN: Yeah. Okay. That's a different -- so were you also asking about how communications between the community and the Board occur?

MEMBER JOHNSON: What structures or

processes we might use to make sure that we're hearing from a wider range of people, and helping a wider range of people see organic as relevant and important for them to engage with?

MR. BRADMAN: Right. I'm going to first comment narrowly, and then maybe more broadly. The narrow part is more about, you know, who communicates with the Board. I mean public comments are crucial. I also and, you know, try to make a point to reach out to people, too. And, you know, even across the spectrum, you know, and even people who disagree with me.

I do that in other settings, too. I have lunch with people from the American Chemistry Council, and it was kind of like, whoa, what are you doing at my table? And I was kind of like what am I doing here.

But, you know, I think that's really important because there are some people who it's their job to reach out to you, and then there's other people who, you know, that's not their job

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and or something they're even thinking about. So that's where I think it's really important to facilitate dialogue and reach out to people.

You know, we're not -- the Board -- I was on the Board for the state of California, and it was much more restrictive in terms of potential conflict of interest issues. And the way I understand the Board is that, you know, we represent constituencies, and we can reach out to constituencies. And I think that's important to help foster engagement and not just the traditional advocacy, or trade, or other organizations, but to go beyond that. So I think that's really important.

And then, you know, I do think the use of these electronic formats have been, you know, have increased accessibility. I know there's been complaints about the timing of the meetings because of farming cycles and, you know, I think more use of that is -- not to -- I think in-person meetings are important, but I think the

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virtual public comments, and maybe there's even other formats to increase exchange and that might also increase accessibility.

MR. BUIE: And also, you know, there is a big emphasis on getting minorities involved in organic. And I have been to many sessions, and I'm going to say again in this session, it's a multifaceted issue that we know we want to do, how do you do it is the big issue. And like I said, being, I guess, the number one example of who we're talking about, there has got to be a re-educating of people to understand farming, the hard work and all of that.

And from my perspective, that's something that I've attempted to try to do. And it's not an easy process, but I'm not slacking off one bit because I really understand some of the issues and some of the misunderstandings that we have out there. And what needs to happen is we really, at the college level, the programs just need to be developed where you can really

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realistically target the motivating factors that make people want to get into farming. We're not doing that.

When I look -- when I look -- I'm going to be honest, and everybody wants to be politically correct, and we tiptoe around a lot of things. I've learned I still need the tip toe. When I look at the universities, and I just say universities, when I look at the programs that are there, it's -- the farming is an academic discussion. You don't get out into the dirt and the real issues.

And the people that are -- that come to the conferences and everything are talking this high-level stuff, and it's not getting to people who want to go out there and work the rows and make the things happen. That's the problem, you know that's the problem I see. And how we, you know how we correct that is an ongoing process.

But I know that what we're doing at

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the college level in many instances is strictly academic farming, and the people who need to be getting the background knowledge are not getting it. But you're writing a lot of grants, and on and on and on. But you're not developing -- you're not encouraging folks to want to get out there and get their hands dirty. That's one of the problems right now, and I'll just leave it at that.

CHAIR POWELL-PALM: Do you have one, Kyla?

MEMBER SMITH: Yeah. I had one more. How did you all approach balancing your own opinions on a particular topic versus representing sort of the seat that you are sitting in?

MR. RICE: I mean I would struggle with that a little bit, but not so much as maybe some others in their respective seats. Like with the -- the certifier seats seems on one hand a lot easier, and then, you know, on -- something

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comes up and it's not easy at all.

And, you know, I remember having a particular material where the way I just came at it generally, because I feel like as -- just the job I have, the seat I was in, I wasn't necessarily coming with a dog in the fight. Our fight was more on like process and how you're going to evaluate something, and is it or isn't it.

And I don't remember what the material was, but it came finally to the Board and I presented it. And, you know, I just got the question of like, well it doesn't -- I'm not hearing one way or the other here, and I was like, yeah. That I, you know, I turned to the comments and, you know, that's kind of what you have to do sometimes. But that was my kind of personal experience, and it wasn't -- didn't come at it with necessarily a position.

MR. ELA: And I would say -- I mean I can't sell you a used car because I'm going to

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tell you the tailpipe's coming off and the transmission's full of sand. And so I mean the only way I could balance it was just to be me, and like, you know, I'm on the Board, yeah, I represent stakeholders. And sometimes I'm going to say something that probably would have benefited me, you know, I voted against things that would have helped me be -- that would have helped me control fire blight.

But it, you know, you just have to be you, and you're on the Board to be you and the vote you get. And do the right thing and, you know, if your stakeholders are mad at you, I guess they're mad at you.

MR. BUIE: You know, let me follow up. You're exactly right because when I came on the Board, there were organizations out there tracking the way we voted. And I don't know if that's still going on. But every vote you made, someone was out there tracking it. And if you didn't vote the way they wanted it voted, you'd

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read about it a lot of times in the New York Times and places like that. Yeah.

And so one thing -- one interesting thing about me, I'm coming from Mississippi, a little farm in Mississippi, and for whatever reason I was labeled a corporate hack. Right. And I'm going like how, you know, how can that be? But that's how it was written up.

And I so I came to this meeting and here the article was in, I don't know, New York or someplace, that this corporate hack from Mississippi because the perception -- that was the perception of how they knew I was going to be voting on issues.

But it goes back to, in the final analysis, you're going to have to vote, you know, you vote the way you think is best for the organization. And if the people don't like it, then, you know, tough. So that's an issue I hope you don't have to deal with, but we did, so.

CHAIR POWELL-PALM: We have just a few

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minutes to go here. Yeah, Dilip.

MEMBER NANDWANI: Well, this is just a comment, not a question. I think you have given us a very good information and advice. And we have a very good fellow Board members also. So I'm very confident. But, Jesse, you made a, you know, comment on the USDA folks and I thought I'll kind of just comment on that.

I would mostly agree with that. You said that USDA folks may be writing grants and all that, but when I'm sitting here, and this Board I think they have done a splendid job because if I am in my organic farm, nobody will recognize me because I am in shorts, I am bad shoes out on the tractor, and you will see, oh, this is a farmer. He's a student. I am serving on our Board writing grants and all that, that is a different thing.

And yesterday was a good example that whatever insight I bring to the Board, and yesterday as example, that this is from my

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practical experience. Like on the farm, when I use plastic mulch on my Peppers or vegetables, I see the problem. Similarly, I see the issues what common farmers, organic farmers, minority whether, you know, all kinds, they experienced.

I talk to them in the workshops, and I bring that practical information and issues. And based on that, I want to make their decision, and that's what happened yesterday. So I would mostly agree, but a little bit here, my two cents in it. So thank you for that.

CHAIR POWELL-PALM: Well, thank you. We are just up to the lunch hour. So really appreciate our fellow members joining us again.

(Applause.)

CHAIR POWELL-PALM: I'm going to get really used to these 90-minute lunches. So we're going to see you all back here at 1:30.

(Whereupon, the above-entitled matter went off the record at 11:58 a.m. and resumed at 1:38 p.m.)

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CHAIR POWELL-PALM: Let's chat about plastics. So we heard a lot of comments. So we're going to reconvene, and we're going to jump into additional business. So we have two things to discuss there, plastics, and the timing of the meeting for an update. Yes, Brian.

MEMBER CALDWELL: I would love to add at least one comment from me about annotation follow-ups.

CHAIR POWELL-PALM: Yeah. Noted. Because we have no work agenda item, we have no direction, we really have nothing about plastics yet in the hopper, I'm going to set a timer for 15 minutes. And whatever anybody wants to ask, or say, or chat about with plastics, now is our opportunity.

And as soon as Rick comes back, we're going to stop the conversation, conduct elections, and then we can pick it up again with whatever time we have remaining. So -- All right. Timer is -- who wants to go first and

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then we'll start the timer? Okay. Amy, and then Wood.

MEMBER BRUCH: Perfect.

CHAIR POWELL-PALM: Game on. Go ahead, Amy.

MEMBER BRUCH: Okay. Well, I might need to go third then. This is just a clarification or a question. Currently, how I understand it, packaging, plastics and packaging are out of the purview of OFP. So maybe a question to Jenny. Just wondering, is there any potential thoughts on opening the scope of OFPA to include the final packaging pieces and regulation around them?

DR. TUCKER: So I think a good -- thank you for the question. A good reminder of the -- we call it NOP civics of who owns what. And so OFPA is owned by Congress. So, sadly, Jenny can't adjust OFPA and broaden OFPA.

Okay. Well, so given that, I think our -- this is a topic we had considered earlier

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on a work agenda for the item for the Board, and had ended up withdrawing. It was a service specific one of could we consider -- it was BPA, bisphenol I guess. And so it was determined to be outside the scope of the Board at that time, so we cancelled that work agenda.

CHAIR POWELL-PALM: But I --

DR. TUCKER: Does that answer the question or not? Let's iterate here since we're on open mic.

MEMBER BRUCH: Sure. I understand that the process for change, is that something I guess in the short term that either the program or -- inside the program, outside the program things will be a necessary work item just because I think it's really important, one, to the community, and two, there is just a lot of innovation with not the right composition of products happening in that area that could contaminate our nice, organic products.

DR. TUCKER: So I think in terms of

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advocacy on broadening OFPA to have a broader class of issues, that is more of a farm bill conversation. At a program level, I really do believe in the federal system of separation of powers. So we don't at the program level advocate to Congress.

We get requests for technical assistance from Congress. And so if folks think something is important and talk to the administration -- different administrations handle this differently. So some administrations are very, very tightly connected with congressional processes, and others say that's Congress's job, we'll do whatever they want. And it can vary depending on a whole lot of factors.

At the program level, we are not advocates on how OFPA could change. We will provide technical assistance if Congress has questions as they're considering changes to OFPA. So what would this mean? What would need to

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happen? What would be the process?

And I have calls with congressional staff when those questions come up, and I give them kind of the program sort of technical view. I'm not sure I'm still getting at what you're looking for here.

CHAIR POWELL-PALM: Well, let me jump in real quick. I think, Amy, your question is really kind of at the heart of why we're having this discussion right now. We here -- we are the depository for the hopes and ambitions of the community, and oftentimes we're just a poor fit in standards.

And so understanding what we can do and what we can't do is going to be a really crucial consideration for this discussion. So when folks say gets plastics out of food, understanding what is in our actual authority, what's in our jurisdiction, and what needs to go to Congress.

And so that question right there I

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think I would pose to the community that if there's any work to be done on plastics, please read OFPA and tell us where in OFPA you would like us to act. Wood, please go ahead.

MEMBER TURNER: I'll try to keep it brief. And, again, I have a little bit of the same question of whether this is relevant to us or not, but I'm just going to make a couple of comments.

One is I think it was hard to separate out this conversation from the BBMF conversation this week. For me, as I said, I feel like we had an absurd choice to make on that material, and I think as I pointed out, we recycle about 5 percent of our plastics in this country. And that's disgusting, and we should be embarrassed about that not only as just a Board, as individuals, as an organic community, as all agriculture, as all society. It's ridiculous.

And to me it's a policy and regulatory failure on so many levels. We've let what's

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happened to our recycling markets just go the way the wind blows and, you know, we're happy. We were happy sending our materials overseas until we couldn't do that anymore. And it's all broken down.

And so I just -- I do think we have to -- if there's anything we can do from a policy perspective to do anything to stimulate what's happening in terms of the recovery of materials. I mean ag-plastics should be captured. We should be figuring out any way possible to get them back into durable materials that are being used in our society. And if there's any rule that exists in the structure in any form, I'd love to know about it.

Secondly, I'm really concerned on the packaging front. I think there's also a problem on the packaging front because we are going to continue to see ourselves asking the question over and over and over again because I see organizations like mine and others desperately

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trying to move away from plastic packaging.

It is so much more expensive to move into non-plastic packaging, and it will continue to be more expensive. And it is not something that the consumer, broadly defined, is willing to absorb. And as a result, it's not maybe something that the producer, broadly defined, is going to be willing to absorb. And there's got to be some other intervention here from a policy and regulatory standpoint to make something like that happen.

So I really firmly believe those are two issues that, if there's anything we can do, and I'm sort of asking the question but also knowing that it's probably beyond our reach, but I just wanted to put those on the record.

CHAIR POWELL-PALM: To our panel's point this morning, though, that relying on our community is kind of the best part of being and this Board. We have so many smart people who have deep understanding of both regulatory and

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political levers that we can use, that I would put it on our community to let us know. Mindee, you want to go ahead?

VICE CHAIR JEFFERY: It's not really OFPA or a Board consideration, but at Good Earth we did a big initiative with our consumers where we educated in all the places that they could eliminate plastic from their purchasing. And we reduced our supply packaging to the Good Earth by more than a ton in a year because consumers could choose not to put a red bell pepper in a plastic bag on the way home.

And I think that initiative has come a long way, and I think there is a lot of power there for the consumer. And, honestly, I've tried to hold myself accountable to only buying berries in this amazing packaging that Javier has been working on for a while. And so I think there's a lot of work and a lot of encouragement for me on that, you know, how long ago was it that we weren't all carrying these?

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And so for me I think sometimes taking the pressure out of one place, and I think putting societal pressure on agriculture to solve the plastic problem seems like my last priority in a way because it's easier to solve it in other places. And so I just like to reframe sometimes is a little bit encouraging for me when I feel a lot of pressure around an issue.

CHAIR POWELL-PALM: Jerry, could I call on you to -- and no need to -- totally good the pass it on. But I think you had a really great point about there's a certain limit to the private market response to plastics. If it's not going to be forced upon everybody, are we going to see any movement?

So I didn't know if you had any thoughts on, you know, if we're thinking about a regulatory mainframe of how to adjust plastics, you live in -- you with Javier live in sort of a more plastic-culture world, anything that strikes you?

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MEMBER D'AMORE: I'm a little bit at a loss as to the question. And in terms of our discussions before, my point that I was trying to make is the organic versus the conventional. If that's what you're talking about --

CHAIR POWELL-PALM: Sure.

MEMBER D'AMORE: -- then I'd be happy to continue. Yeah. You know, I've lived in the world of great uses of these materials. And to Wood's comment a moment ago, the -- I'm not sure that the alternative to plastic as a base material is that more expensive. But it surely is way more expensive in terms of the manufacture.

There's -- and that then is velocity. That is somebody taking the time, and I mean plastic comes off at a horrendous speed, and it comes off the end of the line exactly what you want. And that's the difference -- that's the difference that we have when we have some of these discussions.

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And so, you know, when we were having the great debate yesterday, which I enjoyed immensely, the point I was trying to make is if we don't get combined volumes that are greater than the 3, 4, 5, 6, 7 percent of everything that we're seeing out there, I just don't believe there's going to be the incentive of the producers to give what, you know, to essentially work against themselves, work against something that they're already producing. And so I think they'll resist that until there's much more at stake or much more upside than 5 percent of what's on the ground today. And if that's what you meant, then --

CHAIR POWELL-PALM: Yeah.

MEMBER D'AMORE: -- thank you. Thank you very much.

CHAIR POWELL-PALM: I think that's a great point.

MEMBER D'AMORE: Yeah.

VICE CHAIR JEFFERY: Yeah. It's a

good point. Some of the manufacturers in the Bay Area have some collaborative work going on where you see like a tea company developing some more sustainable packaging, and then getting other tea companies to come in so that they can get to the velocity for sustainability in their bottom line.

CHAIR POWELL-PALM: Brian, please go ahead.

MEMBER CALDWELL: Yeah. Thanks. This is a really important topic, and I'm really glad that our stakeholders made us pay attention to it. I think that it would go a long way to really charging up consumer confidence in the integrity of organic if we were able to make progress in reducing plastics, single-use plastics. Not talking about, you know, anybody's, you know, plastic fuel lines in there, you know, engines and stuff like that.

And in New York State, a law went through that was -- disallowed plastic grocery bags, and I thought it was going to be a big deal.

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It was easy. It was really not. I mean I don't think the supermarkets liked it, but everybody else, it was easy. So I think we should really look at OFPA and the definition of Handling, and whatever way we might be able to find an approach to dealing with this topic.

CHAIR POWELL-PALM: Absolutely. Now we have about three minutes left, folks. Anyone else want to jump in? Javier, please go ahead.

MEMBER ZAMORA: Thank you, Brian. I think -- I am one of those farmers that has the desire to make sure that the use of plastic is less and less as time goes by. But it is really, really expensive. I'm doing it as a -- because I believe that, you know, having that lots of straws and lots of plastic clam shells, and lots of plastic usage not being recycled, it's creating a big issue. I see it in our agricultural communities.

So until something, if it has to be a regulatory level, that forces some of the larger

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users to make a change, will make some sort of advance. We do have lots of community that support when I came up with a clamshell that it's not plastic. My God. I'm getting reporters, I'm getting all kinds of people wanting to talk to me. But when I told him that it cost five times more than a ten cent clamshell because this is, you know, 45 cents, they go, wow. Well no wonder people are not using it.

So we have to get, you know, some sort of a change at a higher level that forces others to make this change. And in the end, the customer is the one that can make that happen. We, as growers, we want to do -- as smaller growers, independently owned farms have the desire of making these changes. But, unfortunately, it is really hard unless we have a community support.

CHAIR POWELL-PALM: All right. We have about a minute left. Let's call it there, folks. Rick, you're back. We still needed you.

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Not even close. Okay. We're going to move into elections, or back into the agenda. So we're going to start with officer elections. We have a couple of slides here. Yeah. After elections, we're going to talk about the timing of the NOSB meeting update.

So we have three officers. We have chair, vice chair, and secretary. Any NSOB member is eligible for consideration to any officer position, and folks may self-nominate or be nominated by another member of the NOSB. Should the chair, vice chair, or secretary resign or fail to serve the full term, the Executive Subcommittee shall appoint an interim officer. And that interim officer shall serve in the capacity until the next regularly scheduled meeting of the NOSB, during which an election will be held to fill the remainder of the term.

Members may serve more than one term in any officer position. Oh, no more plastics. Officers shall be elected for one-year terms by

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majority vote at the fall NOSB meeting. Newly elected officers will assume their positions at the conclusion of the fall NOSB meeting and assume their responsibilities thereof at that time. Outgoing and NOSB officers will assist the incoming officers with the transition into their new roles to be completed no later than January 23rd of the following year.

So we need nominations, and so we're going to -- we have three separate elections, chair, vice chair, and secretary. And I'll ask Kyla, do we do these as a slate? Okay. Nominate, vote? Nominate, vote?

Okay. Voting will be by secret ballot immediately following nominations for each office. Ballots for the officers will be cast in the following order, we're going to start with chair, then go to vice chair, and then secretary. Ballots will be counted for one office, and the secretary will announce the tally before the next office is open for nominations.

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Secretary and vice chair will prepare and distribute the ballots, then collect them after each vote. Secretary will tally the votes, and the chair will verify the results. And I think it's actually going to be Rick is going to tally the votes, and then the chair will validate the results verify the results.

The first nominee to receive a majority of votes will be elected. If no nominee receives the majority of votes, the nominee with the least votes will be eliminated and a revote will occur with the remaining candidates. This process will be repeated until a nominee obtains a majority.

In the event of a tie, there will be a revote until a nominee obtains a majority. All nominees will be included in the revote. Votes will remain confidential, and ballots will be disposed of by the chair or secretary. A nominee will -- may withdraw at their discretion at any time. In the event of only one nominee for

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office, the vote may be by acclamation.

Good to go? All right. So we're going to start with chair. Does everyone have a card, one of the green cards? Okay. So call for nominations. Amy?

MEMBER BRUCH: Yes. I would be happy to nominate our current chair for an encore term.

CHAIR POWELL-PALM: Thank you very much.

PARTICIPANT: Do we need a second?

MEMBER ZAMORA: I will second that.

CHAIR POWELL-PALM: Thank you. For the nomination? All right. Yes. Please go ahead.

MEMBER NANDWANI: As a new member, please. So do we have the consent of the existing officers, like chair, vice chair, and secretary, that are they willing to continue for the next term? That would be helpful to us too, or --

CHAIR POWELL-PALM: Yeah. So when

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someone is nominated, they can say yes or no. So I would say yes, I would be willing to serve another term. And then we can do that with each role. But very good question.

All right. Any other nominations for the role of chair? All right. I think we don't need a vote.

(Applause.)

CHAIR POWELL-PALM: Thank you, everybody. Really excited for the work we're doing and the work we get to do this next year. Moving on to the position of vice chair, do we have a nomination for the position of vice chair? Kyla?

MEMBER SMITH: I'll nominate Mindee, our current vice chair.

CHAIR POWELL-PALM: All right.

VICE CHAIR JEFFERY: Thank you. Sure. I'm willing --

MEMBER PETREY: Logan will second.

CHAIR POWELL-PALM: Logan seconded.

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Everyone's going to second that. I'm seconding that, too. Any other nominees or any other nominations for the role of vice chair? Okay.

(Applause.)

CHAIR POWELL-PALM: For the role of secretary, Wood, please go ahead.

MEMBER TURNER: So I think particularly as we're thinking about sort of the seniority of this -- of the leadership group, and I think this -- the fun part about this meeting being able to see everybody and see how everybody works on this Board, I've just been really excited about somebody that I'd like to nominate. And just, again, to get the conversation going about this person because I think I would love to see that person in a leadership role in the future, if not now. I'd like to nominate Amy as secretary.

MEMBER BRUCH: That's very thoughtful. Thank you, Wood.

CHAIR POWELL-PALM: If we need a

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second, I'm definitely seconding that. Any other nominees for secretary? Jerry?

MEMBER D'AMORE: For all the same reasons articulated so well that we just heard, I'd like to nominate Wood.

MEMBER TURNER: I appreciate it. I'm going to decline. But thanks, Jerry.

MEMBER D'AMORE: Not at all.

CHAIR POWELL-PALM: Any other nominees for the position of secretary? Carolyn?

MEMBER DIMITRI: I'll nominate Kyla so we can have the same runoff that we had last year.

MEMBER SMITH: I'm actually going to decline as well. I'm going to pass the torch.

CHAIR POWELL-PALM: All right. Any other nominees for secretary?

MEMBER D'AMORE: Excuse me. Where are we right now?

CHAIR POWELL-PALM: We are at Amy is nominated, one nominee.

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MEMBER NANDWANI: In that case, can I second because there are no other nominees?

CHAIR POWELL-PALM: Okay. Dilip's like keep moving, folks.

MEMBER D'AMORE: I may have blinked. What happened with Carolyn just now?

CHAIR POWELL-PALM: Carolyn nominated Kyla. Kyla declined the nomination.

MEMBER D'AMORE: Okay. I then would like to make a nomination, and that would be Carolyn.

MEMBER DIMITRI: No thank you. I really don't have any leadership capacity, seriously.

MEMBER D'AMORE: Yeah. I could strike out if I kept on going.

CHAIR POWELL-PALM: All right. If there are no other nominees for the position of secretary, Amy.

(Applause.)

MEMBER GREENWOOD: But I didn't get a

chance to count any votes.

CHAIR POWELL-PALM: I was going to say. All right.

DR. TUCKER: Hey, Nate, before we move to the next step.

CHAIR POWELL-PALM: Please go ahead.

DR. TUCKER: Usually the program congratulates. And since we're in person, I'm going to both thank and congratulate our outgoing and incoming chair. This is a USDA Organic Challenge Coin. So, Nate, you get a USDA Challenge Coin. And then, Mindee, also outgoing and incoming vice chair, there's your Challenge Coin. And then as a big thank you to Kyla before being secretary and doing a beautiful job, you also get a Challenge Coin.

(Applause.)

DR. TUCKER: And the program looks forward to working with Amy. You get a challenge coin next year assuming we're in person. So you'll -- something to look forward to there.

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But thank you, this has been a delightful Board to work with this year, and a delightful leadership team. So appreciate the collaboration and look forward to working with you this year.

CHAIR POWELL-PALM: Likewise. Thank you. So in conclusion of elections, we look to our itinerary. Any other questions or comments going forward? Okay. We'll go back to other business, and, Brian, you had a question about annotations that you wanted to bring up.

MEMBER CALDWELL: Well, I have a suggestion, and that is that I think I understand why we can't vote on annotations at the same time that we consider the actual sunset material and the way it's written because it would confuse the issue.

But what I would love to have happen is that if we're going to consider annotations, it's going to take more time -- it's going to add more time to what we're doing. And I think the

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least amount of time it would add to it is if we had a separate section after the sunsets were done for annotations on those materials that were covered in these sunsets that meeting because it's fresh in our minds. We know, you know, exactly what the issues are and what's suggested, and I think we could do it quickly.

If we take the annotations up in a separate year, we have to go back to zero and recalibrate, and everything. So I just want people to think about that and maybe we can move forward with that.

VICE CHAIR JEFFERY: Be careful, you're going to get nominated for a leadership position, Brian.

MEMBER HUSEMAN: That's right. I was just thinking that. Is that like another -- not like a subcommittee, but like a chair to the annotation, like a corraller.

MEMBER HUSEMAN: I nominate Brian.

CHAIR POWELL-PALM: Corraler of

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annotations. I love that.

MEMBER TURNER: Is that a procedural? Like is what Brian suggesting -- I mean is this a discussion or --

CHAIR POWELL-PALM: Yeah.

MEMBER TURNER: Like is that -- like that sounds like such a genius idea. I mean is that -- like is that impossible to do? I mean how do we --

VICE CHAIR JEFFERY: Did you see the public comment that the materials chair should take up the business of annotations? I mean Kyla's doing a great job on it already, too. So there's a lot of good suggestion and wheels on it, right?

MEMBER SMITH: I mean I've been keeping my own sort of -- tracking my own thing with Handling. But I do think that we have the community who has given us a list, and I think we just never had had like that comprehensive like list before. But I like the idea of doing it

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sort of simultaneously. So I think we can try to, you know, meld these two sort of thoughts together.

MEMBER TURNER: Yeah. I think it's great. I mean I guess I just feel like Brian's point about the time delay and sort of the -- it's almost like duplicating the work almost through another cycle. I think that's --

MEMBER HUSEMAN: Well, another thing to consider is we have a five-year term, right? So you review an item, and then it gets put to the back burner, and then you have a new person come on that is next to -- like when it comes back up for a sunset, and they're, you know, might not have the knowledge from the last time that it was at sunset. And so you do get this running, well, the previous Board discussed annotation and now we're here again and we still haven't discussed annotation.

MEMBER SMITH: I mean we were talking about this already like as a work agenda item

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like prior to the -- in Handling, right? And so it was sort of like, oh, great, the community is thinking about this, too. And it had been suggested to sort of put this out as sort of a discussion document to get them all, collect them all up, right? And so I think we have a start to that, and I think that we can, yeah, sort of meld those two things together.

MEMBER BRUCH: Yeah. I think it's a really good idea, Brian. I was kind of thinking as I was presenting my sunset on humic acid that there was a need to have the annotation on that. And I thought it could just do that right away. Like you said, it's fresh in your mind. I think that's a really good idea.

CHAIR POWELL-PALM: Jerry, please go ahead.

MEMBER D'AMORE: I'm sorry. I'm still confused, and I'm on the same line as the questioning of Wood. I mean, obviously, when we're in the moment, we cannot mess with an

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annotation, right? Then it's done, voted. Then you're suggesting we do what?

CHAIR POWELL-PALM: No suggestion.

MEMBER D'AMORE: Okay.

CHAIR POWELL-PALM: Just I think to Brian's question as to how can we most efficiently be able to tackle --

MEMBER D'AMORE: Right.

CHAIR POWELL-PALM: -- annotations.

MEMBER D'AMORE: So, procedurally, that's -- and so now I'm just being redundant, and I apologize. But procedurally, right after it's all done, we could engage in a new annotation?

CHAIR POWELL-PALM: Go ahead, Mindee.

VICE CHAIR JEFFERY: Yeah. I mean I Brian's suggestions amazing and I think the next year could also be a really good idea. But I think right now the project is figuring out where we can house a database, for lack of a better word, of the suggested annotation changes. And

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we had a public comment suggest materials, and it just so happened that Kyla was already working really hard on the Handling list.

MEMBER D'AMORE: Right.

VICE CHAIR JEFFERY: And so if we engage, it could be that we could house it in materials as a discussion document, which is just a request for all the ones that the community knows are -- should be considered.

MEMBER D'AMORE: Okay.

VICE CHAIR JEFFERY: And then I think we'll just go from there.

MEMBER D'AMORE: Okay.

VICE CHAIR JEFFERY: Find an efficient way to keep this relevant.

MEMBER D'AMORE: Thank you.

CHAIR POWELL-PALM: Alison, please go ahead.

MEMBER JOHNSON: I wonder if we want to have some sort of consistent pattern where we're asking for input on annotations if we're

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trying to build that into the rotation because, otherwise, there's sort of a bias towards things that have been brought up at some point, rather than an opportunity for anyone who might want to weigh in.

So I was trying to think of like what time of the year is the right time to do that. We'll review the agenda for next year now, so that's noticed about what materials are coming up. So I don't know if we want to hear in advance of the spring meeting so that we could discuss them then, and then vote in the fall or, you know, like what cadence would be right to start gathering that input ahead of time.

CHAIR POWELL-PALM: Rick, go ahead.

MEMBER GREENWOOD: I'm just thinking mechanically, when we go through these at the meeting, we raise the issue. And we say, oh, that's good, and everybody's sort of up to speed. I think the next place would be to bring them back to the various committees, capture them, and

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get them on the agenda.

So as everyone says, Brian says, so then it's fresh in our mind. Maybe we do those not the next meeting after the meeting, but very soon, get them on a list so we can talk about them. And then like we do with the research priorities, bundle them up into a unit and then get them onto a proposal.

CHAIR POWELL-PALM: Go ahead, Kyla.

MEMBER SMITH: I mean I think it could be a discussion document in the spring, right, for the slate of materials that we're going to be voting on in the fall. And then you collect all of the ideas, and then you just put forth the proposal for the fall meeting I think is the most efficient way.

CHAIR POWELL-PALM: Any other thoughts on annotation changes and management? All right. We'll continue this conversation throughout the semester.

Meeting timing. So this is,

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unfortunately, an update for people who I think are obviously not in the room right now. But for those who may be listening online, we have received consistent comments from the community that the meeting timing is not optimal for everyone. And we hear that loud and clear.

The question of is it particularly not optimal for farmers is one that we take seriously, and we want to make sure that we are considering all of the options. And so in spring of 2022, we heard, again loud and clear, and I think Wood helped elevate this question of is there an alternative? Do we meet in April and October for no good reason, just that it started and we never stopped it.

And so we very kindly tasked Michelle with saying why. Why are we doing it this way? And I think we have a couple of slides. Do we? One side? Okay. No worries if not. But Michelle -- there we go. So Michelle did just a fantastic job saying what does every month hold.

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So we have some rules to work by. We have to always be six months apart. So to make sure that we don't have a lopsided work schedule where we'd have less than even on both sides, we have to be six months apart. So as we work through and look at the different months, we always have to think about the corresponding month.

So in September, it's the end of the federal fiscal year where no money can be spent, everything kind of stands still. And so September is out. That means correspondingly, March is out. And as you look at this slide and we kind of work through it, there are pieces to each of these months that are not April and October that seem to preclude being a good fit for being a meeting month.

And so when we looked at January, we are -- we still don't know who this new member who's going to be taking Rick's seat is, and we always work our way kind of landing in the spring

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before the person is either announced or definitely trained. So if we were to meet in January, there's a chance that we'd be meeting before anybody was trained for the new folks. So that kind of kicks that out. Correspondingly then, July would be out.

So you all see this slide, snap a photo of it, take it back to your communities and say Michelle did a bang-up job on trying to figure out what is the alternative. And I promised the commenter, I'm like there are so many times better than these two times for me. Correspondingly, for everyone on the Board, there's probably a better two months.

But overall, we polled the whole Board on other options and we still came back to October and April as the two months that are the most imperfect perfect fit.

And thinking about how we keep access to the Board open, I was really stoked -- I feel like -- and I don't have numbers behind this, but

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I feel like we have been getting only more and more farmers engaging in the Board process with it being a virtual comment. That folks are phoning in from their tractors, they're calling in on Zoom. And that's exciting.

So not everyone can travel, which is definitely makes sense, it does seem like the more we can get folks to engage in the other means, the other avenues to engage with the Board, the better off we're going to be hearing from everybody. Any questions or tack-ons? Thank you, Mindee.

This does not imply a policy change about in-person comments. I'm not trying to jump the gun here. As we had mentioned in the opening to this meeting, we are in a hybrid format because we're testing it out. This is the first time we're back from COVID. We wanted to make sure that there would be a chance that we would be able to get through a meeting, even if we did have some amount of shutdown with a resurgence of

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COVID.

And it's gone really well. We've lucked out. Everybody has I think done well showing up and us meeting together. And we're excited to continue meeting more in person, and keeping both options for in person commenting and for virtual plummeting on the table. Brian, please go ahead.

MEMBER CALDWELL: Yeah. I think OFPA did a great job of recruiting farmers for the virtual comments this year.

CHAIR POWELL-PALM: Hear, hear.

MEMBER CALDWELL: That's the sense that I got. And so I really strongly suggest that the other organizations do the same thing.

CHAIR POWELL-PALM: I just wish I could make that a banner across the whole room. People, bring your farmers, it's a three-minute phone call, into the meeting. This is not that hard. And so excited to see more and more farmers engaged. I think there's a lot of

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organizations who have put out the call, but it is a really good question.

We fielded questions throughout the meeting about who is giving what input, and I think there are just -- there is -- it's patchy. We have inconsistent representation from all stakeholders. And I think farmers are getting better, but they're one that we don't hear that much from. And it's always exciting to figure out ways to get more farmer comments. Anything to add to this update?

All right. So next on the NOSB work agenda and materials update. So for the subcommittee chairs, anything that's not on this list and you find it to be top of mind, we can talk about it now, and think about what the next the upcoming semester looks like. We good? Everyone see it? Thank you. Maybe a little slower. Go back one real quick and we can slowly scan it.

MS. ARSENAULT: Nate, do you want to

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read through them or just --

CHAIR POWELL-PALM: I don't --

MS. ARSENAULT: -- let them sit on
the --

CHAIR POWELL-PALM: Should we? I was
just thinking we can just sit on them.

MS. ARSENAULT: Either way. It's up
to you.

CHAIR POWELL-PALM: Thank you. All
right. Let's start from the beginning. We have
time, folks. We'll read them, if you could
scroll back, Andrea. Thank you. So oversight
improvement to deter fraud, modernization of
organic traceability, minimum reporting
requirements, that was a discussion document this
last round.

Organic and climate-smart
agriculture. Carbon dioxide as a petition for -
- oh, yeah. Let's see maybe -- so two CACS, and
crops, we have carbon dioxide as a petition.
Potassium sorbate. Alcohols, ethanol. And

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alcohols, isopropanol. Those are all sunsets.

Continuing sunsets in crops, we have sodium carbonate, peroxyhydrates, newspaper or other recycled paper without glossy or colored inks. That will be an exciting one. Plastic mulch and covers. Aqueous potassium silicate. Elemental sulfur. Lime sulfur. And hydrated lime. All in crops.

Continuing crop sunsets, we have liquid fish products, sulfuric acid, ethylene gas, microcrystalline cheese wax, potassium chloride. And then that concludes crops.

Moving on to Handling, a petition of rye pollen extracts, L malic acid reclassification, ion exchange filtration resins. Next slide. Thank you.

All sunsets in Handling, we have calcium carbonate, flavors, gellan gum, high-acyl. Oxygen, potassium chloride, alginates, calcium hydroxide, and ethylene.

Also in Handling as sunsets, we've got

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glycerides, mono and di; magnesium stearate; phosphoric acid; potassium carbonate; sulfur dioxide; xanthan gum; and fructooligosaccharides. Those are all sunsets in Handling as well as gums, water-extracted only, Arabic, guar, locust bean and carob bean. Next slide. Oh sorry. You're ahead of me.

Handling still. Lecithin, tamarind seed gum, tragacanth gum are in there. And now - - shush you two. Gosh. Trying to phonetically work here through these.

Livestock. So these are all sunsets that are going to be in the Livestock Subcommittee. We have alcohols, ethanol. Alcohols, isopropanol. Aspirin. Biologics. Vaccines. And electrolytes. And the last page, also sunsets in livestock. We have glycerin, phosphoric acid, lime hydrated, and mineral oil.

In materials, we're going to continue working on excluded methods, and then the NOSB 2022 research priorities. And PDS will have PPM

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updates. I think that should be 2023, research priorities in materials. And then our PPM updates.

VICE CHAIR JEFFERY: If someone wants to look for these online, they can search AMS NOSB work agenda.

CHAIR POWELL-PALM: Any questions? Any thoughts from subcommittee chairs or anyone else? All right. Wow, we are flying.

Last, but not least, we have one of the -- one of the -- I think one of the greatest minds in our community leaving us, and I am -- greatest humble minds, but also someone who brought really a deep insight that was so welcoming and so fair that we talked about tough stuff, we had survived a pandemic asking Rick what do you think, and never being one to give anything but the most even-keel advice. And I think that that is something that we can all aspire to. So thank you, Rick for your service. And the floor is yours if you'd like to make an

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apple joke real quick.

MEMBER GREENWOOD: Well, no. I see them over there. Thanks, Steve. No, I yeah. Yeah, I'm going to miss that. But I still have his phone number. I think -- and listening to the alumni, I think the best thing about being on the Board is working with the Board members. I mean you form some great relationships, you get to hear lots of different views from people, you know, which has been wonderful. I think that's the strength of it.

And you feel, at least I did, like we were doing something. It may not be enough, and I think that's part of what bothers people. You know, you want to do the big thing, but we have constraints, and we recognize that. But I think we're all helping the industry and each other.

So I've enjoyed it. If you talk to the people that have left the Board, they'll say, yeah, and I've enjoyed leaving the Board because of the time commitment. And I had mentioned that

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before. When I received the call about going on the Board, they say, well, you know, it's a lot of work. And so, yeah, sure, you know, a lot of work. And then you realize it's a lot of work.

And it takes a long time for the new Board members. You come with expertise, but you don't have the expertise of the system. And I think that's what's really hard. Like what happens to this article? You know, where does it go? Well, no, we don't vote on it now. This is discussion. And it takes -- it really does take time to feel like you're more efficient. And I think that's part of the learning process. But once you get over that maybe in your four, you get it.

So, no, I appreciate it. Very impressed with the program people. And I think, you know, it's wonderful to work, and everybody's comments on bureaucrats. I've been to bureaucrat. I've worked in the county system. But everybody is so dedicated. I mean everyone

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that I've worked with is really willing to help. And I think that's amazing. You know, bureaucrats get kicked around. I've been kicked around in the newspapers and other places, but do the hard work day in and day out, and I think that's terrific too.

So, overall, great experience. Anybody in the audience that's interested, should apply. So with that, I thank you all for recognizing me. That's great.

CHAIR POWELL-PALM: Thank you. I'm going to hand it off to Jenny.

(Applause.)

MEMBER GREENWOOD: So I actually don't like attention.

DR. TUCKER: So, speaking of bureaucrats here, I will now jump in with my farewell to Rick on behalf of the program. Rick was actually the first appointee that I was involved in as deputy administrator. So I'd been with the program beforehand, but it's actually

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very poignant to me that Rick was appointed to the Board actually a month before I got my job as deputy administrator. And so, too, I kind of experienced that journey alongside Rick being on the Board, has been really poignant.

One of the things I love about Rick that I really want to kind of highlight again for the community, is, you know, when I called Rick to have the appointee conversation, oh, it's a lot of work, during one of the very early conversations that I had with Rick. Rick brought up essentially the same question he brought up on Tuesday. So what about a conversation about GMO's? And, you know what, for the last -- for his entire term, he has been that voice of raising that question in a very professional, very collaborative, I'm just going to ask the question.

I do want to remind this group, and I think it's happened with a few items, that these 15 people represent, you know, more than \$60

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billion. So when one person is asking a question on the Board, guess what, they represent a bunch of people out there in the world that are asking that question.

And so while it is easy to, oh, that's just one Board member and they always bring that up, do you remember these are the voices of the folks out in the world on all sides of all issues. And so anytime there's one voice or one vote, do remember that that person represents a bunch of folks and need to be taken seriously. And Rick has always done that collaborative discussion in an incredibly thoughtful way. And I appreciate that because that is part of the process.

It is part of the diversity as Steve said, it doesn't always have to be a 15 to zero vote. It is okay to have dissent. It's okay to have this agreement, and then go out for a beer afterwards. And I think that Rick has really embodied that spirit.

So we're going to give Rick a plaque.

I'm going to come over for that. And then we're -- the apples are from -- as you guessed, from Steve, so. I'm just the delivery person here. You want to carry the apples up?

(Off-microphone comments.)

MEMBER GREENWOOD: But you realize he's doing that as a marketing tool, so. The apple guys are very -- they're tricky.

DR. TUCKER: We're going to do a joint plot mic on purpose. It says, "Certificate of appreciation presented to James R Greenwood for five years of dedicated service as a member of the USDA's National Organic Standards Board 2018 to 2023." So here you go.

MEMBER GREENWOOD: Okay.

DR. TUCKER: Adam, you want to come up and just take a picture as long as we're here? Okay. There we go.

MEMBER GREENWOOD: Okay.

(Applause.)

DR. TUCKER: Thank you.

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MEMBER GREENWOOD: I won't sue. And I might also mention I did serve previously for three years on the AMS Hass Avocado Board, so I'm actually closing out eight years of service to USDA. And so I think that's more than some of the people who work for USDA actually do. So I think it's time for me to move on. But I certainly appreciate everybody's comments, so thank you very much.

CHAIR POWELL-PALM: All right. We are down to other business and closing remarks. I wouldn't mind, since we do have a little time, to just go around once more and give a reflection that I just -- I love giving Jerry the side eye, you know? But this is our opportunity, and I appreciate everyone who is still here because we are the hardcore folks. So much love to you all and to everyone who stayed online throughout the whole meeting.

We are the depository for a lot of hopes and dreams of what we want to see

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agriculture to be, and it's an incredible opportunity to be able to meet like this and dream together. And I think when we talk about it in the terms of like attapulgate or BBMF, maybe we lose vision of how good this work is. But I think five years goes fast. I'm shocked that I'm halfway through, six meetings done, four to go.

And there's so much work to do, and I think we're all doing it. And I think really embodied that sense of how do we just grind away in the best way we can in order to make what difference we can.

So I won't start with Jerry, but I'll start with Carolyn, if you just want to give a reflection and where -- yeah, where you see us having come from in a good -- what you see as being a good reflection of this meeting and where you'd like to see this next year go.

MEMBER DIMITRI: I will say it's quite ironic that the two end points of the tables are people who really hate doing this kind of thing.

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This has been an incredible experience to be here with everyone. That's all I can muster at this moment, and let's just keep at it.

CHAIR POWELL-PALM: Thank you.

MEMBER DIMITRI: Thank you, everyone.

CHAIR POWELL-PALM: Wood.

MEMBER TURNER: My turn? I should have said this the other day, but -- because I already had them at the time, but Javier's strawberries have just reinvigorated my love for that piece of fruit.

CHAIR POWELL-PALM: Yes.

MEMBER TURNER: I mean I just -- I've sort of like drifted away from strawberries over the years and I just love that fruit. So what you brought this week was fantastic. And I just wanted to say, just thinking about Javier, and thinking about Liz, and thinking about Brian, and sort of, you know, small farmers, I mean I've said many times, like I am so focused on this on what organic can do to feed more people, and it's

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why I'm here. I really believe that we can do this in a responsible way at scale.

I want the people that I grew up with in eastern North Carolina to be able to have these same conversations we can have about organic in Berkeley, and Brooklyn and Boulder, and other parts of this country that -- where this is sort of considered to be just sort of everybody eats organic. I don't find that to be the case where I grew up and it bothers me every single day.

And part of it I think is -- part of it is my job to help bring scale to organic. But part of it is the job of Liz, and Javier, and Brian, and people who are small farmers who are fighting the fight at a local level and trying to figure out how to bring that kind of land management, that land stewardship spirit to organic in a way that people can see it locally.

And I really -- I think it's important for us to all to realize that both sides -- both ends of that spectrum are so essential to what

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we're trying to do, and this just being together reminded me of that.

CHAIR POWELL-PALM: Thank you. Liz.

MEMBER GRAZNAK: I just want to say thank you to everybody on the Board for being so kind, and welcoming, and helpful. Yeah. And I'm really looking forward to working with you in the next five years. Four years.

MEMBER HUSEMAN: This is, minus Rick, everybody else's first time in person -- and minus Logan. But we get Logan back in the spring. So what I'm hopeful for coming away from this -- first off, I feel robbed of the last two years of not knowing what I didn't know, right?

I mean sitting on the other side in Pittsburgh was one thing, but I think this experience now, it does, it makes me feel like the people that are -- the year before or the year -- in the next two years, that you guys get so -- you guys get more of this, so there's a little bit of jealousy there.

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But over the next two years, we have this very solidified group who's -- the mechanics of what we're doing should come up to the same level. And we had the opportunity to take this amount of resources and minds, and really harness that and do some good work over the next couple of years. So I'll quit wallowing about what I didn't get the last two years, and I'm really, really looking forward to what we get to do the next two.

CHAIR POWELL-PALM: I echo that sentiment full heartedly. Mindee, please go ahead.

VICE CHAIR JEFFERY: Thank you. Since I started off with this idea of presenting the good, I wanted to reflect on -- and I don't mean this in any way about age, but we had our elder states folks here talking to us about what their experience was like. I'm so glad that Scott, and Jesse, and Asa, and Steve made the trip. And I am very grateful for our Logan's

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babies, and Amy's baby, and everybody else's kids that give up time so that we can all be here.

And one of the indicators of a healthy community that I've learned about is that when you have a broad spectrum of age ranges showing up in the community, you have a healthy community. So I'm -- I see the organic community as showing us our health because we're all here in our many ranges of ages. And so thank you for sharing all of that with us, and I appreciate you coming to the organic table.

CHAIR POWELL-PALM: Thank you.

MEMBER SMITH: I'm where I started at really. Like what I said when I started that I was just so grateful to be here in person and get to meet all of you and, you know, didn't realize how much I loved each and every one of you and your little Zoom faces. And it just got so much deeper here this week.

And the beautiful thing about the organic community is I do feel that like with the

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rest of my certifier friends, which we get to sort of meet each other at these little meetings and at the certifier training, and it's like so like fun and a big party. And so just to be able to be all together again, it's just made my heart so happy.

And I -- yeah, just -- I was just, yeah, reflecting on the former Board member panel and that sentiment about like, we're all people, we're all doing the best we can, and having that hard debate, and then just trying to carry out the goodness and into our community. And leave the debate at the table. So I'm going to keep thinking about how to do that in a successful way. And game one of the World Series is tomorrow, go Phillies.

CHAIR POWELL-PALM: Thank you, Kyla. Amy.

MEMBER BRUCH: Yeah. Thanks, Nate. Thanks, everybody. Just for me, I just feel just energized, jazzed up. This is kind of my first

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time along with everybody else to, you know, be out in the public after COVID and really, you know, just being able to row the boat in the direction altogether.

This is an important community. I think there's strength in being present and interacting with everybody. So I just feel real energized. I'm ready to roll up my sleeves and get to work on our next mission and our agenda. And I think we have a lot of momentum, you know, that we've developed to carry us into the next semester at a pretty high level.

So I'm just excited for where we all were able to calibrate on common goals, and looking forward to kind of the next few years. So thank you, everybody.

CHAIR POWELL-PALM: Thank you, Amy.

MEMBER GREENWOOD: I've probably already had enough microphone time. But I think one of the other things that I've always enjoyed about the meeting, and I'm in the environmental

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seat, but I happen to be an organic grower for 15 years, and it's always fun for me to talk to other organic growers and see what their challenges are and how similar they are.

I think I have it pretty easy in comparison to the people that grow row crops and things like that. But still the same challenges, water, labor, my fertilizer costs have gone up 16 percent in this last year. And a lot of challenges. And I have a grove that's growing in transitions, so selling it conventional, but paying for organic. But talking to the other Board members and listening to them, and also on the phone calls, hearing the same challenges always been -- I mean it's just fascinating.

And the last thing is, I'm impressed that anyone can make a living farming. I mean it really -- I think I'll be on the street with a shopping cart if that was my only source of income some years. I mean it's, you know, some years there's pestilence, and some years there's

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wind, and fire, and everything else. So I just enjoy the camaraderie of the Board.

CHAIR POWELL-PALM: Thank you for that. Dilip, please go ahead.

MEMBER NANDWANI: Wow. A lot of things and good things, and everybody has said already. So I was thinking hearing that what else can I add. But let me just say first that this is my first meeting in person, and I thoroughly enjoyed.

And the past three days, I think I expressed a few times already that how grateful I am not only for NOSB, NOP, and USDA. Of course, Secretary Vilsack accepted nomination. But more than that also that fellow Board members, the encouragement, the support, the enthusiasm I saw the past three days, that's incredible. I can't explain that.

When I heard about this, and I had some idea, but when I started on this position, and then I didn't realize that where I'm -- and

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how much time consuming it's going to be like, I think most of us, we agree on that. But having spending after like a few months, and especially this meeting, I think I shared my thoughts with others also I guess, that this time is worth spending. It is worth.

I was growing vegetables in my backyard as a teenage student, and I came a long way, you know, all the way to my university organic farm. And when I'm at my farm, I am not only student, and I am also farmer. And I'm here today also what I'm learning there and trying to help that community where I'm serving.

So I have telling myself also that do the best you can. You have the full support from very good people. And the waves I have received in past three days, I can't express that. So I totally enjoyed meeting.

And more than that, I would also like to say that the audience I see that the public comments I read, although it's difficult to read

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5,000 to 6,000 comments, but I kind of scanned that. And as I mentioned this morning OFRF, the agenda, I tried to like see what's coming, and then I downloaded their agenda also, and I learned all about this.

So that is also very fantastic, the presentations, the amount of knowledge delivered by experts here. It's not only us that we are sitting on this side table, but more experts we see on the other side and in the community who we serve and we hear those comments. And based on that, we also try to deliver what are their expectations.

Lastly, I'll just say that I'm very blessed, lucky. Rick is sitting next to me past three days, so don't think that he's going away. All three days, the knowledge and expertise he has shared with me, I will carry on this. Don't worry about that. Thank you.

MEMBER CALDWELL: Well, I've been to a lot of farm meetings, a lot of organic farm

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meetings over the years, and this one has definitely affected me more than any other one by far. And it has made me much more hopeful for the future than I was even a few days ago before this meeting. So I really thank you all for that.

I want to say that as I met other Board members who I thought were really pretty amazing before meeting them, they're just like so much more amazing than I realized. It's just -- it's been something else.

And the last thing I'll say is I learned so much, and unfortunately, at my age, you know, when I learn one new thing, it knocks four out of the bottom, and I'm really worried about what fell out. But we'll have to just see how that goes. But thank you, all, for everything and -- from the bottom of my heart.

CHAIR POWELL-PALM: Thank you, Brian. Well said. Alison, please go ahead.

MEMBER JOHNSON: Thank you. I'm

really struck by how much this feels like a homecoming. I started an organic at CCOF in 2007 to 2012, and I'm just amazed at how many people are still here. A lot of folks have changed jobs, or, you know, moved among organizations, but it's the same core people with a deep expertise and commitment, and just a wealth of knowledge who are really driving this movement forward.

So I'm grateful to be in your company. And I think it's probably obvious from my comments, I'm also thinking about how we bring more people in and learn from what's been done and move into the next generation of organic. So I'm both grateful and feeling driven around that.

And I'll make one more plug. We just finally published this morning a report on the climate health and economic benefits of organic. This is a joint project between the Natural Resources Defense Council, the Swette Center at Arizona State University, and Californians for

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Pesticide Reform.

So it goes into the latest science and hopefully lays out the case to support organic from any kind of value that drives you. And it has a policy agenda that sets us up for the farm bill, so I'm really looking forward to next year being here, talking about what we can do within OFPA, and then out there thinking about how we can get more resources for organic and continue to improve, so lots to do next year, I'm excited.

MEMBER ZAMORA: Ay caramba. I think everything has been said. Would hopefully, next time we meet in person, it'll be springtime, I'll bring some Chomlers (phonetic) and SweetAms that would be really, really even tasty. Right now strawberries are not tasting good based on my expectations.

I just want to thank you all. I am really blessed. I am part of this Board, and just a wealth of knowledge. And the family feeling that I get, it's incredible. I had a

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great opportunity every time we -- whether it was luncheon or dinner, to talk to different Board members, and some of the outgoing Board members. This is just such a wealth of knowledge among this room that I think the organic community has and will benefit greatly in the next few years.

I'm so happy to see some youngsters like Nate, and, you know, that really have the heart to make something happen. That's hope for me. Just as Brian said, yeah, we're getting old. And so we need that enthusiasm, and we need the youth. you know, be part of this and keep it going forever. Thank you.

CHAIR POWELL-PALM: Thank you, Javier.

MEMBER D'AMORE: I have two gentlemen to my left who tried to take away the old guy card from me, but I am the old guy. So I'm going to go short to something that Mindee didn't say directly tonight, but it's a common theme of hers that I truly appreciate, and that's democracy at

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work.

And for me it's -- I've seen a lot in my time. I was in Berlin when the wall went up. I was in Saudi Arabia during the Seven-day War. And you appreciate all that you see. I did. But bringing it to where I've been for the last five years and just observing mostly in isolation. I'm retired.

The NOSB came to me at the right time of my life when particularly when COVID hit and put me sort of into an introverted shell. I'm introverted by nature. Many people don't believe that, but I am seriously introverted by nature. And have had a chance to reflect upon the country that I was born in and that I love. And I was greatly distressed by a lot of what I saw.

Is it mass media? I don't know what it is. But the -- I don't know this country historically as divided as I see it. So I'm going to give this room, this body on both sides of the line there, my heartfelt thanks for

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letting me see that emotion. And call on me first next time please.

CHAIR POWELL-PALM: Logan, are you there?

MEMBER PETREY: I am here. I'm sorry, the video is off because of bandwidth, and you know what, we can try. And I'm not trying to rub this in at all. So as Jerry said -- hello, we're going to try to behave. And so as Jerry said, NOSB came to him at the right time in his life. Let's just say after I got nominated and accepted, and then found out I was pregnant, I thought NOSB came at me at the completely wrong time of my life.

But it, you know, it has worked and I'm so glad that I didn't know what was going to happen because I would have turned it down. And you guys have allowed me, and she's kind of allowed me, to do the work to -- excuse me, it won't take long -- to do the work. And I'm glad that I was still able to be on it, and you're

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allowing me to do this. And probably, you know, with my son coming very, very soon, and, Amy I know is experiencing kind of the same things, and it is kind of tough sometimes. But anybody calls and says, look, let me help you anytime. And so the collaboration is real.

And also last night, and it happens every Board meeting cause, you know, I'm always part of the controversial topic and people who vote with me and don't throw it with me, will text me and call me and say, hey, good job, you know? And I think that's awesome, that's great. That keeps us, you know, standing firm in what we believe in and keep pushing that, but still being able to work appropriately.

So I appreciate all that, all the encouragement. It really does -- it really does help, you know, push through some of the workloads. So thank you, all, I'm terrible format, but I'll see you in the spring and I'm looking forward to it.

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CHAIR POWELL-PALM: Thank you, Logan.

PARTICIPANT: Good to see you.

MEMBER PETREY: Thank you.

CHAIR POWELL-PALM: I'd like to give a huge shout out, and we don't get the opportunity in this format to do it justice, but to everyone who joined us online, this community extends far beyond this room, and we are so grateful -- one more time hopefully -- so grateful for everyone who participates no matter where they're at, no matter if they can travel and still is so invested in this community.

I think I opened almost crying, and I'm going to close almost crying after hearing all of this. Thank you. But I think that there's -- to quote Ben Franklin, "There's no greater privilege than doing work that's worth doing." And I think when Kyla said everybody's still here four jobs later in the same room, it's because this is the work worth doing no matter how we get it done. And we all see the mountain

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and are trying to pick different trails to get there.

But all of you, I am so grateful to be on your team and to be pulling together. And I think that is, for this team, for the program, for the greater community, we can all, again, fight it out and have a beer at the end of the day. And I think that that is so unique -- or a gin and tonic -- unique, and what we need when we -- as we move towards the world we all envision.

Jerry, I can't say it better than Jerry, but it is a -- it's a rough time in democracy. It's a rough time in politics. It is something that we read about everyday how are we all getting through this.

And I think as a young person in this country that this experience, these last three days, gave me an insight in how things could be, and the sort of political discourse and the sort of collaboration that we can realize.

And I think after being -- that rough

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deciding vote last night on BBMF, went through a host of emotions, but then joined you all at the same mixer, and we were all ecstatic for the work. And I can only hope that one day we can really tell enough people how great this community is. And that -- all I can say is thank you for letting me be on your team.

(Applause.)

CHAIR POWELL-PALM: And with that, I hand it over to Dr. Jenny Tucker.

DR. TUCKER: And so it is my honor to close this meeting. I'd like to make just a couple of comments. I was riding down the elevator on my way to this final segment at the end of lunch, and I ran into somebody who's in the room, has been at a lot of these meetings.

And so I said open-endedly, how have you found the meeting? And he said, you know, I really have enjoyed the collaborative, celebratory nature of this meeting, and I really, really hope that it continues into the future.

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And so I think from everything you've just heard today from this entire group, I encourage you to bring this light and this collaboration, this celebration into the world with you as you exit. And so I hereby close the meeting on that note. And, Nate, you have the gavel, you're going to give it a final --

(Whereupon, the above-entitled matter went off the record at 2:56 p.m.)