

UNITED STATES DEPARTMENT OF AGRICULTURE

NATIONAL ORGANIC STANDARDS BOARD

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SPRING 2023 MEETING

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PUBLIC COMMENT WEBINAR

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TUESDAY

APRIL 18, 2023

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The Board met via Videoconference, at 12:00 p.m. EDT, Nathan Powell-Palm, Chair, presiding.

BOARD MEMBERS PRESENT:

- NATHAN POWELL-PALM, Chair
- MINDEE JEFFERY, Vice Chair
- AMY BRUCH, Secretary
- BRIAN CALDWELL
- JERRY D'AMORE
- CAROLYN DIMITRI
- KIMBERLY HUSEMAN
- ALLISON JOHNSON
- NATE LEWIS
- DILIP NANDWANI
- LOGAN PETREY
- FRANKLIN QUARCOO
- KYLA SMITH
- WOOD TURNER

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NOP STAFF PRESENT:

DR. JENNIFER TUCKER, Deputy Administrator,
Agricultural Marketing Service (AMS);
Designated Federal Official

MICHELLE ARSENAULT, Advisory Committee Specialist

JARED CLARK, National List Manager

ERIN HEALY, Director, Standards Division

ANDREA HOLM, Agricultural Marketing Specialist

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

2 12:05 p.m.

3 DR. TUCKER: Thank you, Michelle.
4 Hello everyone. I'm Jenny Tucker, Deputy
5 Administrator of the National Organic Program.
6 Welcome to all our National Organic Standards
7 Board members and our audience. We continue to
8 be grateful in our ability to engage in these
9 virtual sessions, which connect us through both
10 time and space.

11 I would particularly like to welcome
12 our two new Board members, Franklin Quarcoo from
13 Tuskegee University in Alabama, and Nathaniel or
14 Nate Lewis from Washington Farmland Trust in
15 Washington state. They just recently joined the
16 Board, and let's give them a Zoom round of
17 applause like this. Welcome.

18 To our public commenters, thank you
19 again for engaging in this process with us. I
20 also thank our audience. You continue to be an
21 important part of the public meeting process.
22 This webinar opens two days of public webinars

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1 this week. We then reconvene next week in
2 Atlanta, Georgia in person.

3 We also plan to livestream
4 that meeting as we did last fall. Meeting access
5 information for all meeting segments is posted on
6 the NOSB meeting page on the USDA website.
7 Transcripts for all segments will be posted once
8 completed. This meeting, like all other meetings
9 of the National Organic Standards Board, will be
10 run based on the Federal Advisory Committee Act
11 and the Board's policies and procedures manual.

12 I will act as the Designated Federal
13 Officer for meeting segments. Nate Powell Palm,
14 our Board chair, will take the helm for this
15 session. We remind everyone that in an open,
16 transparent process mutual respect is critical.
17 We ask you in advance to avoid personal attacks
18 and disparagement.

19 This extends also to chats you share.

20 Even if you disagree with a speaker's position,
21 in a public process they deserve the same grace
22 and respect you would want for yourself. To

1 close, I thank the National Organic Program team,
2 an amazing team that I'm honored to work with
3 every day. So Michelle Arsenault, Jared Clark,
4 Andrea Holm, Johanna Mirenda, and our Standards
5 Director, Erin Healy.

6 I also want to introduce Fred David,
7 our new Assistant Director of Standards, who
8 comes to us from a sister agency at USDA. Let's
9 give the Board, the NOP staff, the audience and
10 all of our speakers a big round of applause.
11 Thank you to all of you.

12 I'm going to now hand the mic back to
13 Michelle, who will a roll call of NOSB members
14 and NOP staff. Thank you all for being here.

15 MS. ARSENAULT: Thank you Jenny. All
16 right, Board members. If you could shout out
17 verbally. There's a whole lot of people on my
18 screen now, and I can't see you all. Amy Bruch.

19 MEMBER BRUCH: I'm here.

20 MS. ARSENAULT: Good, welcome. Brian
21 Caldwell.

22 MEMBER CALDWELL: Here.

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

3 MEMBER D'AMORE: Good morning, here as
4 well.

5 MS. ARSENAULT: Good morning Jerry.
6 Carolyn Dimitri.

7 MEMBER DIMITRI: Good afternoon.

8 MS. ARSENAULT: Hi Carolyn. Kim
9 Huseman.

10 MEMBER HUSEMAN: Hello.

11 MS. ARSENAULT: Hi Kim. Mindee
12 Jeffery.

13 MEMBER JEFFERY: Good morning.

14 MS. ARSENAULT: Hi Mindee. Allison
15 Johnson.

16 MEMBER JOHNSON: Good morning.

17 MS. ARSENAULT: Welcome. Nate Lewis.

18 MEMBER LEWIS: The spacebar thing
19 didn't work, present.

20 MS. ARSENAULT: Welcome Nate. Yeah,
21 it doesn't always work. Dilip Nandwani.

22 MEMBER NANDWANI: Good morning.

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1 MS. ARSENAULT: Good morning, Dilip.
2 Logan Petrey.

3 MEMBER PETREY: Here.

4 MS. ARSENAULT: Hello Logan, welcome.
5 Nate Powell-Palm.

6 CHAIR POWELL-PALM: Present, good
7 morning.

8 MS. ARSENAULT: Hello, hello.
9 Franklin Quarcoo.

10 MEMBER QUARCOO: Here.

11 MS. ARSENAULT: Excellent. Welcome,
12 Franklin. Kyla Smith.

13 MEMBER SMITH: I'm here. Hi
14 everybody.

15 MS. ARSENAULT: Hello Kyla. Wood
16 Turner.

17 MEMBER TURNER: Here, good morning.

18 MS. ARSENAULT: Good morning, Wood,
19 and Javier Zamora. I believe Javier's not going
20 to be with us today, but I didn't want to ignore
21 him on the list. All right. Javier is absent
22 today, so for the transcriptionist. Jenny

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1 already introduced the NOP staff, so I won't do
2 that again. Instead, I'm going to turn it over
3 to you Nate, to get the meeting started.

4 CHAIR POWELL-PALM: All right. Well
5 happy spring everybody. I am so excited to see
6 all of your smiling faces, and even more excited
7 to see you all next week in person in Atlanta.
8 So we have a slide, I think that is coming up
9 here.

10 All right. So all speakers will be --
11 sorry. All speakers who will be recognized
12 signed up during the registration period.
13 Persons must give their names and affiliations
14 for the record at the beginning of their public
15 comment. Proxy speakers are not permitted.

16 Individuals providing public comments
17 shall refrain from making any personal attacks
18 or remarks that might impugn the character of any
19 individual. Members of the public are asked to
20 define clearly and succinctly the issues they
21 wish to present before the Board.

22 This will give the NOSB members a

1 comprehensible understanding of these speakers'
2 concerns. I will be -- I will call on speakers
3 in the order of the schedule and will announce
4 the next person or two, so they can prepare.
5 We're going to say the speaker's name and then on
6 deck, and then in the hole as number three.
7 Bringing a little colloquial barrel racing to
8 this experience.

9 Please remember to state your name and
10 affiliation, and then we'll start the timer.
11 Board members will indicate to me if they have
12 questions, and I will call on them and Board
13 members, please just use the raised hand feature
14 and if I don't hear you, give me a shout out and
15 I will make sure we get over to you. Only NOSB
16 members are allowed to ask questions.

17 Our first speaker is going to be Ellie
18 Hudson, with Marni Karlin on deck and Michael
19 Crotser in the hole. So any questions from the
20 Board before we get started off? Alrightee.
21 Well with that, let's get kicked off with Ellie
22 Hudson. Ellie, please state your affiliation and

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1 we'll start the timer.

2 MS. HUDSON: Ellie Hudson, Executive
3 Director with Accredited Certifiers Association
4 or ACA.

5 CHAIR POWELL-PALM: Go right ahead.

6 MS. HUDSON: Hello NOSB members, NOP
7 and members of the organic community. I'm Ellie
8 Hudson. I work remotely from Traverse City,
9 Michigan, which occupies illegally taken
10 ancestral lands of the Neshnabek Three Fires
11 Confederacy of Ojibwe, Odawa and Potawatomi
12 people.

13 ACA is a non-profit that exists to
14 benefit the accredited organic certifier
15 community and the organic industry. We envision
16 a world in which the USDA organic label is always
17 trusted and valued. Our mission is to ensure
18 consistent implementation of the regulation
19 through collaboration and education.

20 Today I'd like to share some of ACA's
21 strategic priorities in our mission of service.
22 Broadly, we look to develop certifier resources

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1 that can alleviate the pressure often germane to
2 a regulatory environment, and we proactively seek
3 ways to add, improve and innovate the value of
4 ACA membership.

5 Currently, a lot of discussion is
6 about the Strengthening Organic final rule or
7 SOE. With funding from a cooperative agreement
8 between NOP and ACA, we are aiming to quickly
9 create many avenues for collaboration, discussion
10 and alignment around SOE. We are generating new
11 resources and best practices through several
12 working groups.

13 One early focus will be personnel
14 training and qualification or Section H of the
15 rule. A needs assessment will inform which
16 resources are most valuable for implementing the
17 requirements, while minimizing administrative
18 responsibilities for certifiers and their teams.

19 Also funded through our cooperative
20 agreement, we are partnering with the
21 International Organic Inspectors Association or
22 IOIA around mentorship of aspiring organic

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1 inspectors. A 2023 mentor cohort will be formed
2 through a request for proposal from qualified
3 inspectors.

4 Mentors will be compensated for
5 tracking activity toward developing a mentor job
6 task analysis. The data collected will assist us
7 in creating new resources. We may be able to
8 adapt this pilot program into a long term
9 solution for addressing the persistent shortage
10 of available mentorships.

11 The ACA Board also identified a
12 strategic need to better understand our
13 supportive membership category, available for
14 those who are not accredited certifiers, but have
15 an interest in supporting ACA's mission. We are
16 committed to continuous improvement of member
17 benefits for this and all categories.

18 These initiatives will all be
19 delivered and assisted against a backdrop of
20 envisioning an environment where barriers and
21 implicit bias have been eliminated, and where
22 everyone has the resources they need to live up

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1 to their full potential.

2 In closing, I thank the NOSB for the
3 opportunity to offer this comment. Going first
4 today, means I can be the first to thank you for
5 giving your expertise, time and more, of which we
6 all benefit. Thank you.

7 CHAIR POWELL-PALM: Thank you. Any
8 questions from the Board for Ellie. Amy, please
9 go ahead.

10 MEMBER BRUCH: Ellie, thank you for
11 kicking us off here with our public comment
12 process. I really appreciated your information
13 and just kind of the status update you provided
14 on implementation of SOE. That's on everybody's,
15 you know, short list of just, you know, trying to
16 wrap our heads around it and then get ready to
17 execute it.

18 I was just curious. On the certifiers
19 located abroad, how is the outreach happening for
20 them? I know they are members or most of them
21 are members of ACA. But I just wondered, just to
22 make sure that a consistent implementation is

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1 happening, not only on our shores but globally as
2 well.

3 MS. HUDSON: Yeah, I didn't mention
4 our international outreach efforts, but we do,
5 have placed a strategic priority on that. The
6 member -- accredited certifiers that are members
7 of ACA receive a lot of communication from us as
8 a matter of course through newsletters and things
9 like that.

10 We also discovered recently a fixed
11 something that was plaguing access in specific
12 countries. There's not much we can do about
13 countries like China, where the barrier is coming
14 internally. But we were -- our website was not -
15 - we weren't able to access everything, some
16 members couldn't and we recently resolved that,
17 which is kind of exciting.

18 And then for NOP supported activity,
19 we work with Robert and David and their teams to
20 make sure that like anything that's funded
21 through this cooperative agreement is available
22 to all accredited certifiers, so that

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1 communications get out. NOP helps us with that.

2 MEMBER BRUCH: Yeah, I appreciate
3 that.

4 MS. HUDSON: Yeah, me too.

5 CHAIR POWELL-PALM: Any other
6 questions from the Board?

7 All right, Ellie, we really appreciate
8 your time. Thank you. Next up we've got Marni
9 Karlin, with Michael Crotser on deck and Heather
10 Spalding in the hole. Marni, the floor is yours.

11 MS. KARLIN: Thanks. Hi, I'm Marni
12 Karlin and I am also here today on behalf of the
13 Accredited Certifiers Association. I want to
14 thank you all again for the opportunity to
15 comment today. I'm pleased to share with NOSB
16 members the NOP and the organic community as a
17 whole, a little bit more about the work that ACA
18 is doing in service of consistency and
19 collaboration and organic certification.

20 I first want to talk a minute about
21 our new lunch and learning series. We launched
22 this last month and we're hosting a series of one

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1 hour sessions on topics of critical importance to
2 the entire inspection and certification
3 community, and the series is open not just to ACA
4 members but to inspectors and certifiers across
5 the board.

6 Last month, over 200 certification and
7 inspection professionals participated in a deep
8 dive into SOE, helping to identify areas of the
9 rule, where they have questions or saw value in
10 collaboration on best practices and other work
11 products. The appetite for this conversation was
12 huge, and the responses generated have given us a
13 roadmap for our SOE work, which Ellie highlighted
14 a little bit and I'll talk a little bit about as
15 well.

16 Upcoming lunch and learns include one
17 to present the newly developed livestock
18 directive cross-check template for certifiers.
19 This one assured that certifiers' cross-check
20 requests to each other are consistent, efficient,
21 clear and reflect the NOP livestock directive
22 requirements.

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1 We'll also offer a lunch and learn
2 diving into the personnel training and
3 qualification requirements, as Ellie discussed
4 briefly a minute ago. As you can tell, this year
5 we're focusing a lot on providing value to
6 certifiers and inspectors surrounding SOE
7 implementation.

8 We also plan to host a deep dive into
9 Section A interpretation, questions related to
10 certification and extensions, as well as efforts
11 on meeting supply chain traceability
12 requirements, and understanding the nitty-gritty
13 of certificate generation in the OID.

14 But of course it's not all SOE all the
15 time. Related to some of the transition efforts,
16 we are working to identify and then address the
17 barriers that organic and transitioning producers
18 face in accessing non-NOP USDA resources. It
19 could be challenging for organic and
20 transitioning producers to access resources at
21 USDA that live outside of NOP.

22 They can face duplicative paperwork

1 requirements, staff who may not always understand
2 organic, their centralized resource hub, and a
3 bureaucracy that at times makes it easier for
4 producers to give up than to pursue the crop
5 insurance, conservation or FSA supports for which
6 they qualify.

7 So our group is diving into these
8 barriers and trying to develop solutions that
9 could help to ease those barriers and increase
10 that access for organic and transitioning
11 producers. We look forward to reporting back on
12 what the group does soon.

13 In closing, I would like to thank you
14 again for the opportunity to comment today, and
15 in particular I'd like to thank each of the NOSB
16 members for choosing to serve our organic
17 community in this way. I know that at times your
18 service may feel under-appreciated, and I want to
19 be certain to say we appreciate you and thank
20 you.

21 CHAIR POWELL-PALM: Well, we
22 appreciate that. Thank you very much for your

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1 comments Marni. Any questions from the Board?
2 All right. Thank you so much, Marni. Oh, I'm
3 sorry, one moment. Kim, please go ahead.

4 MEMBER HUSEMAN: Thank you, Nate.
5 Sorry for the late hand there, and thank you
6 Marni for your comments today. Can you tell me,
7 what would you say -- I know you're waiting for
8 the report back, but just initial high level,
9 what would you say would be one of the most
10 glaringly obvious transition barriers for farmers
11 today that you are looking to help bridge?

12 MS. KARLIN: That's a great question,
13 and of course you're right. We're working with
14 our working group of certifiers and inspectors.
15 We're hearing from also producers. We're going
16 to engage with USDA to make sure we're getting a
17 well-rounded assessment.

18 So I'll frame all of what I'm about to
19 say in the context of I really want to work
20 through the process and hear what folks say, and
21 I will not avoid your question. And so I will
22 say you know I think one of the things that I --

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1 that we are hearing, and maybe I mean two of the
2 things that we're hearing that are barriers for
3 both transitioning farmers and existing organic
4 farmers in accessing NOP resources.

5 One is around duplicative paperwork
6 requirements, and the idea that if we could only
7 figure out a way to write something down once and
8 sort of use it across USDA, wouldn't that sort of
9 make it easier and shouldn't be we be able to
10 figure that out. So that's one piece that I'm
11 hearing a lot of.

12 Another piece I'm hearing a lot of is
13 around how tough it can be sometimes for
14 producers to navigate resources living in all
15 different places, right? Different websites,
16 different phone numbers, different people to talk
17 to, etcetera.

18 And while I don't believe that we can
19 solve necessarily sort of the silos that live by
20 virtue of just how large USDA is, I do think we
21 can think about some sort of centralized resource
22 hub that folks can go one place to find all of

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1 the places they need to go.

2 So those are the things I am hearing
3 so far, but I do want to make sure that I say
4 again that I'm looking forward to hearing more
5 from the folks who are really engaging this on
6 the ground.

7 MEMBER HUSEMAN: Fair enough. Thank
8 you. I really appreciate your response.

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

11 MEMBER PETREY: Hi. Thank you Marni
12 for coming on. I appreciate that. I am curious.
13 Are you giving the producers -- are you asking
14 producers or certifiers or inspectors about the
15 transitioning?

16 MS. KARLIN: So where we're starting
17 is a working group with certifiers and
18 inspectors. But we have on our list to make sure
19 we hear from producers, and we're kind of
20 navigating right now, okay how do we -- how do we
21 best do that to get a representative set? Do we
22 go through certifiers and inspectors to figure

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1 out who to talk to, etcetera. So that's a next
2 step that we haven't put into play yet.

3 MEMBER PETREY: And I was going to ask
4 too, are the -- when you ask what are the
5 barriers, do you have list of central barriers,
6 or are they open-ended and people just opt in?

7 MS. KARLIN: So the first meeting that
8 we had, the first conversation that we had about
9 this, it was open-ended. I didn't sort of cede
10 anything because I didn't want to influence
11 anything, and now I'm taking what has been given
12 to us and I'm using that and I'm continuing to
13 ask the question, and I'm using what we've heard,
14 you know, in the conversation.

15 But the very first I didn't precede
16 anything, because I didn't want to influence it
17 with my thoughts.

18 MEMBER PETREY: Thank you.

19 CHAIR POWELL-PALM: Any other
20 questions for Marni? All right. Oh Carolyn,
21 please go ahead.

22 MEMBER DIMITRI: Oh hi Marni, it's

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1 good to see you. This is a topic that I've
2 thought quite a bit about, and I wonder, the
3 hardest part is to find the right producers to
4 talk to, and like really how do you identify
5 producers who might want to transition and
6 actually haven't made any like steps forward.

7 So I'm just wondering if you can give
8 a little bit more background about how you're
9 really trying to reach that particular very hard
10 to find group. Thank you.

11 MS. KARLIN: And thank you, and it's
12 good to see you too. You know, I think I don't
13 have an answer to that yet I think right now,
14 because we are thinking about this work not only
15 in the context of transitioning producers, but
16 also existing organic producers.

17 So we have, we don't have an answer to
18 that yet. I will say that one of my thoughts is
19 to engage with those regional leads across the
20 Transition to Organic Partnership Program, who
21 probably have a closer handle on what's going on
22 in their regions, and have probably dove a little

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1 further into this question of how do we get to
2 folks and how do we match folks up in farmer to
3 farmer mentoring and those sorts of things.

4 So I think, rather than recreate the
5 wheel, that would be a good resource for us to
6 turn to first.

7 MEMBER DIMITRI: Thank you.

8 CHAIR POWELL-PALM: Amy, please go
9 ahead.

10 MEMBER BRUCH: Hi Marni, so nice to
11 see you. Carolyn's comment actually made me
12 think of this. This topic is really near and
13 dear to a lot of our hearts, is the barrier to
14 transition and then, you know, the continuancy of
15 organic producers to stay into the program.

16 I wonder, do you have access to
17 information that shows how many acres are not
18 getting renewed into organic, and then being able
19 to deep dive into those producers, to then ask
20 them questions, why they are not continuing on
21 with their certification. I feel like that's a
22 valuable resource right there, to just go into

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1 our network and see what those numbers are and
2 how they fluctuate potentially.

3 MS. KARLIN: That is super-
4 interesting. I have not -- in my thinking about
5 what's keeping folks from the non-NOP USDA
6 programs, kind of I have not been thinking about
7 that. I've been thinking a lot about how do we,
8 how do we figure out in your world of organic
9 producers who ought to be getting more support
10 from NRCS or RMA and FSA and is not, and sort of
11 why is that, and kind of navigating that path.

12 I like your suggestion too though, and
13 I think that whether that's squarely in the work
14 as we've framed it so far, or whether that's a
15 really important additional step. Why do folks -
16 - whether it's access to other NOP, other USDA
17 programs or not, why do folks sort of opt out at
18 some point, and is there something that we could
19 do to ease that?

20 That's really interesting. I'm going
21 to write that down. So I don't have a good
22 answer for you, but that's a great question.

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1 MEMBER BRUCH: Yeah, no problem. I
2 appreciate you looking into this. Thank you.

3 MS. KARLIN: Uh-huh.

4 CHAIR POWELL-PALM: Allison, please go
5 ahead.

6 MEMBER JOHNSON: --my mute button.
7 Good morning. Thank you so much, Marni. This is
8 really exciting to hear, that you're working on
9 transition and hear more about you're thinking
10 about it. I'm looking forward to the results
11 that you pull together.

12 I'm curious. As someone who has sort
13 of seen the inner workings of USDA from a lot of
14 different angles, I'd like to hear from you how
15 you think the NOSB could be most useful here, you
16 know. There's a lot of action around the Farm
17 Bill; there's a lot of action through the USDA
18 Organic Transition Initiative, and I'm real
19 excited this year to try to put our heads
20 together to think about what more we can do as an
21 organic community to feed those efforts through
22 the NOP and through other channels to USDA.

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1 So I'd love if you have any thoughts
2 about where we as a board should focus our
3 attention to be additive to those other channels.

4 MS. KARLIN: That's a great, that's a
5 great question too, and it's nice to see you. I
6 think, you know, I don't have a great answer for
7 it yet. I do think that the NOSB obviously plays
8 such a critical role in advancing organic policy
9 and advancing organic across the board, and that
10 there could be opportunity if we find some
11 solutions.

12 I don't know what the solutions are
13 yet, but if we find -- if we identify some
14 barriers and some potential solutions, and then
15 there are some bumps in the road in getting those
16 solutions moved forward, perhaps some pressure
17 from NOSB. And by pressure, I guess I mean --
18 I've lived in D.C. for too long, so I speak D.C.
19 sometimes.

20 I just mean, you know, maybe a letter
21 or maybe some sort of discussion in a meeting
22 that says hey, this is -- this is important. We

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1 should do this. Maybe that's the kind of thing
2 that would, that would kind of loosen the spots
3 where things were sticky and navigating whether
4 that's at USDA or whether that's, you know, in
5 Congress.

6 I think I am -- as someone who has
7 worked at both of those places, I am hopeful that
8 we can find some solutions that don't require
9 Congress to act to try to sort of loosen things
10 up, and I believe that we can. I mean I believe
11 that there's stuff that we can do outside of the
12 Farm Bill and other legislative processes.

13 But stay tuned, because I -- as I, as
14 we identify what the potential solutions are, I
15 promise we'll also identify who other organic
16 stakeholders and voices are who can be kind of
17 pushing for them if they so desire.

18 CHAIR POWELL-PALM: All right. Well
19 thank you very much, Marni. I appreciate your
20 time.

21 MS. KARLIN: Thanks guys.

22 CHAIR POWELL-PALM: Next up we have

1 Michael Crotser, followed by Heather Spalding and
2 then Amalie Lipstreu. Michael, please go ahead.

3 MR. CROTSEY: Good morning, good
4 afternoon. Can everybody see and hear me?

5 CHAIR POWELL-PALM: We can.

6 MR. CROTSEY: That's great. I'm Mike
7 Crotser. I'm the certification director at CROPP
8 Cooperative. We appreciate the work of the NOSB
9 and the NOP to support organic agriculture, and
10 thank you for the opportunity to speak.

11 It's spring and the grass is growing
12 and the daffodils have already bloomed. As we
13 enter a new age of enforcement, it also feels
14 like a new season for the organic industry.
15 First, I want to thank the Board's attentiveness
16 to address human capital management, oversight
17 improvement to deter fraud, climate-smart
18 agriculture, sunset review and being the
19 industry's primary voice at the NOP.

20 We also want to mention the importance
21 of the NOP organic livestock compliance
22 initiative, to ensure that ruminant animal

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1 operations meet the requirements for grazing,
2 feed, living conditions, health practices and
3 origin of livestock.

4 From our perspective, it appears that
5 this endeavor has expanded to assure slaughter
6 eligibility. Supply chains from farm to
7 packaging are being looked at to prevent misuse
8 of the organic seal. This eligibility should be
9 traced and balanced to origin of livestock
10 records, livestock lists and health records.

11 Purchasers of live animals should have
12 certifier-approved fraud prevention measures to
13 keep non-organic meat from entering the supply
14 chain. We support enforcement to determine that
15 livestock are under continuous organic management
16 from the last third of gestation.

17 The organic beef industry, including
18 our subsidiary, the organic meat company, will
19 see direct benefits from enforcement. It's also
20 the one-year mark since the implementation of the
21 organic livestock rulemaking, which clearly
22 aligns with public opinion.

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1 That being said, we have further work
2 to swiftly implement the final organic livestock
3 and poultry standards rule, specifically
4 addressing livestock living conditions, health
5 care, humane animal treatment and outdoor access.

6 This is what the public expects and what the
7 consumers are looking for.

8 We want to compliment the agency on
9 the publishing of SOE and its goal to reduce
10 fraud and improve operational compliance, and to
11 address the increasing complexity of our supply
12 chain. From our perspective, we have concerns on
13 how farmers will adapt to the new rule.
14 Regulatory support and guidance will be needed
15 for farmers to develop robust fraud prevention
16 plans and certifier paperwork will be critical to
17 achieve these goals.

18 Additionally, increased focus on
19 traceback and mass balances may take farmers by
20 surprise. We look to accredited certifiers to
21 work cooperatively to develop consistent, sound
22 and sensible templates for these plans.

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1 Finally, I want to thank the NOSB and
2 the NOP and the organic industry for the time to
3 speak today, and with that, I'm happy to answer
4 any questions from the Board.

5 CHAIR POWELL-PALM: Thank you for your
6 comments. Any questions for Michael from the
7 Board?

8 I want to thank you Michael for giving
9 us a highlight of all that has been accomplished
10 in this last six months. It's really pretty
11 incredible, and we wish you well with your
12 spring.

13 MR. CROTSEY: Yep. Thank you
14 everyone.

15 CHAIR POWELL-PALM: Thank you. Next
16 up we have Heather Spalding, followed by Amalie
17 Lipstreu and then Julia Barton. Heather, please
18 go ahead.

19 MS. SPALDING: Good afternoon Chairman
20 Powell-Palm and members of the NOSB. I'm Heather
21 Spalding, Deputy Director of Maine Organic
22 Farmers and Gardeners Association, MOFGA. We are

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1 working to create a food system that is healthy
2 and fair for all. We really appreciate the
3 opportunity to speak, and thank you so much for
4 your amazing service.

5 As this is a Farm Bill reauthorization
6 year, we're supporting several important mark-up
7 bills related to your work, and we describe those
8 in our written comments. I'd be happy to
9 elaborate on that if you have questions, but
10 generally we want to see restoration of the
11 organic cost share, reduction of barriers to
12 organic farming, especially for BIPOC and
13 historically disadvantaged communities,
14 addressing the backlog of NOSB recommendations,
15 emergency support for organic dairy, expanded
16 research for organic production, support for
17 climate-smart organic practices, organic literacy
18 throughout USDA's conservation programs, and
19 elimination of harm from racist hemp production
20 laws, and relief for farmers hit with PFAS.

21 We also support federal action to
22 protect organic farms from pesticide and genetic

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1 drift, prohibit genetic engineering in organic
2 agriculture and prohibit hydroponic farming under
3 the organic label.

4 Regarding your own work plan, we urge
5 you continue collaboration with certifiers, to
6 develop consistent templates and guidance for
7 interpretation of new rules, restore in-person
8 oral comments for future NOSB meetings but keep
9 this online opportunity as well. I appreciate
10 it, since I wasn't able to be there and I won't
11 be able to be there next week with you.

12 Promote racial equity and access to
13 NOSB initiatives, and consider the impact of NOSB
14 recommendations on historically disadvantaged
15 communities; initiate discussion on reducing
16 plastic in organic production.

17 I also wanted to mention a couple of
18 things specific to the proposals. We do support
19 the organic and climate-smart agriculture
20 proposal, though we do have concerns about the
21 push for the universal organic system plan, which
22 may become too simple, lacking opportunity for

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1 detailed explanations about management practices.

2 We support consistent location
3 identification, so that inspectors and others can
4 easily locate a producer, and we wouldn't want
5 this to be a burden on farmers who would like
6 clarity on the expected precision location.

7 We have concerns about using newspaper
8 and other recycled paper as weed barriers, mulch
9 or compost. We're not opposing that
10 recommendation, but we urge ongoing scrutiny to
11 ensure that paper used for these purposes is free
12 of plastic, PFAS and other toxic persistent and
13 bioaccumulative chemicals.

14 Similarly, we have ongoing concerns
15 about the use of plastic mulch. Microplastics in
16 our environment is a serious problem and recovery
17 of plastic mulch is a challenge. Though we
18 support relisting plastic mulch and covers, it is
19 clear that the broader organic community must
20 develop a plan to find ecologically friendly
21 alternatives.

22 MOFGA supports (audio interference)

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1 dish liquid. I'm out of time. I just --

2 CHAIR POWELL-PALM: Go ahead, finish
3 up.

4 MS. SPALDING: Okay, thank you so
5 much. We just wanted to ensure there's a
6 limitation that only sourced from fish waste
7 bycatch or basin species.

8 The last thing I just want to mention
9 is we continue to work on the impacts of PFAS in
10 our food and agriculture system, and one thing
11 that each of you could do is to contact your
12 members of Congress and encourage their support
13 for the relief for farmers with the PFAS Act. So
14 thank you so much for your time and commitment.

15 CHAIR POWELL-PALM: Thank you. I have
16 a question from Amy for you.

17 MEMBER BRUCH: Heather, thank you for
18 your time and your written comments as well. I
19 really appreciate them and thanks for definitely
20 shining light on this issue with PFAS. I did
21 have a question. Are you seeing on the lands
22 that are contaminated with PFAS, do they also

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1 have a similar level of contamination with heavy
2 metals? I see a lot of communication about the
3 PFAS. I just didn't know with the sludge if
4 they're going hand in hand, or if they're not
5 seeing necessarily those correlations.

6 MS. SPALDING: That's a really
7 important question. I appreciate it. I don't
8 have a clear answer for you. The focus really
9 has been on testing for levels of PFAS in the
10 soil and water, and also in farm products, and
11 even in the body burdens of the farmers
12 themselves.

13 But we know that heavy metals,
14 dioxins, furans, many persistent chemicals have
15 been used in sludge, you know, or are found in
16 sludge and also have been used in various
17 materials historically on farmlands. So it is
18 very important, but our focus really has been on
19 PFAS.

20 MEMBER BRUCH: Thank you.

21 MS. SPALDING: Uh-huh.

22 CHAIR POWELL-PALM: Any other

1 questions for Heather?

2 I have a quick question for you,
3 Heather.

4 MS. SPALDING: Sure.

5 CHAIR POWELL-PALM: Given your very
6 comprehensive list of items that you are
7 supporting or that you'd like us to work more on,
8 could you elevate the one thing that you think
9 for Maine farmers is most important for keeping
10 current organic farmers on the land, and driving
11 demand so that we have market demand for more
12 farmers, more organic farmers to be on the land?
13 Could you speak to that at all for your region?

14 MS. SPALDING: Well, I think that
15 there are several crises that we're facing right
16 now, and we have a challenge with labor and
17 training the next generation and the next, the
18 labor workforce is really important. Addressing
19 farm labor laws is something that we're
20 continuing to work on as well.

21 Access to land is incredibly
22 important. These are bigger issues, so these are

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1 not to your work with NOSB. But I heard that
2 that's what you're asking, like the bigger
3 questions.

4 CHAIR POWELL-PALM: It is.

5 MS. SPALDING: Okay, and so access to
6 land, access to labor and also support for
7 dealing with climate change and the challenges
8 that come with dramatically shifting weather
9 patterns. Drought is a huge concern for all of
10 the sectors of agriculture in Maine.

11 And then I would say that, you know,
12 we have -- we're a small state. We have a really
13 good relationship with our, with our public
14 service providers, with our -- with NRCS, with
15 the USDA offices. I think that we may, maybe are
16 not in the same boat that many of the farmers
17 across the country are, some of the challenges
18 they're facing with organic literacy, for
19 example, in the USDA offices and state offices.

20 But we definitely need more support
21 and we need more resources, technical assistance
22 and access to capital and access to

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1 infrastructure. That is, we have invested pretty
2 heavily in Maine in helping farms scale up their
3 infrastructure, but there was a program to
4 distribute \$20 million to farmers in Maine.

5 It went very quickly, and there was
6 probably closer to \$180 million worth of very
7 legitimate applications needing infrastructure.
8 So it's all of the above, but we really are
9 grateful to you for the work that you're doing to
10 defend the integrity of the organic standards,
11 because in the end, that's really the most
12 important thing that farmers have is their label.

13 CHAIR POWELL-PALM: We really
14 appreciate your time. Thank you.

15 MS. SPALDING: Thank you so much.

16 CHAIR POWELL-PALM: Next up with
17 Amalie Lipstreu, followed by Julia Barton and
18 then Jay Feldman. Amalie, the floor is yours.

19 MS. LIPSTREU: Thank you, Nate. Good
20 afternoon. My name is Amalie Lipstreu, and I'm
21 the Policy Director for the Ohio Ecological Food
22 and Farm Association.

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1 As an organization that is a certifier
2 as well as an educator and a policy shop, we
3 benefit from input along many areas of the
4 organic supply chain, from supporting
5 transitioning producers to utilizing USDA
6 programming, understanding roadblocks and
7 opportunities, and often the larger existential
8 threats to the viability of the National Organic
9 Program.

10 You're going to hear from a number of
11 OEFFA farmers this week, sharing important
12 reflections they have as practitioners. They're
13 engaged for two reasons. The first is that this
14 is their livelihood. For our farmers to have a
15 living into the future, the integrity of organic
16 agriculture is paramount.

17 But the second reason our farmer
18 members are engaged is that OEFFA has staff
19 dedicated to pulling folks together, providing
20 background materials and fostering discussions.
21 This takes time and is work we invest in to help
22 inform both the Board and the NOP.

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1 To foster broader feedback with
2 additional farmers, please consider the
3 suggestions presented by my colleague, Julia
4 Barton, who will be speaking next. Thank you for
5 keeping organic as climate-smart front and center
6 on the Board agenda.

7 It will be incumbent upon all organic
8 growers and advocates to illustrate how the
9 holistic suites of synergistic practices that is
10 organic agriculture provides more than the sum of
11 its parts. USDA likely will not come easily as
12 industrial agriculture, which has been more of a
13 contributing factor than a solution to climate
14 change. It's still well-entrenched at the
15 agency.

16 But you are already lifting up the
17 voluntary and solutions nature of organic. We
18 thank you for leading the way and encourage your
19 persistence. And remember, advocating for
20 organic to be considered climate-smart cannot be
21 done effectively or with moral authority unless
22 organic agriculture remains a soil-based

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1 standard.

2 There are likely even fewer studies on
3 the full life cycle, energy analysis of
4 hydroponic growing systems than there are studies
5 showing the climate benefits of organic farming
6 and ranching. Hydroponic growing systems have a
7 place, but not in organic or in climate friendly
8 production. Thank you.

9 CHAIR POWELL-PALM: Any questions for
10 Amalie? And I apologize, I think it's a hard
11 "A." So Amalie. If I keep getting this wrong,
12 please correct me.

13 MS. LIPSTREU: Okay.

14 CHAIR POWELL-PALM: Jerry, please go
15 ahead.

16 MEMBER D'AMORE: Yes, hello. A quick
17 question in terms of hydroponics not having a
18 place. Is there any thought that it may not have
19 the current thought of a place? But I mean would
20 you -- would one, should one argue hydroponics in
21 places where you just flat can't grow in the
22 desert? We've had a very narrow band around the

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1 world where conventional agriculture actually
2 works. Outside of that, doesn't hydroponic have
3 a home?

4 MS. LIPSTREU: I think hydroponic does
5 have a place. I think that the problem comes if
6 we try to apply the organic certification moniker
7 on the hydroponic, and the idea of, you know,
8 where we're looking for climate-friendly solutions
9 to types of systems approaches that will help
10 both mitigate and adapt to the climate crisis.

11 We definitely need to lift up organic
12 systems. I don't think hydroponic necessarily is
13 something that is a climate friendly practice per
14 se. I think we do need more full life cycle
15 analysis of hydroponic production systems to look
16 at all of the kind of energy demands relative to
17 production output as well.

18 MEMBER D'AMORE: Well thank you for
19 that. I would just say that there's -- it's a
20 big world out there, and to say categorically
21 that it doesn't have a place is perhaps limiting
22 what we might be looking at. Thank you very

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1 much.

2 MS. LIPSTREU: Yeah, and just to be
3 clear, I said it doesn't have a place in organic
4 or climate-smart. I didn't say it doesn't have a
5 place. I said it does have a place.

6 MEMBER D'AMORE: Yeah, then I -- thank
7 you. And then I'll correct myself and suggest
8 that it might have it in those two places too if
9 we're broader in the way we look at it. Thank
10 you.

11 CHAIR POWELL-PALM: Thank you for the
12 question Jerry, and your time Amalie. Any other
13 questions from the Board?

14 All right, thank you. Next up, we
15 have Julia Barton, followed by Jay Feldman and
16 then Abby Youngblood. Julia, the floor is yours.

17 MS. BARTON: Hi, thank you. Can you
18 hear me okay?

19 CHAIR POWELL-PALM: Yeah, thank you.

20 MS. BARTON: Okay. My name is Julia
21 Barton with the Ohio Ecological Food and Farm
22 Association. We appreciate the opportunity to

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1 participate in this important public process. We
2 think this process is so important that we want
3 to make sure as many organic farmer stakeholders
4 have the opportunity to participate in as
5 possible.

6 OEFFA's comments are informed by
7 several work groups, an organic work group, a
8 crop insurance work group and the Ohio Organic
9 Farmer Researcher Network, which we co-facilitate
10 along with our partners at Central State
11 University and the Ohio State University.

12 In the past, you have heard from
13 several OEFFA members and as Amalie said, you'll
14 hear from some more this week, some new, some
15 returning. We thank you for holding these
16 virtual comment opportunities. Let's hold them
17 in the in-person meeting too.

18 Comments, whether shared in person or
19 online, should all be treated the same, and the
20 opportunity for engagement with the Board should
21 be open in both venues. We also have a few ideas
22 to help increase access to farmers and community

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1 members. We ask you to consider the following
2 suggestions:

3 We wonder if the open docket could be
4 put to greater use, to keep the lines of
5 communication open between the spring and fall
6 meetings, with questions for the community in
7 areas where the Board needs more information,
8 especially at times when farmers are more likely
9 to be able to participate. We request a
10 structured opportunity for interaction with the
11 Board in the winter.

12 One OEFFA farmer, Corey Struck,
13 suggested a winter listening session. Such a
14 session could be timed to help inform NOSB
15 meeting materials for the fall meeting. We need
16 detailed and swiftly published Subcommittee
17 notes. These would help us to follow along with
18 the thinking of the Board, and to take time to
19 discuss ideas amongst our work groups while you
20 all are discussing them in committee.

21 We need access to the meeting
22 materials for a longer period of a time ahead of

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1 comment submission. We are wondering could there
2 be a soft publishing say, of the discussion
3 documents and proposals ahead of the Federal
4 Register notice? We can anticipate the materials
5 that will be on the agenda, and we can reference
6 previous information in this regard.

7 But we cannot anticipate your ideas
8 when it comes to discussion documents and
9 proposals. We want to put the time in to provide
10 you with substantive feedback, and we need more
11 time with full information in order to do so. As
12 you know, robust group process and thoughtful
13 discussion takes a lot of time.

14 An additional arena in which we need
15 to increase access has to do with racial equity.

16 We support NOC's racial equity comments and we
17 have two specific asks. First, please conduct
18 anti-racism and cultural sensitivity training for
19 NOSB members, and secondly, please add racial
20 equity as a work agenda item under the CACS
21 Committee.

22 This agenda item is needed to help

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1 ensure that racial equity is a thread woven
2 through the many efforts of the NOSB, with the
3 goal of challenging rather than repeating
4 patterns of structural racism in USDA programs.
5 We appreciate your efforts and your (audio
6 interference) this process increasingly
7 accessible to stakeholders. Thank you.

8 CHAIR POWELL-PALM: Thank you for your
9 comments. Any questions for Julia? Nate, please
10 go ahead. Oh sorry. Nate, then Allison and Amy.

11 MEMBER LEWIS: Had to find my raised
12 hand button. Hi Julia, good to see you.

13 MS. BARTON: Hi Nate.

14 MEMBER LEWIS: I'm curious. I've seen
15 the comments reference the CACS Committee,
16 Subcommittee for Racial Equity component. I'm
17 curious the thinking behind that particular
18 committee as opposed to all the committees or the
19 policy committee or whatever. I just want to
20 stand on that a little bit.

21 MS. BARTON: Yeah. We had floated
22 this previously as potentially like just an

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1 addenda topic for the whole board, and we had
2 heard feedback that it might fit better in the
3 CACS Committee. So we call it CACS. What do you
4 all call it?

5 MEMBER LEWIS: CACS.

6 MS. BARTON: Okay, CACS. We'll go
7 with that, yeah. We had heard that it may fit
8 better over there. So we're open to whatever.
9 We just -- our experience with working groups as
10 maybe analogous to your experience with
11 committees is that when we start sitting around
12 talking about things together, we figure out a
13 lot of barriers and solutions. But we'd like to
14 see some specific attention paid in that regard.

15 CHAIR POWELL-PALM: Next up, Allison.

16 MEMBER JOHNSON: Thank you. Thanks so
17 much for your comments, Julia. I really
18 appreciate your continued attention to racial
19 equity, as well as the work that you've been
20 doing on organic transition, which I'm hoping and
21 seeing that it's going to be theme today and
22 throughout this next meeting.

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1 And I'm curious if you could speak a
2 little bit to the connections that you see
3 between needing the Board to focus on racial
4 equity and how that relates to continuing to
5 build a strong organic movement.

6 MS. BARTON: Sure. That's a big one.
7 So the movement is built on the practices of
8 indigenous peoples all around the world, right,
9 and they often don't get credit for it because
10 much of our white supremacist focus is on things
11 that are written down, and the practices of
12 indigenous peoples all around the world that are
13 the foundation of organic agriculture and the
14 movement are frequently not written.

15 So we have an inherent bias in terms
16 of privileging information that's written down.
17 We forget sometimes to honor the big picture
18 global organic movement in our discussions that
19 often focus on specific standards and kind of set
20 aside the four IFOAM principles.

21 But I think it's a good reminder to
22 connect ourselves to the foundations of the

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1 movement, and honor the work of people that came
2 long before us and the people that will be here
3 long after we're gone.

4 So I don't think the connection could
5 really be any closer. This is just a thing that
6 we have to spend time on and that we owe it to
7 ourselves to spend time on, to make our movement
8 more accessible to all people, including the
9 people on whose backs it was built.

10 CHAIR POWELL-PALM: Amy has a question
11 for you.

12 MEMBER BRUCH: Julia, thanks for your
13 time today. Thanks also for OEFFA's outreach to
14 farmers and just getting them into the
15 conversation. That's really important, and I'm
16 excited to ask them questions later on on some of
17 the topics, the crop insurance especially.

18 But I wanted to ask, looking
19 at just standardizing the location, consistent
20 location information, there was some comments
21 about members in the community that don't have
22 access to technology or limited access to

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1 technology. And you know, there was information
2 on how addresses are getting, getting collected
3 from those individuals.

4 I wondered, is it possible to get the
5 legal addresses? Is that something that is -- is
6 it common communication structure with folks that
7 don't have access to technology? Are they still
8 leveraging the legal address system, the township
9 range, etcetera?

10 MS. BARTON: Yes. They're a little
11 bit more about the legal address system. How is
12 that different from like a typical mailing
13 address, Amy?

14 MEMBER BRUCH: Oh sure. A mailing
15 address, you know, could be like 1318 Row B, for
16 example, where a legal address on a parcel would
17 be like a township and range, so that that parcel
18 could be like 3411-1, where you'd have your --
19 just a different method to communicate parcels,
20 which you know, that's essentially what assessor
21 is used to identify with the location, and you
22 pay property tax based on that information,

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1 etcetera.

2 And it's the system that, you know,
3 indirectly is used or directly is used by FSA and
4 RMA as well.

5 MS. BARTON: Okay, sure. So that
6 helps me a little bit. I will state first of all
7 that my colleague, Sal Pinkham, will be speaking
8 to this topic specifically, and would be a good
9 person to ask our certification programs
10 perspective.

11 I will share that in our work groups,
12 the folks that are working with FSA said it would
13 be great if the certifiers and the FSA could go
14 ahead and talk to each other, you know, if USDA
15 programs could communicate and collaborate. That
16 was a big, you know, like they'll make us give
17 you this information again.

18 If we've already registered with FSA,
19 pull it from their database. And then in terms
20 of the technology use, we'll have two clean
21 community members will be commenting on Thursday,
22 who have, you know, will be speaking their own

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1 thoughts on this topic.

2 Right now, OEFFA uses primarily
3 mailing addresses and maps, and those maps are
4 sometimes FSA maps, NRCS maps, Google maps,
5 sometimes they're hand drawn. So that's what
6 we're using presently. But Sal will have a lot
7 more detailed information on this for you.

8 MEMBER BRUCH: Okay, excellent.
9 Thanks so much, Julia. I appreciate it.

10 MS. BARTON: Thank you.

11 CHAIR POWELL-PALM: Mindee, please go
12 ahead.

13 MEMBER JEFFERY: Thanks Julia so much
14 for all your work. To be clear, were you
15 suggesting earlier that a winter listening
16 session specifically for farmers could
17 potentially resolve the tension around the timing
18 of the meeting and be a great compromise? I'm
19 not sure if there's a path for that, but we've
20 got what you were meaning.

21 MS. BARTON: So that was a
22 recommendation that came from a farmer in

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1 Illinois Corey Struck, who's a member of a couple
2 of OEFFA's work groups, and I thought it was a
3 really creative idea. We are solutions-oriented
4 at OEFFA, right? So we look for barriers and
5 then we look for ways to get them out of our way.

6 We heard that you all put your due
7 diligence, especially Michelle, and we appreciate
8 you Michelle, but her due diligence into that
9 effort around the timing of the meetings. And so
10 we wanted to think about other ways that we could
11 make this work. Hence, our list of needs there
12 Mindee.

13 So if, you know, if you all are able
14 to work that into your schedule, that would work
15 great for us. So but we're looking for multiple
16 access points, like a web of access if that could
17 be imagined.

18 MEMBER JEFFERY: Thank you.

19 MS. BARTON: Thank you.

20 CHAIR POWELL-PALM: All right. Thank
21 you so much Julia.

22 MS. BARTON: Thank you.

1 CHAIR POWELL-PALM: Next up we have
2 Jay Feldman, followed by Abby Youngblood and then
3 Terry Shistar. Jay, please go ahead.

4 MR. FELDMAN: Hi, I'm Jay Feldman,
5 Executive Director of Beyond Pesticides, and a
6 former NOSB member. Thank you for your service.

7 This meeting of the NOSB affirms the critical
8 role of the Board in engaging the public in a
9 transparent process governed by stakeholders that
10 is unique in the governmental regulatory system.

11 Unique by design to think and operate
12 holistically outside the silos of individual
13 practices or exposure to individual chemicals.
14 NOSB authority establishes a credibility and
15 integrity that is often lost in the typical
16 governmental processes. We must celebrate what
17 has been achieved under the Organic Foods
18 Production Act, OFPA, and fiercely defend it as
19 well.

20 As members of the NOSB, you are not
21 just fulfilling a role in a niche market. You
22 are affirming and defending methods that are

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1 intended to establish integrity, incentivize
2 innovation, challenge critical -- conventional
3 wisdom our cutting edge and established public
4 trust in the organic label.

5 With your statutory
6 authority, you can advise the Secretary that any
7 efforts to weaken this authority limit the
8 leadership role of the Board or fail to carry out
9 National List decisions and undermining of your
10 authority and public trust. You have our
11 submitted comments on all the issues before you.

12 I'd like to focus on the petition and
13 technical review for potassium sorbate, KS, as
14 both instructive and affirming of the critical
15 role of the NOSB. You have the authority to
16 reject KS for the proposed use. The TR clearly
17 defines the elements of review not addressed by
18 the petition, that are integral to organic
19 systems, effects to health, environment,
20 compatibility with organic, essentiality.

21 Let's take soil. The discussion
22 document states "KS antimicrobial properties and

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1 characteristics could alter the microbe bio in
2 the soil. It is reasonable to expect that it
3 would inhibit the growth of soil microorganisms
4 and a significant number of organisms regarded as
5 beneficial are suppressed."

6 The authority vested in this Board
7 under OFPA to ensure soil management as part of a
8 biological system that replaces dependency on
9 petrochemical pesticides and fertilizers, is a
10 principle found nowhere under policies of other
11 statutes governing acceptable levels of
12 purposefully added toxins in agriculture, the
13 food supply and the management of land.

14 The petition process, the sunset
15 review as originally conceived by Congress, and
16 the TR review put the NOSB in key leadership
17 position to take on the current existential
18 health crises, biodiversity collapse and the
19 climate emergency and ensure a livable future.

20 Organic must lead in how we manage the
21 soil, suppress the carbon, take petrochemical
22 pesticides and fertilizers out of land

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1 management, and then under continuous
2 improvement, how we move to eliminate plastics
3 and adopt non-polluting disinfection practices.
4 Without a strong OFPA and NOSB we will not (audio
5 interference) future. Thank you.

6 CHAIR POWELL-PALM: Thank you so much
7 for your comments. Any questions for Jay? I
8 have a quick question for you, Jay. Given your
9 earlier part of your comments, if we were to stop
10 needing to look and hunt for existential threats
11 from USDA (audio interference) the NOSB, what
12 would be strongest and fastest way to drive
13 organic demand in the marketplace?

14 If we see unsatisfied six percent of
15 the market being organic, how do we talk about
16 organic and where would you say are the greatest
17 (audio interference)? I'm not sure what the --

18 MR. FELDMAN: Yeah. I mean I think
19 that's a really great question, because you know,
20 like you I'm sure you sense, like I do, a fair
21 amount of frustration on the part of the public
22 as to what we can do as individuals, as part of

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1 communities, as part of organizations, to effect
2 these existential crises.

3 We really see, as I tried to convey
4 here, that organic intersects with mitigation of
5 these crises. So when we're talking about the
6 standards that you review, say I used potassium
7 sorbate as an example of a petition because
8 you're looking at health, health impacts. You're
9 looking at biodiversity impact. You're looking
10 at compatibility with organic systems, which are
11 biological systems, soil systems, microbes like
12 the TR identifies.

13 And so I think to the extent that we
14 can message as a community that this is a
15 solution and it's cross-cutting, it's
16 intersectional, we have a huge opportunity to
17 really get the public behind this. Remember of
18 course, that organic happened through voluntary
19 action by consumers in the marketplace. As we
20 ramp up public understanding of the value, I
21 think we grow the market.

22 But the issue of integrity, Nate

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1 behind all this is critical. The label has to be
2 viewed with trust. So what you guys --

3 CHAIR POWELL-PALM: Hold on one
4 second, Jay. Michelle, is it possible to mute
5 everybody.

6 MS. ARSENAULT: If I mute everyone, it
7 seems like they keep being --

8 PARTICIPANT: You guys have some major
9 Zoom bombers in here, just so you know. You've
10 got to lock it down.

11 (Off record comments.)

12 MS. ARSENAULT: We will, when we
13 identify whose mic it was, we are muting them and
14 we will --

15 CHAIR POWELL-PALM: Thanks, Jay.
16 Brian has a question for you.

17 MEMBER CALDWELL: Yeah. Thanks, Jay.
18 I'm very much receptive to all the issues with
19 plastics that have been raised and all the
20 comments that we've received, and but it's an
21 incredibly entrenched and difficult issue.

22 I would just wonder if you have any

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1 ideas on how we could start to address it, or if
2 you don't, I would just really strongly suggest
3 that Beyond Pesticides and a bunch of the other
4 groups that we've heard from, MOFGA if you're
5 still listening and other farmer and consumer
6 groups, could really try to look at sort of a
7 fast forward for this, because I can't see it
8 personally myself very clearly at all, but I
9 would love to hear your comments and others.

10 MR. FELDMAN: Yeah. Well, great
11 question. I really think it is going to have to
12 be collaborative effort on everybody's part, and
13 the great thing again about the holistic approach
14 that you all take as a board and, you know, the
15 organic systems approach takes, we're looking at
16 cradle to grave issues.

17 We're considering not only production
18 practices and plastic there, we're considering
19 packaging as well. So we have an opportunity to
20 start in every area to question what alternatives
21 are available. We write extensively and have for
22 years on mulching systems that are not plastic-

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1 based.

2 We've talked about, you know,
3 packaging that is not plastic oriented and
4 container liners and so forth and so on. So I
5 think we could piece it, you know, apart, take it
6 apart, look at the various venues in which we as
7 a community engage, from production through
8 packaging, through handling you know, and look at
9 all those points along that continuum in which we
10 are utilizing plastic.

11 I think we can do it. Again, this to
12 me fits under the rubric of continuous
13 improvement, which is part of our ethic, right?
14 So if we start small, we can grow it out in a
15 pretty short period of time I believe.

16 MEMBER CALDWELL: Great, thank you.

17 CHAIR POWELL-PALM: All right, thank
18 you Jay. Next up we have Abby Youngblood,
19 followed by Carrie Shistar and then Pryor
20 Garnett.

21 MS. YOUNGBLOOD: Good afternoon. I am
22 Abby Youngblood, Executive Director at the

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1 National Organic Coalition or NOC, and today I'd
2 like to address three topics, in-person oral
3 comments, additions to the NOSB work agenda and
4 NOC's Farm Bill advocacy.

5 I would like to applaud the National
6 Organic Program for expanding the opportunities
7 for stakeholders to participate virtually, first
8 by creating the oral comment webinars several
9 years ago and more recently by providing the NOSB
10 meeting livestream.

11 These virtual opportunities increase
12 public participation, but they are not a
13 substitute for in-person connection. I urge the
14 Board to return to the hybrid approach that was
15 used before the pandemic. Please give public
16 stakeholders a choice, either webinar oral
17 comments or in-person comments. They are the
18 only participatory part of the NOSB meeting, and
19 they do (audio interference).

20 MS. ARSENAULT: Abby, can you hang on
21 one second please? I just muted the entire
22 group. Hang on one second while we manage some

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1 hackers here.

2 (Pause.)

3 MS. ARSENAULT: All right. I think we
4 have it managed. I'm going to ask you to unmute
5 yourself again, Abby. I need to give you
6 permission to do that. There you go. Okay,
7 sorry for the interruption.

8 MS. YOUNGBLOOD: Thank you, Michelle.
9 Of course, the worse nightmare for the
10 organizers, but good job managing the situation.
11 So I was talking about in-person comments as the
12 only participatory part of the NOSB meeting, and
13 they give attendees and especially farmers a
14 reason to come to the meeting.

15 I'd like you to know that both last
16 fall and this spring, we did have significant
17 farmer interest in NOSB participation and in the
18 scholarships that we provide to farmers to
19 attend. Farmers who take time away from their
20 operations to attend the NOSB meeting should have
21 a chance to speak directly to the Board, to the
22 National Organic Program and the full community

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1 about the issues they care about during in-person
2 meetings.

3 Second, I want to address several
4 topics for inclusion on the NOSB work agenda. We
5 are looking forward to the organic livestock and
6 poultry standards rule being finalized very soon
7 we hope. But that will just not fully address
8 humane management of organic swine. This topic
9 should be added to the NOSB work agenda, to give
10 all stakeholders the chance to participate in the
11 development of standards.

12 Next, NOC is concerned about the lack
13 of standards for greenhouse and container
14 production. The NOSB must begin work on this
15 topic to ensure consistency across certifiers,
16 and the NOSB should address topics such as the
17 disposal of effluence from containers, while
18 certifiers treat land that's been converted to
19 container production, and the use of greenhouses
20 where prohibited material was applied to a
21 previous crop.

22 Another area of concern, as you've

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1 been hearing about and talking about, is the use
2 of plastics and organic. We would like to see
3 the organic movement out in front of reducing
4 environmental contamination caused by plastics.
5 We recognize that we can't remove all plastic use
6 overnight, but we want to see the organic
7 community make some progress.

8 CHAIR POWELL-PALM: All right, we
9 appreciate your comments, Abby. Questions from
10 the Board. Allison and then Jerry, please go
11 ahead.

12 MEMBER JOHNSON: Thank you. Thanks so
13 much for your comments Abby and for your grace in
14 handling the interruption. If you had a few more
15 seconds of anything you wanted to close out, we
16 would welcome you to do that.

17 I also wanted to recognize NOC's
18 comments on racial equity. You did a great job
19 summarizing past comments and the sort of
20 trajectory that we've been on, and I'm curious if
21 you could take a moment to speak to the outreach
22 that you've been doing and what you're hearing

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1 particularly from producers of color about their
2 interest in organic or lack thereof, and what
3 you think the NOSB in particular can do to help
4 facilitate a more open dialogue and participation
5 over a wider range of producers in organic.

6 MS. YOUNGBLOOD: Thanks for the
7 question Allison, and I just want to start by
8 recognizing the work of NOC's Racial Equity
9 Committee in thinking about those issues,
10 thinking about the role of the NOSB and putting
11 together the comments.

12 NOC is part of a group of many
13 different organizations in the organic community
14 that are exploring how we can build deeper
15 partnerships with organizations that serve black
16 farmers, indigenous farmers, other farmers of
17 color.

18 We're kind of at the beginning stages
19 of deepening those relationships, but one of the
20 things that we're finding is there's a lot of
21 interest in using organic practices and, for
22 example, there was a survey done by National

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1 Young Farmers Coalition and the survey
2 respondents report a very high percentage, above
3 90 percent using regenerative or sustainable
4 practices, but less than 30 percent being
5 certified as organic.

6 So in terms of organic practices and
7 the benefits that come from those practices, I
8 think there's a lot of interest among diverse
9 farmers. I think that part of the gap is a
10 little bit what my colleague Julia was referring
11 to, kind of lack of acknowledgment of where our
12 movement comes from and lack of connection to
13 some of those practices.

14 But I think the -- I guess the other
15 thing I'd say is we are committed to having more
16 conversations about this topic, and the next
17 conversation that we're planning will be in
18 Atlanta on April 24th, so next Monday. In the
19 pre-NOSB meeting, we'll be hearing directly from
20 farmers in the southeast region, and it's a very
21 diverse group of farmers from different
22 backgrounds.

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1 The theme of that farmer panel is
2 helping more farmers go organic. So I think
3 we'll be hearing more from farmers who are using
4 organic practices, most of whom are certified
5 organic, but they're thinking about how to help
6 more farmers from diverse backgrounds pursue
7 organic certification. I think we can learn a
8 lot by listening to farmers at this stage.

9 CHAIR POWELL-PALM: Jerry, please go
10 ahead.

11 MEMBER D'AMORE: Yeah. Hey Abby, I
12 just want to thank you for the way you positioned
13 your comments regarding greenhouses and
14 containers. You left the door open for
15 discussion, and I appreciate that. Thank you.

16 MS. YOUNGBLOOD: We look forward to
17 the leadership of the NOSB and fostering more
18 discussion in that area. So thank you for
19 considering that topic.

20 CHAIR POWELL-PALM: Carolyn, please go
21 ahead.

22 MEMBER DIMITRI: Hi Abby. I want you

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1 to speculate about something which I don't think
2 anyone has the answer to. But do you think that
3 there is any value -- oh, not value.

4 If say the -- we could have greenhouse
5 and container standards, that you know, go
6 through the typical process and are made into,
7 you know, rulemaking and everything, do you think
8 that that would like help settle a little bit
9 some of these divisions that we're seeing in the
10 organic world now because of the hydroponic
11 situation?

12 MS. YOUNGBLOOD: Thank you for the
13 question. I'll go on record stating what I think
14 most of you know, the National Organic Coalition
15 does not believe that hydroponic systems should
16 be certified as organic. I will also say that we
17 do have to think about which kinds of production
18 systems are soil-based systems and which are not.

19 And so figuring out where we draw that
20 line is a challenge, and I think the Board can
21 play a role in helping to figure that out. Of
22 course, the Board has worked on this issue

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1 before, but I do think it's time for the Board to
2 work on the issue again.

3 I think that there is a need for more
4 clarity around some of the situations that I
5 mention in my comments, where there is not
6 consistency from one certifier to the next.

7 It's pretty egregious for us to ignore that
8 inconsistency. So we have to talk about and work
9 on these issues, and find a path forward.

10 CHAIR POWELL-PALM: Jerry, go ahead.

11 MEMBER D'AMORE: Yeah. A quick
12 comment to what's been said is I think part of
13 the problem is is that we have failed to
14 segregate under the broad term CEA, the fact that
15 we're dealing with two different issues entirely.

16 One is climate control, a structure, and one is
17 a delivery system for nutrients, etcetera.

18 So there's a lot to tease out here,
19 and I think there is a lot of room for good
20 discussion. Thank you.

21 CHAIR POWELL-PALM: All right. Thank
22 you so much for your comments, Abby. We really

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1 appreciate it. All right. Next up we have Terry
2 Shistar, followed by Pryor Garnett and then Kate
3 Mendenhall.

4 (Pause.)

5 MS. ARSENAULT: I just need a sec to
6 get your slides up and then we can start.
7 There's a little bit of a delay sometimes.
8 Thanks. I believe we can see the slides now.

9 MS. SHISTAR: Okay. My name is Terry
10 Shistar, and I'm on the Board of Directors at
11 Beyond Pesticides. I'm going to address four
12 issues today. Climate change is an emergency
13 that deserves to be met with the sense of urgency
14 that we don't see from NOP. For organic to be
15 climate-smart, NOP and certifiers must hold
16 organic producers to the letter and spirit of
17 OFPA, which requires that organic production be
18 soil-based, incorporate diversity and protect the
19 environment.

20 Operations based on hydroponics or
21 confined animal facilities and those that replace
22 native ecosystems with organic farms do not meet

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1 these requirements.

2 The NOSB has made its position clear
3 on these issues, and must insist that NOP and
4 certifiers consistently enforce the law, for the
5 sake of reducing climate change, biodiversity
6 loss and human health impacts, as well as
7 fairness. It is critical that NOP asks what more
8 should USDA be doing to advance organic?

9 Because ion exchange creates chemical
10 change, all organic ingredients processed in this
11 manner must be subject to review by the NOSB.
12 Please see our written comments for application
13 of the materials classification guidance to ion
14 exchange.

15 Chemicals and the ion exchange resins
16 may leak into the food product. The Handling
17 Subcommittee proposal to allow any and all resins
18 without review or disclosure to consumers is
19 unacceptable. To maintain the integrity of the
20 organic label, resins must be subject to full
21 National List review, rather than establishing a
22 blanket allowance in organic processing.

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1 attendant dangers to people, the environment and
2 the climate. Materials should not remain on 606
3 if they can be supplied organically. The NOSB
4 should ask what are the barriers to providing an
5 organic form of this ingredient, and could the
6 need be met if the organic form is required?
7 Thank you.

8 CHAIR POWELL-PALM: Thank you for your
9 comments. Any questions from the Board? Allison
10 has a question.

11 MEMBER JOHNSON: Thanks so much Terry.
12 I am wrestling with the same issues that you
13 raised around ion exchange. I was pretty
14 convinced by the comments in the fall that the
15 resins are inert and are intended to not interact
16 with the materials that pass through, and that if
17 they're properly functioning they shouldn't.

18 But we do have, you know, knowledge
19 about plastics reaching lots of vessels that hold
20 materials, actually interacting (audio
21 interruption).

22 CHAIR POWELL-PALM: Please continue on

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1 Allison.

2 MEMBER JOHNSON: Yeah, just waiting
3 for that to silence. And so I'm curious where
4 you think we can practically draw the line. I
5 absolutely agree that over time, we'd like to see
6 a phase out of plastics. We'd like to see a
7 phase out of materials that we know can have
8 chemical interactions.

9 But I'm also very sympathetic to the
10 practical need to draw a line somewhere, and here
11 to me I'm mostly comfortable with the resins
12 being in a place where we can say, you know, it
13 may not be perfect, but let's keep an eye on it.

14 Let's see if there are testing options
15 that we could use to ensure that we're confident
16 that there is no interaction, but to make a
17 decision at this point based on the best
18 knowledge that we have and the intended use of
19 these products as being simply something that a
20 material passes through.

21 So I'm curious if you could speak to
22 your take on how we can do that line drawing,

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1 keep the organic industry functioning and moving
2 forward and also sort of use our best judgment to
3 revisit these issues in the future?

4 MS. SHISTAR: Okay. Well you -- you
5 know, with both the plastics and the ion
6 exchange, I think we're talking about things that
7 are pre-existing problems. We're not, we're not
8 being the gatekeepers in this, in these
9 situations. We're now looking at things that are
10 out there and we're discovering that there may be
11 bigger issues than we ever thought there were.

12 And I guess I'm old enough that I've
13 been through the plastics revolution, right?
14 When I was younger, a lot of things that we now
15 use plastics for we don't -- we didn't use
16 plastics for then.

17 And so I guess I tend to think hey,
18 there's a real possibility that we can, we can do
19 without plastic. I think there definitely are
20 things where it's embedded, like underground,
21 where we've got PVC piping that's delivering our
22 water. We get, you know, we're not going to do

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1 much about that.

2 Ion exchange is another thing where I
3 think it's kind of crept into organic, and we
4 weren't really aware that this was an issue. I
5 don't think we were aware that, at least I wasn't
6 aware, that these fruit juice sweeteners were
7 going through an ion exchange process, that all
8 the sugar that was -- all the organic sugar goes
9 through several stages of ion exchange.

10 And you know, again, I'm old enough
11 that when I was -- when I was starting to eat
12 organic food, I didn't have sugar in my food. I
13 didn't have these processed sweeteners. If I
14 wanted something sweet, I had real fruit or
15 honey, you know, something that was not a process
16 additive.

17 But I think that to what -- to your
18 point, to getting -- if we want to get to the
19 point where we can use a resin, we need to do --
20 we need to do the testing. We can't just approve
21 all the resins without doing any kind of testing
22 to see what might be happening, and just kind of

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1 -- because and approve -- essentially we're
2 approving it because it's already there. It's
3 always been done, and we're closing, you know,
4 closing the door behind the horse or whatever
5 that is.

6 MEMBER JOHNSON: Are you aware of any
7 tests that we could use? This is one of the
8 questions that we posed to stakeholders, because
9 I don't know that we have a good sense of whether
10 there is a way that we can do a little bit more
11 digging to figure out whether there is some sort
12 of material leaching.

13 My understanding is you need to test
14 for something specific, and so we'd need to have
15 a sense of what we are looking for and get
16 specific, and I'm curious from you and anyone
17 else who is commenting, if there is anything
18 specific that we could be looking for, to give us
19 some assurance and comfort?

20 MS. SHISTAR: I think that the -- I
21 think that the technical review, that Amalie
22 raised some issues about what might be coming

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1 through. And if you look at her written
2 comments, you might -- there are some references
3 there. I can try to get back to you with more
4 specifics, but I don't have it off the top of my
5 head.

6 MEMBER JOHNSON: Okay, thank you.

7 CHAIR POWELL-PALM: Franklin has a
8 question. Franklin, please go ahead.

9 MEMBER QUARCOO: Yes, I have a
10 question. In cases where there are organic
11 alternatives, is efficacy part of the
12 consideration in terms of how well must an
13 alternative do in order for us to consider it a
14 viable alternative? So I just wondered on your
15 views on organic alternatives and is efficacy a
16 consideration?

17 MS. SHISTAR: Well efficacy is a
18 consideration in the sense that in order -- one
19 of the criterion, criteria for approving a
20 material is whether it's, whether it's essential
21 and it can't be essential if it doesn't work.

22 But then there's, as I think you're

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1 getting at, there's a line where something may
2 be, may be effective and may be -- and then we
3 have to judge this. We have to make a judgment
4 as to how needed is it, how necessary is it. I
5 think that in the past, the NOSB has done a good
6 job of evaluating that question.

7 CHAIR POWELL-PALM: Any other
8 questions for Terry?

9 I have a quick question for you,
10 Terry. Given the issue of plastics in organics,
11 if we're to take the stance towards resins that
12 you're suggesting, should we be testing all
13 plastics that come in contact, be it packaging or
14 irrigation lines or any of the plastic that comes
15 in contact with organic food?

16 MS. SHISTAR: Well, some things are
17 easier to test than others. But yes, I think
18 that that's a good place to start in developing
19 some kind of priority system for deciding which
20 things we get rid of first.

21 I mean obviously things that are
22 releasing toxic chemicals into the food are going

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1 to be something that's going to be a higher
2 priority than something that's not. It's all --
3 then plastic that's only a problem in the, in the
4 disposal stream, for example.

5 CHAIR POWELL-PALM: If we think
6 practically, is your -- how would you describe
7 your goal for the industry? Should we be as pure
8 as we possibly can be and not interested in
9 growth, or is there a pragmatic balance?

10 MS. SHISTAR: I think that as much as
11 we can adhere to organic principles, we're going
12 to grow more. So I don't think that that's a
13 valid dichotomy.

14 CHAIR POWELL-PALM: Brian, please go
15 ahead.

16 MEMBER CALDWELL: Yeah thanks, Terry.
17 Just a quick clarification. In terms of -- you
18 mentioned testing which seems like a good idea in
19 a lot of ways, but I'm wondering if you are
20 referring to like a testing of every organic
21 operation and every, you know, every farm, or if
22 you're talking about researchers should start

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1 testing about -- testing this and just
2 determining whether these are -- this is an issue
3 or not?

4 MS. SHISTAR: Mostly the latter. I
5 mean that's why I say we should be listing resins
6 individually on the National List, based on the
7 testing that we see or, you know, how you know,
8 what leakage and what might be coming through.

9 The same thing with plastics. There
10 is a lot of research out there about what is
11 getting into food from, you know, like BPA that
12 might be in your -- in plastic or plastic liners
13 of cans or something. So yeah, I think there's a
14 lot of room for testing as far as research. No,
15 I'm not talking about going out and testing every
16 farm to see --

17 MEMBER CALDWELL: Great, thank you. I
18 just wanted to be really clear on that. Thank
19 you.

20 CHAIR POWELL-PALM: All right, thank
21 you for your comments. Next up we have Pryor
22 Garnett, followed by Kate Mendenhall and then Dan

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1 Langager.

2 MR. GARNETT: Well good afternoon,
3 thank you NOSB members and NOP staff for your
4 service to organic agriculture, and for hearing
5 me out today. My name is Pryor Garnett. I chair
6 the Organic Farmers Association's Policy
7 Committee and I farm in western Oregon.

8 Today, I'll be addressing three
9 issues, organic and climate-smart agriculture,
10 the greenhouse and container production standards
11 and crop insurance. OFA members agree with the
12 NOSB that certified organic production should
13 automatically be considered climate-smart and
14 eligible for all funding and support through
15 climate-related USDA programs.

16 Organic agriculture has tremendous
17 potential to address climate change, but only if
18 the USDA effectively protects the integrity of
19 the organic label. That integrity is essential
20 to maintaining the label standing and preference
21 with consumers, to ensuring a level playing field
22 for organic farmers in the broader agriculture

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1 sector, and to make sure that organic methods
2 provide the maximum benefit in addressing the
3 climate crisis.

4 Enforcing the organic livestock
5 standards is important to climate-smart
6 agriculture, because pasturing and real outdoor
7 access help enrich soil, biology and soil
8 structure, and enrich the animal's welfare. Soil
9 health is a foundational principle of organic
10 agriculture.

11 The NOP's decision to allow hydroponic
12 operations to be certified organic, and
13 inconsistent interpretation of guidance on
14 container operations, has caused both farmers and
15 consumers to question organic as a regenerative
16 agricultural system. NOP must clarify that
17 organic farming only occurs in the soil, and
18 ensure that all organic certifiers consistently
19 apply this requirement.

20 The NOP should return this topic to
21 the NOSB agenda, so that organic as a climate-
22 smart leader is clear and consistent.

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1 Second, OFA urges the NOSB to
2 resume work on its agenda item for field and
3 greenhouse container production. We support
4 organic certification of crop production where
5 terrestrial plants are grown to maturity in the
6 ground with no barrier between top soil, subsoil
7 and bedrock.

8 Current standards for the organic
9 production of crops and containers and in outside
10 greenhouses are limited, and has led to
11 widespread certifier inconsistency. The NOSB
12 needs to resume work on container production.

13 Third and finally, I'll talk a little
14 bit about crop insurance again. We appreciate
15 the Board's work on this important topic. OFA's
16 farmer members have a wide range of experiences
17 with crop insurance. There's broad frustration,
18 especially with the whole farm revenue program.

19 New farms have it the hardest, but
20 even established farmers struggle with it. We
21 need to educate insurance agents on organics,
22 because they rarely understand organic systems

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1 and methods. In our written testimony, we've
2 outlined the number of improvements, and we also
3 point to the comments submitted by the Ohio
4 Ecological Food and Farming Association. Thank
5 you very much.

6 CHAIR POWELL-PALM: Thank you for your
7 comments.

8 MR. GARNETT: You're welcome.

9 CHAIR POWELL-PALM: Any questions from
10 the Board? Amy, please go ahead.

11 MEMBER BRUCH: Pryor, thank you for
12 joining us today. Thanks for your information.
13 I have a question about crop insurance, and I
14 really appreciate all the comments that you have
15 made and others. There are some good points that
16 your organization makes.

17 One point I didn't necessarily see
18 discussion on was about T yields, and the idea
19 that the T yields, I just want to make sure.
20 You're familiar with T yields? Otherwise I could
21 -- or maybe not.

22 MR. GARNETT: I'm afraid you'll have

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1 to explain that Amy.

2 MEMBER BRUCH: Okay. Well hey, no
3 problem. You know, my -- it's a very specific
4 question, so I might hold off and ask another,
5 another representative potentially, because it
6 does get in the weeds a little bit. So I
7 apologize for that Pryor, so thank you. Thank
8 you for your time. I'll hold my question til
9 later.

10 CHAIR POWELL-PALM: All right. We
11 have another question for you Pryor. Dilip,
12 please go ahead.

13 MEMBER NANDWANI: Thanks for your
14 comment. I just want to have a quick
15 clarification on your greenhouse production, and
16 I think your -- and an earlier speaker also
17 mentioned. I think you are mentioning including
18 high tunnels, body house and any kind of indoor
19 production or, if you want to say something else
20 on this, when you say about greenhouse
21 production.

22 And also can you tell a little bit

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1 about the greenhouse plant in the ground, in the
2 soil also, or on the aerial and other aspects.
3 So can you please a little bit something about on
4 that. Thank you.

5 MR. GARNETT: Thank you for your
6 question. Yes, I'd be glad to speak to this.
7 The foundational principle that OFA is asserting
8 here is that most organic production should have
9 the roots of the plants in direct contact with
10 the soil, and through that down to the bedrock.

11 Now there are a few exceptions that we
12 recognize. For example, if plants are being sold
13 as starts. So to being sold to consumers who are
14 then going to plant the tomato plant in their
15 container. We recognize that that container
16 production is not necessarily going to be in full
17 contact with the soil and bedrock.

18 But in, for example, a high tunnel, as
19 you mentioned, where it is simply a shelter over
20 the soil with the plants in the soil and their
21 roots extending directly down from there, we
22 think that that is certainly appropriate for

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1 organic certification.

2 On the other hand, you have an open
3 field where let's say blueberry plants are
4 growing in containers, with their primary
5 nutrient source being delivered via drip
6 irrigation, that is not appropriate for organic
7 certification. I hope that those two examples
8 help clarify our remarks.

9 MEMBER NANDWANI: Thank you. That
10 really helps. Thanks.

11 CHAIR POWELL-PALM: Nate, please go
12 ahead.

13 MEMBER LEWIS: Hey Pryor, good to see
14 you, and thanks for bringing crop insurance to
15 the table here at the Board meeting. I wanted to
16 home in on one of the elements in the OEFFA
17 comments about the Good Farming Practice Handbook
18 and OSP, and in my work on this topic, RMA has
19 not really accepted the argument that anything
20 included in an OSP should be considered a good
21 farming practice.

22 I think there's some merit to that,

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1 where you can have a complaint system plan
2 without necessarily being a good farmer or
3 following good farming practices. So I'm curious
4 if you've done some thinking on how to maybe
5 identify some of the elements in an OSP that
6 would be areas for folks to -- for RMA to look
7 at, or just if you all have talked about that
8 tension between the OSP and the Good Farming
9 Practices manual.

10 MR. GARNETT: That's a very good
11 point, Nathan. Thank you very much for raising
12 it, because we clearly believe that the organic
13 certifiers, in reviewing and ultimately approving
14 the organic systems plan for a given producer,
15 have established that that plan, as a whole, is a
16 good farming practice.

17 And that a second review, almost an
18 independent review by an insurance agent or by
19 the Whole Farm Program, is unnecessary. There is
20 no analog to the organic systems plan in what we
21 call conventional agricultural today, and there
22 is no review. So in that environment, I think

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1 assessing good farming practice is important.

2 But where we have the
3 independent review of an organic certifier
4 approving an organic systems plan, I think it's
5 not necessary.

6 MEMBER LEWIS: Great, and just as a --
7 maybe a follow-up comment on that I think, as you
8 know, the Board advises the NOP but we also
9 advise the Secretary. So I can see a role the
10 Board could play in communicating with RMA on
11 those specific points, and how OSP and the Good
12 Farming Practices manual can overlap. So thanks
13 for bringing that up. I think it's an actionable
14 area.

15 MR. GARNETT: Yes, I appreciate your
16 doing that, and I would strongly encourage the
17 Board to take that action.

18 CHAIR POWELL-PALM: Any other
19 questions for Pryor?

20 All right. Thank you very much,
21 Pryor. Next up we have Kate Mendenhall, followed
22 by Dan Langager and then Jaydee Hanson. Kate,

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1 please go ahead.

2 MS. MENDENHALL: Thank you NOSB
3 members for the opportunity to speak before you
4 today. My name is Kate Mendenhall. I'm the
5 Executive Director of the Organic Farmers
6 Association. OFA represents a strong national
7 voice for domestic certified organic farmers.
8 Today, I will be addressing oversight to deter
9 fraud, phosphoric acid and organic swine
10 management.

11 Preventing organic fraud has
12 consistently been a top priority for U.S. organic
13 farmers, and we appreciate the Board's work on
14 this important topic. While we see value in
15 adding GIS data to farm and field location in the
16 Organic Integrity database, we want to
17 acknowledge that adding GPS coordinates would be
18 an additional tracking to what is currently being
19 done on most farms, and requires access to
20 technology.

21 All farmers do not have the
22 technological expertise to provide this

1 information to certifiers, or in some cases as in
2 the plain community, they may be opposed to using
3 the technology. So assistance for farmers with
4 limited access to and experience with technology
5 must be part of the recommendations.

6 Perhaps provisions could be taken to
7 require more technological GIS data for farms
8 that pose a greater risk, that may manage maybe
9 one or two -- more than one or two farm
10 locations, so that we minimize the burden on
11 small farms.

12 Regarding the 2025 livestock sunset
13 review, OFA requests that phosphoric acid be
14 relisted as a synthetic sanitizer disinfectant.
15 It's used to remove deposits on milk lines of
16 bulk tanks, and it can -- and it's necessary to -
17 - it's used to remove deposits on milk lines of
18 bulk tanks, and it cannot be removed without
19 other detergents and acids.

20 So the buildup creates conditions
21 where bacteria can rapidly multiply, impacting on
22 safety and quality. OFA dairy farmer members

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1 report more compatible substances are not
2 available, and without the use of phosphoric
3 acid, they would need to leave organic
4 production.

5 We do acknowledge the 2018 concerns
6 raised by the National Organic Coalition about
7 consistency as to whether certifiers were or were
8 not requiring a rinse after use, and we
9 understand this is still a current issue. Our
10 request is to relist phosphoric acid as a
11 sanitizer disinfectant with an annotation that
12 requires a rinse after use. Both the livestock
13 and handling annotations should align in this
14 way.

15 We urge NOSB to prioritize a
16 comprehensive review of sanitizers, disinfectants
17 and cleaners to inform decision-making when a new
18 material is petitioned, or a material is reviewed
19 at sunset.

20 Finally, OFA requests that NOSB
21 prioritize adding organic swine management to a
22 future agenda. In review of the OLPS, it was

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1 evident that guidance on organic swine management
2 is behind animal welfare and other national
3 organic standards. In order to reduce the burden
4 of duplicative certifications and ensure consumer
5 confidence in organic swine management, we
6 request that the NOP and NOSB place swine
7 management on the NOSB work agenda.

8 Thank you for consideration of our
9 comments.

10 CHAIR POWELL-PALM: And thank you for
11 joining us today. Any questions for Kate?

12 All right. We appreciate your time.

13 MS. MENDENHALL: Thank you.

14 CHAIR POWELL-PALM: Next up we have
15 Dan Langager, followed by Jaydee Hanson, and then
16 Michael Sligh, and then folks, thank you for your
17 patience, we're going to take a break. So we
18 will, after the break, start with Harold Austin.
19 But Dan, please go ahead.

20 MR. LANGAGER: Thank you so much.
21 Hello everyone. My name is Dan Langager, and I'm
22 with the Northwest Horticultural Council based in

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1 Washington state. We represent the growers,
2 packers and shippers of apples, pears and
3 cherries in the Pacific Northwest. Our growers
4 produce the majority of organic tree fruits here
5 in the United States.

6 I'd like to direct you to the
7 Northwest Horticultural Council's extensive
8 written comments for the Pacific Northwest tree
9 fruit industry's perspective on the various
10 sunset materials before the Subcommittees, as
11 well as the research priorities for handling, and
12 the organic is climate-smart proposal from CACS.

13 I'm going to highlight some materials
14 under crops that are of particular importance to
15 organic tree fruit growers. Ethanol and
16 isopropanol alcohols are critical tools for
17 orchardists to both decontaminate the lines of
18 irrigation systems, and to disinfect a variety of
19 on-farm components.

20 So if irrigation lines aren't
21 decontaminated from things like biofilms and
22 microorganisms, the emitters can become clogged,

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1 and that not only causes damage to the system,
2 but an unequal supply of nutrient solution to the
3 crop, which impacts the plant's growth.

4 And then these alcohols are also used
5 to clean the pruning shears when removing chutes
6 or branches infected with cider blights to
7 prevent the infection of the shears themselves.
8 It can further spread the pathogens to other
9 chutes during subsequent cuttings.

10 Plastic mulches and covers are for
11 newer fruit tree production benefits. We use
12 them on bird nets, wind screens, shade cloths,
13 weed mats and actually by covering the weeds,
14 they've proven a really useful deterrent for
15 various insect leafhopper pests in cherry
16 orchards, actually reducing leafhopper numbers by
17 80 to 90 percent.

18 The leafhoppers, they can transmit the
19 causative pathogen called middle cherry disease,
20 which is epidemic in Washington state. It's
21 resulted in significant loss of cherry production
22 acreage.

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1 And then ground covers, they can also
2 reflect light up into the tree canopy, and this
3 is done only in the season to promote bloom and
4 then before harvest to help the fruit gain some
5 additional coloration and maturity.

6 Elemental sulfur, an essential tool
7 for organic tree fruit production. It's used to
8 control pest mites that damage leaf tissue. This
9 leads to less fruit or potentially fewer blossoms
10 the next season. It is also a critical tool in
11 controlling disease pathogens like scab and brown
12 rot. It's one of the few options our growers for
13 treating powdery mildew.

14 And then elemental sulfur is also used
15 to adjust soil pH, to ensure better nutrient
16 uptake, water penetration, just overall enhance
17 the plant and soil health. And then finally lime
18 sulfur is used by the vast majority of organic
19 tree fruit growers. It's a well-known source of
20 calcium and sulfur. It controls blight, mildew
21 and scab, and it helps control various orchard
22 insect pests. Lime sulfur is applied from the

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1 dormancies through bloom stages of the crop, and
2 that's really to control insects or pests or
3 pathogens that may have overwintered in the
4 blocks.

5 I want to thank you so much for the
6 opportunity to provide input from the organic
7 tree fruit growers to the NOSB, and thank the
8 Board members for their service.

9 CHAIR POWELL-PALM: Right on time.
10 Thank you for your comments. Any questions from
11 the Board?

12 All right, Dan. Thank you very much
13 for joining us today. Oh I'm sorry, one second.
14 Brian, please go ahead, and then Amy.

15 MEMBER CALDWELL: Thanks Dan. I know
16 that fruit growing is really different in
17 different regions of the country. I've been
18 curious about hydrated lime, and here in the
19 east, at least the way I understand it, hydrated
20 lime would just be used in Bordeaux mix, although
21 maybe -- are there other pesticide formulations
22 that use hydrated lime? That's sort of the first

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1 question.

2 The second question is with Bordeaux
3 mix, again the way I understand it is that the
4 other copper products are a lot more effective
5 and safer. So why are people still using
6 Bordeaux mix, and maybe I'm wrong on that. Maybe
7 in your situation is that those, those are not
8 the case. So if you'd just talk a little bit
9 about that, I'd appreciate it.

10 MR. LANGAGER: Sure. I can answer
11 what I can answer your first question. Yes, I
12 believe there are other formulations and mixtures
13 that growers can use. But I am going to defer to
14 one of my colleagues. You're going to hear from
15 a tree fruit grower, Harold Austin here in just a
16 bit, and he is going to know those formulations
17 much better than I do.

18 MEMBER CALDWELL: Great, thanks.

19 MR. LANGAGER: Thanks.

20 CHAIR POWELL-PALM: Amy, please go
21 ahead.

22 MEMBER BRUCH: Hi, Dan. Thank you for

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1 your time today. I had a question about
2 potassium sorbate. I don't know, maybe that's
3 going to be tackled by the next presenter
4 potentially, is that right? Okay.

5 MR. LANGAGER: I'll try.

6 MEMBER BRUCH: Or you'll try it, okay.

7 It was noted in your comments that the growers
8 in your group decided that that would be very
9 beneficial to mitigating plant diseases, having
10 access to potassium sorbate. We've heard from
11 previous comments and others extreme concerns
12 with that substance in the environment used in
13 this petition faction.

14 And there's also many alternatives
15 that currently exist. There was questions also
16 on the efficacy of some of the trials that were
17 listed in the petition, that maybe the substances
18 that they were trialing against aren't commonly
19 used. I was just wondering, you know, what
20 pushes your growers to want this to be accepted
21 as a National List product, just because there is
22 limited information on potassium sorbate used

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1 specifically as petitioned, as the active
2 ingredient?

3 MR. LANGAGER: Right, and I believe
4 that the Subcommittee talked about the need for
5 more research into this product, and I think
6 that's something that our industry would like to
7 see as well. We're always supportive of those
8 types of efficacy trials to see exactly how it's
9 working and in what circumstances. And like you
10 said, climates and growing regions.

11 We are very fortunate in the Pacific
12 Northwest with our climates and our soils that we
13 have here. I know that, as you said, it does
14 help with controlling certain post-harvest
15 diseases, post-harvest in both right after it's
16 packed and then as it's going -- or after it's
17 harvested and then it's going to packing. Those
18 are very big issues.

19 So I would also say it fits into that,
20 as many tools in the toolbox as our growers and
21 packers have. If the studies show that this is
22 efficacious, then we would like to see it as, you

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1 know, part of the toolbox that our growers and
2 packers produce.

3 MEMBER BRUCH: Thank you.

4 CHAIR POWELL-PALM: Any other
5 questions from the Board.

6 All right, Dan. Thank you very much
7 for your time.

8 MR. LANGAGER: Thank you so much.

9 CHAIR POWELL-PALM: Next up we have
10 Jaydee Hanson, followed by Michael Sligh. We're
11 going to take a break, and then it will be Harold
12 Austin, followed by Mark Kastel. Jaydee, please
13 go ahead. And you are muted.

14 MS. ARSENAULT: Hang on, Jaydee. We
15 have to get you unmuted here.

16 CHAIR POWELL-PALM: And folks just a
17 quick note. Because of the interruptions before,
18 we have everyone muted, and we will have to have
19 you unmute as we request you to unmute. So sorry
20 for that little bit of an added barrier.

21 MS. ARSENAULT: Jaydee, you should see
22 something called open your screen, the host has

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1 asked you to unmute. Do you see that? It
2 doesn't look like it's working, apologies. Let's
3 see what we can do here.

4 (Pause.)

5 MS. ARSENAULT: Option to unmute him.

6 CHAIR POWELL-PALM: There should be a
7 host message asking you to unmute button Jaydee
8 popping up on your screen.

9 MR. HANSON: There it came. All
10 right, thank you. I am glad to speak to you
11 today or pleased that the NOSB has lifted up the
12 importance of organic agriculture is a means of
13 slowing climate chaos. We feel so strongly about
14 this at the Center that we formed an
15 international coalition to promote organic at the
16 international climate conferences.

17 We don't think that the USDA and the
18 National Organic Program have adequately promoted
19 that organic producers are already actively
20 employing multiple climate-smart practices.
21 Organic producers deserve to be rewarded and
22 acknowledged for consistently implementing these

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1 practices in their production models.

2 Certified organic farmers should
3 automatically qualify and be approved for any
4 climate-smart label when the term is codified by
5 the USDA. We don't think that water-based
6 growing methods like hydroponics meet the test
7 for being climate-smart, and should not be called
8 climate-smart.

9 (Pause.)

10 MR. HANSON: Excuse me. There is
11 currently no climate-smart plan across all
12 organic certifiers, and this impedes farmers
13 seeking access to USDA climate-smart funding.
14 They shouldn't have to apply twice to be
15 considered climate-smart. All organic
16 certifications should require annual reporting of
17 key climate-related data such as soil organic
18 matter, nitrogen levels, phosphorous levels,
19 potassium in soil, just to name a few.

20 Next topic, organics should not have
21 ortho-phthalates, bisphenol and PFAS in them.
22 We've been urging the NOSB to take a lead on

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1 this. There are individual companies that are
2 leading on this. Annie's Organic has taken
3 ortho-phthalates out of their products. Other
4 manufacturers like REI and Patagonia have taken
5 plastics out of their clothing.

6 This is a huge problem. Collectively,
7 these three classes of chemicals, bisphenols,
8 ortho-phthalates and PFAS need to be out of
9 organic production, out of food. If we don't get
10 them out, it will damage the organic brand.

11 Finally, I appreciate the Materials
12 Committee working through the -- last few
13 excluded methods. You've got my comments in
14 writing. I think I'm at the end of time.

15 CHAIR POWELL-PALM: We appreciate your
16 comments. Mindee has a question for you.

17 MR. HANSON: Sure.

18 MEMBER JEFFERY: Thank you so much
19 Jaydee for your long history of work, especially
20 in the excluded methods realm. I'm wondering if
21 given all the work of the NOSB recommendations
22 and the work that's left on the TBD list, if you

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1 have some perspective of the horizons of the
2 excluded methods issue and if there are things
3 coming toward us that we should be really looking
4 at next?

5 MR. HANSON: Well, I mean the big
6 issue really is the -- what is being called gene
7 editing. There's a number of different ways to
8 do this, but even with the -- even with the
9 procedures that we looked at at this meeting,
10 several of them can be combined with gene editing
11 to -- so you really are going to have to have a
12 couple of things excluded at the same time, you
13 know.

14 You can't just say this is a non-
15 excluded method if you also somewhere else allow
16 gene editing of that method.

17 MEMBER JEFFERY: Thank you, Jaydee. I
18 was thinking more along the lines of insects and
19 sprays in the field, and technologies we may not
20 have addressed yet that are appearing in the
21 marketplace.

22 MR. HANSON: Well, there are some that

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1 aren't quite in the marketplace yet that are RNAi
2 pesticides and RNAi fertilizers that are applying
3 for experimental use permits at the EPA, and I
4 and several other folks have been trying to meet
5 with the EPA about this. The good news is the
6 EPA hasn't approved this yet.

7 The bad news is it -- because of the
8 small scale, it's going to be very hard to track
9 if the companies that are doing this move ahead
10 and do it. To some extent, it's some of the same
11 technology that companies have figured out how to
12 use in drugs. They just want to use it on a mass
13 scale on the landscape. It's very different.

14 CHAIR POWELL-PALM: Allison, please go
15 ahead.

16 MEMBER JOHNSON: Thanks for your
17 comments Jaydee. I'm curious to dig in a little
18 bit more into your comment about climate-smart
19 agriculture and the role of soil-based systems on
20 -- as an organization that works on pesticides in
21 particular. I think about soil as an important
22 part of a farming system and its relationship to

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1 climate, but I also think a lot about reduction
2 of synthetic inputs as a key piece of the climate
3 as well.

4 So I'm curious how you think about
5 balancing those two interests when we think about
6 the relationship between organic and climate.

7 MR. HANSON: Well, most of what we're
8 talking about is how much climate gets into the -
9 - how much carbon gets into the atmosphere, and
10 so you know, whatever, whatever assessment you
11 do, you're going to have to look at that. The
12 Center for Food Safety is, you know, aggressively
13 opposed to spraying pesticides everywhere.

14 But the, you know, it's not that --
15 you know, if we eliminated all pesticides, there
16 would still be significant additions to the
17 climate from methane and carbon dioxide and a
18 handful of other chemicals. So when we're
19 dealing with, dealing with climate, we've got to
20 deal with the chemicals that cause most of the
21 change in the atmosphere.

22 CHAIR POWELL-PALM: Dilip, please go

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1 ahead.

2 MEMBER NANDWANI: Thanks Jaydee for
3 your valuable comments, especially on gene
4 editing. I really appreciate that. I don't have
5 any question, just to appreciate your thoughts
6 you mentioned. I see that it's going to be a big
7 topic of discussion among the Board also on gene
8 editing.

9 So I really appreciate your comment
10 that product should not be allowed at one place
11 and be restricted another place. So really
12 thanks again. I appreciate that.

13 MR. HANSON: Yeah, thank you. And
14 there's actually an interesting argument between
15 the USDA and the FDA on gene editing and how you
16 regulate that. So it's one that I think the NOSB
17 will have to pay attention to.

18 CHAIR POWELL-PALM: All right. Well
19 we thank you for your comments today.

20 MR. HANSON: And thank you all for
21 your good and long work. Much appreciated.

22 CHAIR POWELL-PALM: Absolutely, thank

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1 you. Next up we have Michael Sligh. We're going
2 to follow Michael's comments with a ten minute
3 break, and then we'll have Harold Austin, Mark
4 Kastel and then Angela Wartes-Kahl. Michael, the
5 floor is yours.

6 MR. SLIGH: Good afternoon. My name
7 is Michael Sligh. I'm a member of the founding
8 NOSB from 1992 to 1997. We were responsible for
9 the original recommendations that established the
10 program. I rise today to strongly urge the
11 reinstatement of in-person NOSB comments,
12 restarting with this fall meeting.

13 While I strongly support the continued
14 remote testimony opportunities as well as the new
15 video streaming, for the many who cannot attend
16 in person these are very positive additions and
17 should be continued as well. However, in person
18 public comment at the beginning of each NOSB
19 meeting is not a random tradition.

20 But it's one that we established on
21 purpose at the very beginning to anchor, to shape
22 and to ensure that this vital program is

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1 participatory and is guided by the stakeholders
2 who choose to adhere to these rules. In fact, I
3 would argue in-person testimony is one of the
4 reasons this program receives strong and robust
5 public support.

6 Of course, you're not there just
7 solely for your own opinions and experience, but
8 because you are representing one of the
9 legislative stakeholder categories, and your
10 public engagement with them is essential. Having
11 in-person stakeholders set the tone, present
12 critical concerns and recommendations at the
13 beginning, demonstrates transparency, ensures
14 accountability and provides for more consistent
15 outcomes.

16 These pillars are essential to the
17 ongoing future of the NOSB-NOP credibility and
18 public support. You cannot know what you don't
19 know, and hearing directly from the organic
20 community at the beginning of the meeting ensures
21 that strategic issues are raised, acknowledged
22 and hopefully addressed in a timely manner.

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1 Please reinstate in-person NOSB public comment.
2 Thank you.

3 CHAIR POWELL-PALM: Thanks for your
4 comments. Brian has a question for you.

5 MR. SLIGH: Sure.

6 MEMBER CALDWELL: Yeah, thanks
7 Michael. I totally understand what you're saying
8 in terms of the in-person meetings, but the
9 concern that I have is that basically it costs
10 about, I guess about \$2,000 for just the normal
11 person to attend a meeting say in either Atlanta
12 or Sacramento or wherever it's going to be, and
13 lodge themselves and all that sort of stuff.

14 And doesn't that skew the input and
15 the close interpersonal contact to basically
16 funded organizations and not -- and away from say
17 a farmer who might not have \$2,000 to spend on
18 that?

19 MR. SLIGH: Well, I think it's not an
20 either/or. I think in the beginning, we didn't
21 have the Internet, so we had to have written
22 comments that we read ahead of time, and then we

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1 had people show up. We moved the meetings around
2 the country to ensure greater access, so that
3 farmers locally, producers, operators locally
4 could come and attend maybe just for the one day,
5 you know, because maybe it's a drive in.

6 So I think in this environment, where
7 we now have the ability of Zoom and
8 livestreaming, that I think helps balance that
9 issue. Certainly if only it was for those who
10 could afford to come safely, yes it could skew.
11 But having public --

12 Written comments helps do that, and in
13 my experience the personal part we do not want to
14 lose entirely, because we are a hyper-
15 participatory community, and I think being able
16 to engage in person is valuable and something
17 that really helped us as the original NOSB to
18 really be in tune with what was the pulse of the
19 people.

20 If they were willing to put out the
21 effort to show up, that's telling you a lot.

22 MEMBER CALDWELL: Great, thank you.

1 Yeah, I totally agree with what you just said
2 there at the end, and it's a balancing act. I'm
3 almost wondering, I know that -- I know that NOC
4 gives some scholarships for attending maybe their
5 meeting and stuff, and maybe somehow that could
6 be, that could be part of the whole picture. I
7 don't know, but I really appreciate your input.

8 MR. SLIGH: Sure, thank you to that,
9 and I appreciate all of your sacrifice to do
10 this. I know it well, so thank you.

11 CHAIR POWELL-PALM: Any other
12 questions for Michael?

13 I will keep mine very brief for fear
14 of holding us from our break any longer.
15 Michael, what do you see as the difference
16 between in-person comments and how we receive
17 comments virtually?

18 MR. SLIGH: Well, I mean Zoom has been
19 a blessing in many ways during the pandemic, and
20 it has helped expand participation. But I think,
21 I think we don't live in a virtual world, and
22 having the personal contact, being able to talk

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1 to someone in the hall, be able to say hey, I
2 know you, it is a -- it is an essential thing
3 that this community does not become isolated or
4 only virtual.

5 So I think we can't lose the human
6 touch, which is quite important in terms of the
7 values and the tradition that we are trying to
8 hear. We're very unique among -- I've served on
9 many USDA advisory boards, and this one is unique
10 on purpose. I think being able to come there and
11 be in person and tell your story is really
12 irreplaceable.

13 CHAIR POWELL-PALM: I worry that we're
14 conflating two things. You can still come to the
15 meeting and take us to lunch and talk to us in
16 the hallways as a farmer at every meeting.

17 MR. SLIGH: But sitting there for
18 hours and hours and hours and not being able to
19 say anything is incredibly frustrating, and also
20 you may actually be the one person who knows the
21 answer to a particular question, that would be
22 brought up at the beginning of the meeting that

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1 may not have occurred in the written comment, and
2 may not have occurred in your research prior to
3 that.

4 I've seen that happen many times. So
5 I just think you can't, it's not either/or. I
6 think let's expand access, let's do the virtual,
7 let's do any way we can to get people's access,
8 but let's not close off the opportunity for me to
9 drive in my truck, which I will (audio
10 interference). So don't close that option out.

11 CHAIR POWELL-PALM: Nate, please go
12 ahead.

13 MEMBER LEWIS: Yeah. I'm sorry to
14 keep us from a break. I realize this is a
15 challenging position to take as a new Board
16 member. But I'm curious about trying to find
17 the right balance here, because I agree with you
18 100 percent, like all that -- nothing beats in
19 person. We've been reminded of that through this
20 pandemic and the isolation and the damage that
21 can occur.

22 And I also have been really heartened

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1 by the level playing field that Zoom offers. It
2 really ensures that those with privilege don't
3 get undue influence on the Board, which I
4 personally know is the case when we rely entirely
5 on in-person comments.

6 So finding the right balance is the
7 key, and I'm curious -- just what inspired my
8 question is just your comment about taking a
9 drive, that perhaps the in-person comments, as we
10 continue to move around the country, are limited
11 to those who are local or within a radius, so
12 that we, you know, try to find that balance and
13 encourage the engagement of the local community.

14 I don't know if that thought has crossed your
15 group's perspective. But again, finding the
16 balance is what I'm looking for.

17 MR. SLIGH: Yeah, I hear that. I
18 don't think we've discussed that, but I would
19 certainly be encouraging all the groups that I
20 work with to take that topic up. I think we
21 don't want to lose the in person. I also don't
22 what to be the barrier between you and a break.

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1 I know how valuable that is as well.

2 But I think you also would know the
3 Hot Mike a little quicker if he was in person as
4 well.

5 CHAIR POWELL-PALM: Oh. Well, thank
6 you for your comments, Michael, and with that we
7 are going to go to a break folks. We are going
8 to come back at 20 after the hour, 2-0. After
9 our break, we're going to start with Harold
10 Austin, followed by Mark Kastel and then Angela
11 Wartes-Kahl. We'll see you all in just about ten
12 minutes.

13 (Whereupon, the above-entitled matter
14 went off the record at 2:09 p.m. and resumed at
15 2:20 p.m.)

16 CHAIR POWELL-PALM: All right, and we
17 are back. First up, we're going to have Harold
18 Austin, followed by Mark Kastel and then Angela
19 Wartes-Kahl. Harold, the floor is yours.

20 MR. AUSTIN: Okay, can you hear me?

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

1 MR. AUSTIN: All right. Clear the
2 screen here. Hi, good morning everybody or good
3 afternoon I guess, depending on where you're at.

4 My name's Harold Austin, and I'm a former member
5 of the NOSB and a lifelong member of the tree
6 fruit industry here in the Pacific Northwest.

7 Welcome to our two newest members of
8 the NOSB, and my heartfelt thanks to all the rest
9 of you for all that you do on behalf of organic
10 stakeholders across our country. Please refer to
11 my written comments and those also of the
12 Northwest Horticultural Council, for a more
13 detailed set of comments on the various materials
14 currently under sunset review and discussion this
15 spring by the members of the NOSB.

16 For crops, I would like to voice my
17 support for the continued listing of the two
18 alcohols, the mulches and plastic covers, liquid
19 fish products, ethylene, elemental sulfur and
20 lime sulfur. Regarding sulfuric acid on-farm
21 generated, this material -- this is one that I'm
22 very familiar with, having used it for over 25

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1 years on our company's conventional orchards and
2 on our organic orchards once it was approved.

3 In this process, we burn a 99 percent
4 pure elemental sulfur in what's called a sulfur
5 burner, which are high pH irrigation waters and
6 passthrough. This process helps us to reduce
7 high pH water.

8 Normally we begin around 8.3 to 8.5
9 pH, brings it to a more neutrally balanced pH,
10 while at the same time it helps us to remove high
11 mineral content out of the water, especially in
12 our case, high levels of calcium carbonate.

13 This allows us to take marginal soils
14 with extremely poor drainage, and when we combine
15 this, the use of this benefit from -- with the
16 inclusion of our composts and our mulches, it
17 helps to turn these marginal soils into very
18 robust and productive organic farmland, that
19 truly embraces the very fundamental principles of
20 organic farming.

21 This process also helps us to protect
22 our fruit finishing by removing the calcium

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1 carbonate from the water. In the summertime when
2 we reach triple digit temperatures, we use
3 overhead cooling to take and help keep the apples
4 from sunburn. With the calcium carbonate in the
5 water, a lot of time it makes some of that fruit
6 virtually non-packable.

7 Lime sulfur is also an important
8 material for organic tree fruit production. This
9 is one of our most important materials to assist
10 us early in the season for control of fire
11 blight, both in apples and in pears. Bloom time
12 is one of our most critical times of the growing
13 cycle for control of mildew and fire blight.

14 As we move into a more semi-dwarfing
15 style of tree and new varieties, varieties I
16 might add that are consumer-driven, they tend to
17 be highly susceptible to fire blight. We find it
18 now even more important than ever that we
19 maintain a solid plan of action for control of
20 blight.

21 This is especially true beginning with
22 the bloom period of fruit development, because if

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1 blight enters the tree through the blossom, we
2 will be fighting it the entire season or longer.

3 For handling, I support the continued
4 listing of phosphoric acid, nitrogen and
5 ethylene. One area of importance for phos acid
6 is the cleaning of our packing equipment, helping
7 to remove the calcium carbonate buildup on our
8 cups and belts. This is by far the most superior
9 material for this step of cleaning in our packing
10 facilities.

11 I also support the continued
12 revisiting of in-person, at least modified in-
13 person presentations at the meeting. The benefit
14 of that I can't say enough about that, the
15 interaction that you'll have if you do that.
16 Thank you.

17 CHAIR POWELL-PALM: Thank you
18 for your comments. Brian has a question for you,
19 followed by Nate.

20 MR. AUSTIN: Brian.

21 MEMBER CALDWELL: Yeah, thank you
22 Harold. A couple of questions. First of all,

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1 about the sulfur burning, that is just to treat
2 the irrigation water, am I correct about that?

3 MR. AUSTIN: Correct.

4 MEMBER CALDWELL: Yeah, because there
5 was one comment in our written comments that
6 seemed to think that it was about like basically
7 trying to change the pH of the soil via that
8 method, and that's not what it's all about, the
9 way I understand it.

10 MR. AUSTIN: Well no, but Brian, in
11 part we are essentially changing the pH of the
12 soil to some degree, because we're taking a
13 neutral-based pH water, applying it to the soil,
14 rather than a water that's at pH of 8.3 to 8.5-
15 8.6. So in fact we are, you know, we're not
16 adding to the pH levels, but we are in fact
17 helping to reduce it to some extent, because
18 we're adding a much lesser pH water to it.

19 MEMBER CALDWELL: So does that say
20 neutral water actually tend to bring the pH down
21 of the whole field?

22 MR. AUSTIN: Well it's not, but it's

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1 not, it's not bringing it up, and I guess that's
2 the point to make.

3 MEMBER CALDWELL: Right, right, yeah
4 yeah.

5 MR. AUSTIN: We can make the
6 corrective actions with what we do otherwise, but
7 at least when we irrigate or we're running frost
8 control or cooling water in the summer, we're not
9 elevating that because of the water that we're
10 applying.

11 MEMBER CALDWELL: Yeah good.

12 MR. AUSTIN: The other part of that is
13 the calcification. So it's, you know, by having
14 a more neutral water without that calcium in it,
15 it's also lending itself to better penetration
16 for the water, as well as the nutrients that
17 we're applying.

18 MEMBER CALDWELL: Great. And the
19 second question was I noticed you didn't mention
20 hydrated lime as in particular something that you
21 were supporting. I'm trying to get a handle on
22 how much use there actually is for hydrated lime.

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1 To me in my mind, it's kind of an old-fashioned
2 material that's been superseded.

3 But one of the previous speakers said
4 that they thought it was used in other materials
5 or products besides Bordeaux mix, which is I
6 think the main, main use of it. So I'm just
7 trying to get a handle on how sort of essential
8 it really is.

9 MR. AUSTIN: Yeah. As far as approved
10 listings, it's really the Bordeaux mix is where
11 the hydrated lime's coming into play. And
12 that's, that's going to be in some of your
13 colder, wetter, older growing climate areas. I
14 know that there's areas in California I think
15 they still use it.

16 New York, Michigan if I'm not
17 mistaken. I think there's some areas that are --
18 it's still used there. Here in the Northwest
19 Pacific, we use the other forms of copper, to be
20 honest. All the years that I've been a
21 consultant, I've never written a recommendation
22 for Bordeaux mix. We don't use it.

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1 MEMBER CALDWELL: Okay. Well thank
2 you. I appreciate that.

3 MR. AUSTIN: You're welcome.

4 CHAIR POWELL-PALM: Nate, please go
5 ahead.

6 MEMBER LEWIS: Hey Harold, good to see
7 you. I have a couple of questions, one on the
8 sulfur burners. I know that Washington state
9 grows right around half or maybe a little bit
10 more of the organic blueberries grown in the
11 U.S., and that's been where we've seen the
12 biggest expansion of the crop is in Washington.
13 From what I understand, it's entirely soil-based.

14 Can you talk about how important the
15 sulfur burners have been to that growth and
16 production of organic blueberries in Washington?

17 MR. AUSTIN: Yeah. The sulfur burner,
18 the sulfuric acid's been fundamentally one of the
19 cornerstones of us being able to expand our
20 organic crop production. We're hot, and like I
21 said, we're dealing with pHs in a lot of our
22 growing areas that are 8.3 to 8.5-8.6.

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1 While the use of the sulfur burners
2 isn't elevating the pH, it's not contributing to
3 it because we're applying a balanced water.
4 Blueberries really want to be grown in a pH
5 that's going to be more down around 5.2, 5.5 or
6 maybe slightly lower than that. So the burners
7 also, if it gets hot, we're going to have to run
8 some overhead water to help keep the berries from
9 mummifying on us from the sheer impact of the
10 heat.

11 So having, having the sulfur burners
12 getting the pH balance, but also getting the
13 mineral deposits out of the water by that process
14 helps to take in and provide a balance and a
15 clean water source that's really beneficial to
16 the blueberry plants, as well as our other tree
17 fruit crops, especially apples, especially these
18 newer types of apple trees that we're farming.

19 MEMBER LEWIS: Okay thanks, and then
20 just another question on it. You mentioned the
21 fire blight. I guess I'm just very curious how
22 it's going? I mean I'm encouraged to hear about

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1 the planting of resistant root stocks you're
2 talking about, like and the continuing modeling,
3 the need for lime sulfur, you know. Without
4 antibiotics, I mean just how's it going in
5 managing fire blight in the Pacific Northwest?

6 MR. AUSTIN: You know it's based off
7 of year, based off of location. Some areas it's
8 better than others. Last year, one of the
9 challenges -- we're finding ways to do it. We're
10 planting, if we can find them, we're planting the
11 more resistant root stocks to fire blight.

12 But the roots themselves may be fire
13 blight resistant, but the top part of the tree is
14 not. And that's where when we're using the lime
15 sulfur at bloom time to take in and get in there
16 to take and not give the virus or the bacteria a
17 place to get rooted, it's important, especially
18 with these semi-dwarfing types of trees.

19 Our older traditional plantings, we
20 had a tree that spanned 32 feet wide. Our new
21 trees, and we were 168 to 200 trees per acre.
22 Our new trees, we might be 1,200 trees per acre,

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1 we might be 3,100 trees per acre. We're dealing
2 with a tree that's got a root bulb that will fit
3 onto a saucer, and a tree girth and width on the
4 limbs themselves that might only be two feet
5 wide.

6 So if we get fire blight started in
7 these types of trees, it's going to ravage us. I
8 mean it's going to -- you know, the older trees,
9 we could maybe cut 18 inches ahead of it and get
10 it under control before it ran the tree. These
11 newer trees, if we cut 18 inches we're cutting
12 into the trunk of the tree, and I mean we're
13 decimating our blocks.

14 So it's still a challenge, and a lot
15 of the newer varieties that the consumer, the
16 organic consumers are asking us to plant are
17 really high susceptible to blight. So we're
18 doing everything we can, and it's -- it's
19 working. But you know, under the right scenario,
20 the right conditions, it could be devastating.

21 So having as many tools in the toolbox
22 so that we can have expanded, you know, ways to

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1 protect, especially in the spring and the bloom
2 time, so we don't ever let it get started in the
3 tree. I think that's the key, it's what we can
4 do on the front side will make it a lot easier
5 for us to deal with later on the growing season.

6 MEMBER LEWIS: Thanks for that. I
7 appreciate it.

8 MR. AUSTIN: Yep.

9 CHAIR POWELL-PALM: Jerry has a
10 question for you.

11 MR. AUSTIN: Hi Jerry. You're muted,
12 Jerry.

13 MEMBER D'AMORE: Okay thank you, and
14 good to see you Harold. I'm going to try to
15 thread the needle a little bit on sulfuric acid.

16 By and large, there's not much opposition to it,
17 but there is some opposition done by a good
18 group, a group that I certainly pay attention to,
19 and it struck me that what they were saying was
20 sort of negated by how you opened up your
21 statement.

22 What they oppose or don't feel good

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1 about is when sulfuric acid is used to sort of
2 mask poor soils, and the soils are not being
3 taken care of. The way you opened yours was it
4 was part -- it was a two-pronged step, where you
5 were regenerating your soils or improving,
6 continuously improving your soils the best way
7 you can, and then you have sulfuric acid for pH
8 control, but not as a masking agent for a problem
9 that's left unaddressed. Is that --

10 MR. AUSTIN: Yeah no, that's correct
11 Jerry.

12 MEMBER D'AMORE: Okay.

13 MR. AUSTIN: I mean it's dealing with
14 helping us to reduce the pH of the water, so that
15 we aren't putting a high pH water onto the soil.
16 It's also helping us to reduce the mineral
17 contents, especially calcium carbonate, so that
18 we're not, we're not taking and dealing with soil
19 that's going to get compacted because of that,
20 and is going to create drainage issues, water
21 penetration, nutrient penetration issues.

22 So but it's only one step of a

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1 process, and if we're going to use this right,
2 we're dealing with the water, the impurities of
3 the water, the pH levels of the water. This is
4 not a soil amendment to take and modify our pH.
5 By giving us a water that's a balanced pH, we're
6 not negatively impacting the pH.

7 I think that's the important thing for
8 everybody to understand. This is not a mask.
9 This is part of a process. We still have to take
10 and apply our mulches, you know. All of our
11 produce get mulched up and applied back into the
12 field. If we need compost, we'll bring in
13 compost and we'll do that.

14 So it's part of an organic systems
15 process and plan that we firmly support and
16 believe in.

17 MEMBER LEWIS: Thank you very much.
18 Appreciate that.

19 MR. AUSTIN: You're welcome.

20 CHAIR POWELL-PALM: Amy, please go
21 ahead.

22 MEMBER BRUCH: Yes. Thanks, Nate.

1 Thanks Harold for your time. Again, a question
2 on sulfuric acid and these sulfur burners. I
3 appreciate your time with that. There was a
4 comment by a group and it's an alternative to
5 sulfurous acids, actually a device instead of a
6 material. So it's out of our purview per se to
7 review that, but there was interest
8 internationally.

9 I think Spain's organic program
10 approved this, but it is using instead of
11 sulfurous acids, it's using just water, air and
12 electricity to alter the pH. I mean it probably
13 wouldn't get out the impurities like you were
14 mentioning before to other commenters.

15 But I just in general, those types of
16 technologies, do you see them being a beneficial
17 type of innovation in this sector, since it seems
18 like there's a reliance on sulfur burners?

19 MR. AUSTIN: You know, I'm never going
20 to never to anything (audio interruption) -- to
21 anything that can help us improve what we're
22 doing out on our farms organically. We've looked

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1 at a lot of different things in lieu of or in
2 place of our -- what we can do with the sulfur
3 burner, and the sulfur burner is by far, for what
4 we're doing with the oil and getting the
5 impurities out, and in giving us more neutralized
6 water.

7 I don't -- there is nothing that we
8 have looked at yet that replaces this particular
9 function, and if we were to lose sulfur burners,
10 I mean we've got one location I know. We would
11 take out a couple of thousand acres of organic
12 apples and blueberries and cherries immediately,
13 because there's no alternative.

14 So you know, not -- I have no
15 experience with the process that you're talking
16 about, but based off of what you've said I don't
17 think it's a panacea or a replacement completely
18 for what we do with the sulfur burner. But it
19 may be a tool for in other areas where we don't
20 need to accomplish exactly that.

21 It might be beneficial and it might be
22 something that we could incorporate into our

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1 organic farming production.

2 MEMBER BRUCH: Okay, thank you Harold.

3 MR. AUSTIN: You're welcome.

4 CHAIR POWELL-PALM: Logan, please go
5 ahead.

6 MEMBER PETREY: Hi, thank you Harold.

7 I was actually just going to mention too about
8 an alternative. We had carbon dioxide on it, so
9 it was petitioned and passed as a pH water
10 regulator. Didn't know if you'd used that or if
11 you saw that coming now that we have that passed
12 and in the working?

13 MR. AUSTIN: You know, we've -- yeah,
14 and I've been following that along as well.
15 Again, as a pH, I think it's one thing. I think
16 the other thing is the water conditioning factor,
17 that we're getting the impurities. Calcium
18 carbonate plugs or emitters if we have it you
19 know, in our drip systems, if we have it in the
20 systems.

21 It also is a fruit finish. We get in
22 our Columbia Basin area, our water is heavy,

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1 heavy to calcium carbonate in the water. It's
2 just -- these are white chalky residue that at
3 the packing houses we can't get it out of the
4 fruit. So you end up with high cullage, because
5 you've got now a piece of fruit that's not
6 presentable for the consumers willing to accept
7 it. So it's going to get diverted to process.

8 So the calcium carbonate is really one
9 of the primary reasons that we use it, along with
10 making sure that, you know, we're getting a water
11 that is, you know, that pH is down there in that
12 more neutral area so it's not negatively
13 impacting our soil pH.

14 So you know, I think it would help us
15 with the pH part of it, but I don't think it
16 would give us the benefits that we're looking at
17 as far as the calcium carbonate goes.

18 MEMBER PETREY: Okay, thank you.

19 MR. AUSTIN: You're welcome.

20 CHAIR POWELL-PALM: All right. We
21 really appreciate your comments, Harold.

22 MR. AUSTIN: It's a pleasure. You're

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1 welcome. Thanks guys.

2 CHAIR POWELL-PALM: Next up we have
3 Mark Kastel, followed by Angela Wartes-Kahl and
4 then Emily Moyer. Mark, the floor is yours.

5 MR. KASTEL: Thank you, Mr. Chairman.

6 My name is Mark Castel. I'm Executive Director
7 of OrganicEye, a farm policy research group
8 that's known as an organic industry watchdog.
9 How's organic doing? Based on data from the
10 USDA's National Agricultural Statistics Service,
11 in 2019 just nine giant livestock factories in
12 Texas -- no, I don't call them farms -- produced
13 1.5 times more organic milk than 530 farms in
14 Wisconsin, 1.5 times more.

15 Fast forward to 2021, the most recent
16 mass data. There are now 13 dairies in Texas
17 certified as organic. They are currently
18 producing 2.8 times more milk than the 407
19 remaining family farms in Wisconsin. During that
20 couple of years, 123 family farms in Wisconsin
21 went out of business, and hundreds elsewhere in
22 the country.

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1 Just as important, over the last two
2 years literally thousands of conventional family
3 dairy farms have gone out of business that could
4 have converted to organics. But the CAFOs have
5 flooded the market. What's the difference with
6 these farms?

7 When I polled organic farmers, they
8 were moving their cattle in and out pasture and
9 milking them twice a day, averaging one cow per
10 acre. How does the certification of those giant
11 dairies work? One cow per acre. Try five to ten
12 cows per acre, many times in desert-like
13 conditions in the Southwest. In technical terms
14 at OrganicEye, we call that an awful stretch.

15 However, stay tuned. The story gets
16 better. According to nutrient management plans
17 filed with the states, most of these dairies cut
18 feed off the same ground they're calling pasture.

19 We don't know the percentage of the feed that
20 they're harvesting for winter use, but let's
21 pretend it's 50 percent.

22 That would equate to an effective

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1 stocking rate of not one cow per acre, but 10 to
2 20 cows per acre. In technical terms, we call
3 that a joke, and the joke gets even better.
4 They're milking three and four times a day, not
5 twice, and transferring their cows out to pasture
6 on paper.

7 Legitimate organic producers get the
8 joke. How come the processionalists at some of the
9 certifiers and the USDA have such a poor sense of
10 humor? If you're attending these meetings and
11 participating in the organic regulatory theater
12 without speaking up about the injustices that
13 real farmers are facing and that the betrayal of
14 consumers who built this values-based industry,
15 you're nothing more than an enabler of injustice
16 and marketplace fraud.

17 Questions from the Board, I'm ready.
18 Questions from the organic community
19 stakeholders? If you'd rather have your
20 questions and concerns voiced in private, in
21 confidence, please feel free to contact me at
22 organiceye.org. Thank you very much.

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1 CHAIR POWELL-PALM: Any questions for
2 Mark?

3 All right, we appreciate your time.

4 MR. KASTEL: Thank you.

5 CHAIR POWELL-PALM: Next up we have
6 Angela Wartes-Kahl, followed by Emily Moyer and
7 then Adam Seitz. Angela, please go ahead.

8 MS. WARTES-KAHL: Hi, can you hear me?

9 CHAIR POWELL-PALM: We can.

10 MS. WARTES-KAHL: Okay, great. My
11 name is Angeles Wartes-Kahl from the Organic
12 Integrity Cooperative Guild. I'm based in
13 Poulsbo, Washington, on ancestral and occupied
14 Suquamish tribal land. My comments pertain to
15 the Handling Subcommittee proposal for ion
16 exchange filtration process.

17 The Organic Integrity Cooperative
18 Guild is a cooperative of organic inspectors,
19 reviewers and consultants who also farm. We have
20 come together to further professionalism in the
21 organic integrity -- sorry, in the organic
22 industry, and promote a dynamic and growing

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1 trustworthy organic marketplace.

2 We strongly agree with the
3 Subcommittee's decision to favor Option 1,
4 specifically net resin in materials do not need
5 to be listed on the National List. From our own
6 collective experience, both having reviewed and
7 inspected dozens of different operations
8 utilizing this technology, we concur that ion
9 exchange resins do not meet the definition of an
10 ingredient or a processing aid.

11 They are reviewed as part of the
12 certifier's initial and annual organic system
13 plan review process. They're also reviewed as
14 part of -- as where certifiers -- verifying that
15 each specific resin brand formulation is approved
16 by FDA as a food contact substance. Confirmation
17 that each material is FDA-approved is completed
18 through a review of label specification sheets
19 provided by the materials supplier.

20 Certifiers and inspectors annually
21 verify that recharged materials are not only
22 consistent with the National List, but also the

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1 brands and specific formulations are tracked as
2 part of the operator's list of allowed materials.

3 Some commenters even at this late date continue
4 to repeat the erroneous idea that ion exchange
5 columns could be subject to leakage.

6 Please see our comments from the fall
7 2022 meeting, where we along with the Organic
8 Trade Association point out that the notion of
9 column leakage appears to arise from a
10 misinterpretation of the publication of ion
11 exchange for dummies. As they explain, the
12 concept of leaking is not from the ion exchange
13 columns but rather the possibility of undesirable
14 compounds that were previously removed from the
15 food itself.

16 And so working back into the product
17 flow. Think arsenic that was removed from apple
18 juice or rice syrup. The concept of leakage has
19 nothing to do with the degradation of the ion
20 exchange feeds themselves. Their capacity might
21 be full and need a recharge, but this does not
22 result in the resins themselves entering the

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1 final organic product.

2 I would encourage the Board to
3 consider the broad use of ion exchange technology
4 for water treatment plants. Do we plan to list
5 municipal water sources on the National List as
6 allowed or not? And finally, organic is climate-
7 smart and yes to GPS or township and range
8 coordinates on every organic certificate. Thank
9 you for your time in these matters.

10 CHAIR POWELL-PALM: And thank you for
11 your comments. Questions from the Board for
12 Angela? Kyla has a question for you.

13 MEMBER SMITH: Hey Angela, thanks for
14 your comments. Based on your experience
15 inspecting operations that may use ion exchange
16 systems, am I correct in the assumption that
17 through that verification of adherence to their
18 organic system plan, as well as other federal and
19 state authorities that regulate food safety, that
20 there is a lot of oversight into use of these
21 systems? Is that an accurate assumption?

22 MS. WARTES-KAHL: Absolutely. I mean

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1 it's quite a technical process and so there needs
2 to be SOPs in place to make sure that their
3 recharged units are correctly monitored and are
4 working and functioning properly, just like there
5 would be with any QA system for the entire plant
6 operation.

7 I mean we're talking like molasses
8 filtration. I mean it's huge. It's not --
9 they're not small home-based systems. I mean
10 maybe they could be, I don't know. Things we've
11 seen is much bigger. Industrial process, yeah.

12 CHAIR POWELL-PALM: Allison, please go
13 ahead.

14 MEMBER JOHNSON: Thank you, Angela.
15 This is really helpful. I mentioned earlier, I'm
16 still trying to sort of understand how resins fit
17 into the scheme of just materials that come in
18 contact with organic products, analogous to a
19 plastic or something else where there may be a
20 real risk of something leaching out of it,
21 understanding of what you just laid out.

22 But a properly functioning resin is

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1 not intended to have an interaction with the
2 materials that are being processed through ion
3 exchange. I'm curious if you could speak to
4 anything you know about that risk, and any way
5 that we might provide, you know, further
6 assurance or further monitoring to keep tabs on
7 if and how that may be a risk that we should be
8 concerned about.

9 MS. WARTES-KAHL: I'm not familiar
10 with any testing available that would show that
11 there was a possibility of a filtration bead in a
12 finished organic product, because there's more
13 filtration that happens after the ion exchange,
14 like things to take out other debris or, you
15 know, sediment, sludge, leaves, all kinds of
16 different stuff.

17 So if it was free and floating in the
18 pre-organic product, then it would probably be
19 caught again by another saver filtration system
20 past the ion exchange. So it's not like it's --
21 you're going to drink apple juice and there's not
22 going to be a plastic bead sitting in it. That

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1 seems really unlikely.

2 MEMBER JOHNSON: I'm really worried
3 about -- you know that a particle that can be
4 physically filtered out, but analogous to a
5 plastic degradation product or something like
6 that, or like a chemical leaching. Some of us go
7 back.

8 MS. WARTES-KAHL: Yeah. I mean it's -
9 - their action is to pull out. Like their
10 action, their action is to grab and pull out the
11 impurities. And so then they themselves need to
12 release from those impurities in a recharged
13 system to be able to function properly.

14 The plastic used is highly stable. I
15 don't -- the likelihood of it occurring, like
16 being able to find it later in an organic product
17 through a test is so small. I don't even, I
18 haven't been able to find anything that shows
19 that there's a test for that I guess is my short
20 answer.

21 And then for the testing that we have
22 seen, it's mostly about whether or not the

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1 recharged unit is working correctly with the
2 cations and ions being interchanged between the
3 two. Like is it properly functioning, and you
4 can do tests to determine that aspect of it, and
5 the overall, I would say like --

6 I guess I can't go into greater
7 detail, but I feel like there is information out
8 there specifically around water treatment
9 facilities, and how they test the accuracy and
10 success of their systems that we could maybe
11 adopt for organic. It seems far-reaching and
12 expensive, I guess. That's my, yeah.

13 CHAIR POWELL-PALM: Brian has a
14 question for you.

15 MEMBER CALDWELL: Yeah, thanks Angela,
16 and I must say that I am not as up reading this
17 voluminous literature that we've received on this
18 topic as I probably should be. But are these
19 beads, are they pure resin or are they, like many
20 other plastics, a composite with a lot of
21 different materials in them, in addition to the
22 active ingredient, which is the resin?

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1 MS. WARTES-KAHL: They're a polyblend.

2 So yeah --

3 MEMBER CALDWELL: I'm sorry. Would
4 you define that? I don't, I don't know what that
5 means.

6 MS. WARTES-KAHL: Poly, hold on one
7 second. I'm not a very -- I'm not, I have a hard
8 time --

9 CHAIR POWELL-PALM: Well, we can also
10 have you follow up with Brian too.

11 MS. WARTES-KAHL: Exactly the word --

12 CHAIR POWELL-PALM: We're not going to
13 put you on the spot --

14 MS. WARTES-KAHL: I'm going to have
15 like 100 pages open on my laptop of so many
16 different parts of ion exchange technology. And
17 so I'm like okay, now I have to find the exact
18 words that you're looking for. If I could pass
19 on that and send it in the chat, just because I
20 can't do it as quickly as you might need. And
21 then also --

22 (Simultaneous speaking.)

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1 CHAIR POWELL-PALM: If you'd send it
2 to Michelle, that would be great, and then she
3 could pass it on to the Board.

4 MS. WARTES-KAHL: Okay, let's do that.
5 Yes.

6 MEMBER CALDWELL: Great.

7 MS. WARTES-KAHL: Sorry for not being
8 up on it. I apologize.

9 MEMBER CALDWELL: The reason I mention
10 it is that so many times, you know, we get, we
11 might get focused on the active ingredient, but
12 there may be other things going on too, and it
13 would be good to have as big a picture as we can
14 get.

15 MS. WARTES-KAHL: Understood, yes.

16 MEMBER CALDWELL: Thank you very much.

17 MS. WARTES-KAHL: For sure.

18 CHAIR POWELL-PALM: Any other
19 questions for Angela?

20 All right. We appreciate your time
21 today, Angela. Thank you.

22 MS. WARTES-KAHL: Thank you all for

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1 your work.

2 CHAIR POWELL-PALM: Next up we have
3 Emily Moyer, followed by Adam Seitz. Emily,
4 please go ahead.

5 MS. MOYER: Hi everyone, thank you.
6 My name is Emily Moyer, and I am the Vice
7 President of Regulatory Compliance and Global
8 Food Safety Standards for the International Fresh
9 Produce Association. As always, thank you first
10 to the Board for the extensive amount of work
11 that you do outside of your day jobs in reviewing
12 and considering all of these inputs on the sunset
13 list, as well as your consideration of the
14 stakeholder comments that you've receive each and
15 every year.

16 IFPA represents every segment of the
17 global fresh produce supply chain, with
18 approximately 3,000 member companies, over 500 of
19 which are directly involved in the organic fresh
20 fruit, vegetable and floral supply chain. For
21 the sake of time, I'll be touching on just a few
22 inputs under sunset consideration, but IFPA has

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1 submitted written comments to the docket with our
2 support and feedback on additional inputs as
3 well.

4 Being a food safety person by
5 background, I'll start off first and foremost
6 with IFPA's support to maintain bulk ethanol and
7 isopropanol on the National List on algaecides,
8 disinfectants and sanitizers. Coming from a
9 produce industry perspective, when food-borne
10 illness outbreaks occur, they don't just impact
11 the implicated firm itself, but they have a
12 highly negative impact on that commodity industry
13 as a whole.

14 For that reason, it's critical that
15 organic producers and handlers have access to a
16 variety of inputs to sanitize their tools and
17 surfaces, and maintain their irrigation lines,
18 all in all helping to prevent cross-contamination
19 and ultimately protect public health.

20 And even if certain sanitizing
21 products aren't used as the primary sanitizing
22 agent, it's important to maintain this list of

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1 options, so that operations have the ability to
2 rotate their use of sanitizers as needed.

3 We also support maintaining plastic
4 mulch and covers on the National List for weed
5 barriers, which is one of the most challenging
6 and costly components of organic production.
7 Plastic mulch also helps with moisture
8 conservation in the soil and generally helps
9 improve crop yield and quality.

10 And for that reason, plastic mulch is
11 used widely across our industry. In absence of
12 equally effective alternatives and innovations
13 being currently available, the loss of plastic
14 mulch would be extremely economically damaging to
15 the industry.

16 And although it may not be used as
17 much plastic, we also support maintaining
18 newspaper or other recycled paper for these
19 purposes as well, again in support of maintaining
20 options for growers of all sizes and in all
21 regions, so that they can determine really what
22 is best for their operation.

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1 Later today and on Thursday, you'll be
2 hearing from some IFPA organic community members,
3 as well with their own feedback on inputs of need
4 for our industry, including but not limited to
5 elemental sulfur, lime sulfur, liquid fish
6 products, sulfurous acid and aqueous potassium
7 silicate. And so with that, I thank you again
8 for your time and consideration today.

9 CHAIR POWELL-PALM: And we thank you
10 for your comments. Any questions for Emily from
11 the Board? Franklin has a question for you.
12 Franklin, please go ahead.

13 MEMBER QUARCOO: Yeah. I'm interested
14 in finding out what your views on the
15 biodegradable plastic mulch is from -- I've heard
16 different things from farmers on that. What's
17 your view on that?

18 MS. MOYER: Thank you, sorry. I muted
19 myself and had to get unmuted. Yeah, this is
20 something that we did also comment on last year,
21 as it was under, in discussion in the past
22 meeting. And I would also say I'd turn to both

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1 Emily Musgrave and Russ Hamlin, who are on our
2 Organic Committee, who will be speaking later in
3 the day.

4 But in general, we were supportive of
5 maintaining BBMF as another option or
6 alternative, recognizing that the existing
7 plastic mulch, it is a lot of plastic in the
8 environment. I think if those alternatives were
9 available, absolutely our growers would want to
10 use those. But it's a matter of -- for BBMF,
11 making sure that option is available so that also
12 the developers have the ability and really the
13 incentive to be able to innovate those products.

14 So if in the future it is a reasonable
15 alternative, that growers would be able to switch
16 to that if it works for them.

17 CHAIR POWELL-PALM: Wood has a
18 question for you.

19 MEMBER TURNER: Thanks for your
20 comments, Emily. I'm just curious. I appreciate
21 your comments about plastic mulch and covers, and
22 I just wanted to ask you, and I totally get the

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1 feedback you're giving about the need and how
2 important it is for growers.

3 But I'm also interested in whether
4 your conversation with your growers, with your
5 members has sort of extended to anecdotal
6 information about plastics that get left behind,
7 the need to, you know, plastics that break down
8 and get left behind on the farm, the need to find
9 better solutions for recovering some of that
10 material and not assuming that it's used,
11 degrades, ends up in a landfill.

12 I'm just curious sort of the level of
13 engagement that your organization is doing to
14 kind of think about that, and how you, how you --
15 yeah, your thoughts on that need.

16 MS. MOYER: It is certainly part of
17 the conversation. I think our growers right now
18 are just in a tough position, because there just
19 are not those alternatives available and I think
20 from a just financial standpoint, it would be
21 incredibly economically difficult, or really
22 would not be very viable for producers to be able

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1 to make the yields that they need for production,
2 without the use of plastic mulch.

3 So I'm not as familiar in terms of
4 just what exists right now, in terms of what do
5 we know about the breakdown in soils. Again,
6 that would be something I think maybe is better
7 for our committee members who can speak to that
8 as well in their specific uses.

9 But it is something that we're, I
10 think consistently engaging with the providers as
11 well, to say okay, what, what's new, kind of
12 what's the status and what's the efficacy at this
13 point for all this.

14 MEMBER TURNER: Yeah, I agree with
15 you. I agree with your point about alternatives.

16 I do believe that the conversation about end of
17 life needs to be a lot more robust here, and I'm
18 -- that's a very real concern of mine, so I
19 appreciate that. Thank you.

20 MS. MOYER: Absolutely, uh-huh.

21 CHAIR POWELL-PALM: All right. Any
22 other questions for Emily from the Board?

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1 Thank you, Emily, for your time and
2 contributions today.

3 MS. MOYER: Thank you, everyone.

4 CHAIR POWELL-PALM: All right. Next,
5 we have Adam Seitz, followed by Orsi Deszi and
6 then Mollie Morrissette.

7 MR. SEITZ: Good afternoon. Adam
8 Seitz here, calling in from State College, PA.
9 I'm a senior technical reviewer for Quality
10 Assurance International, a leading provider of
11 organic certification services worldwide.

12 My comment focuses on the Handling
13 Subcommittee's current ion exchange resin
14 recommendation, which QAI supports based on the
15 extensive comments we've submitted on the topic.

16 Examining comments that oppose the
17 recommendation, there's a perspective that ion
18 exchange resins are functionally different than
19 other food contact substances, and that they are
20 designed to facilitate chemical changes in
21 organic foods.

22 I disagree. There is a change in the

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1 makeup product process via ion exchange
2 filtration. However, the only substance added to
3 product during ion exchange filtration is coming
4 from recharged materials. This is why the
5 recharged materials do need to be on the National
6 List. Ultimately, resins are regulated by the
7 FDA as food contact substances. They do not
8 qualify as ingredients or processing aids, and as
9 such are outside the NOP's regulatory authority.

10 Additionally, ion exchange filtration
11 is commonly used in the purification of several
12 non-organic National List substances, including
13 those classified as non-synthetic and
14 agricultural. Ion exchange filtration is
15 referenced in several of the TERS NOSB uses to
16 classify materials, including for citric acid and
17 non-synthetic and for agricultural forms of
18 glycerin.

19 The assertion that organic food
20 processed with ion exchange filtration is
21 synthetic is not consistent with previous NOSB or
22 NOP classification determinations or official

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1 guidance. Per NOP Guidance 5033, Section 4.4,
2 "Classification guidance does not determine the
3 eligibility of a substance for organic
4 certification."

5 Organic food processed with ion
6 exchange filtration is organic food, just like
7 organic maple sap processed via reverse osmosis
8 filtration through semi-permeable membranes made
9 up of thin film polyamide composite, with a poly,
10 soft foam porous overlayer makes for delicious
11 organic maple syrup.

12 In contrast to concerns about the
13 hypothetical contamination of organic product by
14 properly maintained ion exchange systems, ion
15 exchange filtration can be and is often used to
16 remove contaminants from substances.

17 The EPA drinking water treatability
18 database notes that though typically used for
19 water softening, ion exchange filtration is more
20 frequently being used for the removal of
21 contaminants such as arsenic, chlortetracycline,
22 chromium, cobalt, cyanide, fluoride, mercury,

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1 nitrates, PFAS, perchlorate perfluorooctane
2 sulfonate, radium and other environmental
3 contaminants.

4 To be clear, the question at hand is
5 not just about ion exchange resins; it's about
6 the 5,000 plus other food contact substances that
7 are approved by the FDA as such. Does FCN No.
8 2074, consisting of a tungsten carbide alloy used
9 in food equipment wear parts, meaning it breaks
10 down, require National List inclusion? How about
11 FCN No. 2226, a complex polymer used in the
12 manufacture of coatings for repeated use food
13 contact articles?

14 These, like ion exchange resins, like
15 pneumatic ingredient batching systems, like the
16 referenced maple sap RO membrane, like other food
17 processing equipment and food contact substances,
18 are outside the scope of regulatory authority,
19 since they are neither ingredients nor processing
20 aids. Thank you much for your efforts and the
21 opportunity to comment.

22 CHAIR POWELL-PALM: And thank you for

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1 those comments. Brian has a question for you.

2 MEMBER CALDWELL: Thanks, Adam. I'm
3 still trying to understand a lot of this. Again,
4 I really need to read more about it and I will,
5 certainly before the fall meeting. But anyways,
6 you said that there's not a chemical change and
7 you were sort of implying that the only thing
8 that would be happening would be that the
9 recharged materials might be added to the, to the
10 product, and that's why they had to be, they had
11 to be approved.

12 But actually, isn't it that the
13 recharged materials would be separated into their
14 ionic forms and there would be an exchange, for
15 instance taking arsenic out of the solution and
16 adding another ion from the recharged material,
17 not the whole recharged material because it would
18 only be like say the positive ions that would
19 have to be exchanged.

20 So wouldn't that be considered -- I
21 mean I think that's pretty clearly a chemical
22 change in my mind. That may not be the critical

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1 issue here, but I really don't see how you can
2 say that there's no chemical change that is
3 happening in the product.

4 MR. SEITZ: Yeah. I think most forms
5 of food processing result in chemical changes,
6 meaning you know, mixing any ingredients together
7 are going to result in at the base a chemical
8 change. So yeah, the ion may be coming from the
9 recharged material. I guess view that in my
10 previous comment, tried to equate that to say a
11 batching system where you dissolve citric acid
12 into a solution and the individual ions are being
13 batched into the organic product.

14 So yeah. I mean chemistry is going on
15 in all aspects of food processing. Thermal
16 degradation denatures proteins, you know. It's
17 all, all --

18 MEMBER CALDWELL: Yeah, and I mean
19 that's right, and that's -- again, this may not
20 be the critical issue here at all. But that's,
21 that is our criterion for deciding whether
22 something is synthetic or not, and maybe Kyla's

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1 going to help me with this. But yeah. I'm out
2 of my -- just trying to sort it all out and
3 thanks for your comment.

4 MR. SEITZ: Yep. I would to just
5 reiterate that that classification guidance for
6 determining synthetic/non-synthetic, ag/non-ag,
7 which we use all the time, get very in deep in
8 the review of substances. That doesn't apply to
9 determining whether something is acceptable for
10 organic certification.

11 Very clearly stipulated within that
12 guidance document that that does not pertain to
13 assessing a product as far as whether or not it
14 can be certified.

15 MEMBER CALDWELL: Thank you.

16 CHAIR POWELL-PALM: Kyla, please go
17 ahead.

18 MEMBER SMITH: Thanks, Adam. You
19 always seem to pack in so many things into your
20 comment, with so many more than like three
21 syllable words. That's quite impressive. So my
22 questions for you, based on your written

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1 comments, it's my understanding that QAI does
2 follow the process that's outlined in the
3 proposal.

4 And so I just want to confirm a few
5 things based on your experience involving that
6 process. So am I accurate to say that the resins
7 that QAI currently allows are not a mystery.
8 They are publicly listed on the FDA's inventory
9 of Effective Food Contact Substances Notification
10 database, or the Inventory of Food Contact
11 Substances listed in 21 C.F.R.? That's the first
12 part of my question.

13 Secondly again, as part of the review
14 of an operations organic system plan and
15 evaluation of adherence to that organic system
16 plan, the onsite inspection, again just assuming
17 or is it a safe assumption that operations are
18 incorporating good management practices and
19 adherence to other regulatory requirements
20 related to food safety by federal and state
21 authorities as part of this review and
22 verification?

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1 Meaning that again, there's lots of
2 oversight occurring here. So just if you can
3 speak to those points, that would be great.

4 MR. SEITZ: Yeah, definitely. You
5 know, yes to both of those for sure. So you
6 know, specifically at QAI, our operations
7 document resins within their OSP, specifically
8 within our addendum materials list, where we list
9 -- asked, ask folks to list out all sorts of
10 materials they're using and equipment.

11 They also specify how they're used,
12 where they're used in the process flow, what
13 inputs are used in their maintenance including
14 the recharged materials. We get spec sheets and
15 manufacturer's supporting documents for the
16 resins and verify they are considered food
17 contact substances using those publicly available
18 databases.

19 You know, adherence to OSP gets
20 verified at inspection. Traceback audits are
21 always a great tool for verifying organic control
22 points are implemented, especially on a per batch

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1 basis. So that would include verifying that the
2 resins used to process a particular product and
3 the recharged materials are documented in the
4 records, and as reported to QAI.

5 So trace a product back through the
6 production records, there should be records
7 showing what resins are utilized, what recharged
8 materials are utilized, and those things are
9 physically observed onsite of course.

10 Verifying proper maintenance
11 definitely I'd say largely falls under the
12 purview of federal, state and local food safety
13 inspections.

14 So there's that layer of verification.

15 Verifying an operation is current and in good
16 standing on the required food safety inspections
17 is one means of ensuring, you know, say ensuring
18 compliance with 205.272 with regards to potential
19 contamination via food processing equipment.

20 This is verified during every
21 inspection, you know. It's baked into our
22 inspection checklist. I'm pretty it's baked into

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1 most inspectors' checklists. We also verify
2 whether there are outstanding requirements from
3 food safety inspections, with implications on
4 organic integrity, meaning if maintenance of ion
5 exchange filtration systems were deemed
6 inadequate during food safety inspections,
7 definitely something we'd be following up on.

8 You know, we have -- our inspectors,
9 of course, take a look at, you know, to make sure
10 equipment's well-maintained and such onsite. But
11 largely that, that falls under food safety
12 inspections, and whether federal, state, local
13 food safety inspections.

14 You know, as far as oversight goes via
15 testing of the resins themselves, that's come up
16 a lot and we don't see any testing of the resins
17 on the ground. Though to be fair, outside of the
18 pesticide residue testing we and other certifiers
19 conduct, we don't test for contaminants
20 specifically from food processing equipment,
21 packaging and similar since this really aligns
22 moreso with federal food safety requirements and

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1 their approval of materials.

2 You know, I believe there are resin
3 testing requirements from a safety perspective
4 incorporated into the FDA's safety assessment for
5 food contact substances, which does offer an
6 additional layer of oversight. This morning at
7 the mention of testing of the resins, did a
8 little search through literature and just kind of
9 wanted to see more thoroughly what these food
10 contact substances go through in order to get
11 approved by the FDA.

12 I guess I'd recommend the Board take a
13 look at Preparation of Food Contact Substance
14 Notifications Toxicology Recommendations Guidance
15 For Industry.

16 It goes through what they would like
17 to see for these safety assessments, I believe
18 goes over safety testing recommendations, minimum
19 taste testing recommendations, safety testing
20 protocols, application of the testing
21 recommendations, genetic toxicity testing
22 recommendations, safety narrative, comprehensive

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1 toxicology profile, determination of non-observed
2 effects, all sorts of stuff that is above my pay
3 grade.

4 But these things are looked at and
5 assessed by the FDA as they are approving these
6 food contact substances.

7 CHAIR POWELL-PALM: Nate, please go
8 ahead.

9 MEMBER LEWIS: Hey Adam, good to see
10 you, and thanks for referencing my favorite part
11 of the NOB Handbook, classification of materials.

12 And just so -- just back to the conversation we
13 were having about just the classification and ion
14 exchange columns' impact on whether something
15 would be considered synthetic/non-synthetic, my
16 understanding -- so for example citric acid you
17 brought up as a non-synthetic material in 605.

18 The reason it's still considered non-
19 synthetic is because of 4.6 and the three
20 categorical elements that ion exchange columns
21 would be an example of. So the end of the
22 extraction process, there hasn't been a chemical

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1 change: it's not been altered into a form that
2 doesn't exist in nature, and anything that's been
3 used to isolate it is not -- doesn't have a
4 functional or technical effect on the final food.

5 So am I in the right place there for
6 like how we would send something through an ion
7 exchange column as a non-synthetic and it would
8 result still in a non-synthetic? Am I -- is it
9 at least your understanding? Would you be in
10 agreement with me on that? Well, we've got to
11 ask you to unmute.

12 MR. SEITZ: That's correct, yeah. So
13 there are many substances that go through pretty
14 complex processes to be extracted and isolated
15 and purified, to get to this final ingredient
16 that's being utilized. So yes, those are the
17 criteria we are looking at.

18 And you know, I'll be the first to say
19 classification is not perfect. There are
20 discrepancies baked into the regulation, looking
21 at pectin. Like you're in the definition of --
22 is it synthetic or non-synthetic, yet classified

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1 as something otherwise? It's been a while since
2 I've looked at it. But it's not perfect. It's
3 guidance that we use to make determinations for
4 sure.

5 CHAIR POWELL-PALM: All right, Adam.
6 Well I will echo Kyla. Thank you for fitting so
7 much into such a short period of time, and thank
8 you for joining us today. Next up we have Orsi
9 Deszi, followed by Mollie Morrissette, and then
10 Alice Runde. Orsi, or have I got your name --

11 MS. DESZI: You've got the first name
12 right. It's no worries. My name is Orsi Deszi,
13 and I am the Executive Director of OMRI. So on
14 behalf of OMRI, thank you to the NOSB for their
15 advocacy of transparent and trustworthy
16 verification at every level of the organic
17 industry.

18 Fulfilling its role to review and
19 recommend, the NOSB has called upon the NOP to
20 implement a formal accreditation program for
21 material review organizations. Now it's the
22 NOP's turn to act.

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1 Consumers trust the organic label,
2 producers rely on the judgments of accredited
3 certifying bodies, and the NOP verifies the
4 competency of certifiers in accordance with the
5 Organic Foods Production Act. These multilevel
6 checks are vital to maintaining producers' and
7 consumers' confidence in organic products.

8 But there's a crucial link missing
9 from this chain of oversight. An array of inputs
10 are needed to produce any organic product.
11 Nearly three decades ago, OMRI was founded to
12 respond to the challenge of coordinating input
13 material review. Today, producers and certifiers
14 depend on MROs like OMRI to verify that the
15 inputs used in their farms and factories comply
16 with NOP requirements.

17 And yet more than a decade since the
18 NOSB's recommendation, MROs themselves lack
19 formal accreditation oversight from the NOP.
20 Accreditation is vital to support and ensure the
21 consistency and transparency of material review,
22 to provide legal protection and a firm legal

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1 foundation for MROs and their product listing
2 decision, to provide the NOP with legal authority
3 over MROs, including the ability to suspend
4 accreditation and issue non-conformances, and
5 above all else, MRO accreditation sends a message
6 to organic stakeholders that all aspects of the
7 organic sector are under direct USDA oversight.

8 With the work being done on the USDA
9 Farm Bill by the organic industry and the renewed
10 focus on preserving organic integrity at all
11 stages of certification through the strengthening
12 of organic enforcement rules, materials cannot be
13 left out of this discussion.

14 Accordingly, OMRI adamantly affirms
15 the NOSB's 2011 recommendation that the NOP
16 directly accredit MROs. This is the best and
17 clearest path forward to achieve consistency and
18 transparency around input material review, and to
19 bring the organic industry into alignment when it
20 comes to materials.

21 The time has come for the NOP to
22 accredit MROs for a stronger and more supported

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1 industry. Thank you so much.

2 CHAIR POWELL-PALM: And thank you for
3 comments. Any questions for Orsi?

4 All right, thank you. Oh, let's see.
5 Amy, please go ahead.

6 MEMBER BRUCH: Thank you, Nate. Thank
7 you Orsi. That was really interesting about your
8 comment on accreditation for MROs. I'm thinking,
9 is there much cross-collaboration with MROs
10 internationally? I know OMRI's expanding their
11 presence internationally, Mexico and Canada.

12 But I'm just thinking on a global
13 stage, you know, we're just fortunate to have you
14 guys and the others domestically to help us out.

15 But I just wondered about that communication
16 chain internationally?

17 MS. DESZI: For clarification,
18 communication chain amongst MROs or with --

19 MEMBER BRUCH: Yeah, yeah. Sorry,
20 exactly, the first one. Just because, you know,
21 we have agencies like ACA that are, you know,
22 cross-collaborative with other certifiers under

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1 the NOP program. But I just didn't know if there
2 was a forum for MROs to cross-collaborate.

3 MS. DESZI: There isn't a formal forum
4 just for MROs, but we definitely participate in
5 global initiatives, where we talk about
6 materials, input materials and how they're
7 reviewed and the various requirements and
8 recommendations for them. So you know, we
9 attended, were part of IFOAM where we discuss
10 that quite a bit, and OEFFA, that's something
11 that gets discussed. But there isn't just a
12 forum specific to material review organizations.

13 MEMBER BRUCH: Thank you. Thanks for
14 all your work.

15 MS. DESZI: Thank you.

16 CHAIR POWELL-PALM: Any other
17 questions from the Board?

18 All right. Thank you, Orsi. We
19 appreciate your time today. Next up we have
20 Mollie Morrissette, followed by Alice Runde and
21 then Oren Holle. Mollie, please go ahead.

22 MS. MORRISSETTE: Hi. My name's

1 Mollie Morrissette. I'm a regulatory advisor to
2 OFGO, FDA and the CBM, and I'm a consumer
3 advisor for safe pet food. The organic pet food
4 market in 2022 in the U.S. is worth \$2 billion,
5 and the global organic pet food size was valued
6 at 18 billion, 18.7 billion in 2021.

7 Yet despite these numbers and
8 consumers' growing interest in organic pet food,
9 there are no USDA NOP standards for pet food
10 today. In 2008, the NOSB provided -- sorry
11 approved a recommendation for organic standards
12 specific to pet food. Yet 14 years later,
13 standards still need to be developed to provide
14 clear and consistent composition, processing and
15 labeling requirements for organic pet food.

16 According to OFGO, organic
17 regulations, pet foods claiming to be organic
18 must meet its human food regulations. Yet in a
19 recent discussion with the USDA, I learned that
20 organic pet food certification, certified
21 operations and organic certifying agents follow
22 organic regulations for organic livestock

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1 production, handling and processing.

2 Here's the problem. I found a
3 patchwork of confusing and conflicting
4 interpretation of certifying pet food in my
5 research on certified pet food. For example, I
6 learned that some accredited certifying agents
7 are certifying pet food under a combination of
8 human food and livestock rule, and another ACA
9 certified pet food used part of the livestock
10 rule as the basis for certifying pet food, and
11 was oblivious to the human grade pet food law.

12 Because the NOP doesn't have
13 regulatory guidance on organic pet food,
14 certifiers determine whether the standards are
15 for human food, livestock feed or a combination
16 of both. Likewise, state feed control officials
17 need help to regulate organic pet food claims.

18 To preserve the integrity of the USDA
19 organic program, the NOP must clarify the
20 requirements for the organic production of pet
21 food, so that certifiers follow the same rules
22 and consumers can be confident that the pet food

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1 they purchase is made of human food and not
2 animal feed rules. Thank you very much for
3 listening.

4 CHAIR POWELL-PALM: Thank you for your
5 comments. Any questions for Mollie? Nate,
6 please go ahead.

7 MEMBER LEWIS: Yeah. I just want to
8 make sure Mollie that you are tracking that NOSB
9 has made recommendations on pet food in the past,
10 passed along and NOP has promised a proposed rule
11 for some time now, which I understand is in its
12 marking rule. So we're waiting with baited
13 breath, and we agree with you 100 percent that we
14 need unified organic standards for pet food. So
15 thanks.

16 MS. MORRISSETTE: Right, thank you.
17 Yeah, it's particularly important because every
18 year, the market keeps increasing and unless we
19 have clear definitions, we're kind of at a loss
20 or the consumers are at a loss to what they're
21 actually getting.

22 Particularly what a lot of people

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1 don't understand is that when you're
2 manufacturing pet food, if it's -- if it's -- if
3 it is organic, it has to be made to human food
4 standards, which means it has to be made in a
5 human food processing plant. Most pet foods are
6 made in pet food processing plants, which are
7 under a completely different set of regulations.

8 (Simultaneous speaking.)

9 MS. MORRISSETTE: Yeah, sorry. Go
10 ahead.

11 CHAIR POWELL-PALM: Kim, you can go
12 ahead.

13 MEMBER HUSEMAN: Hi Mollie. I really
14 appreciate your comments today. This might be a
15 somewhat silly question. When we define pets,
16 are we speaking very specifically to cats and
17 dogs, or are there other extensions to pets which
18 you were referring to in your comments?

19 MS. MORRISSETTE: Kimberly, that is a
20 great question, and since I didn't have enough
21 time, you know, I only had three minutes, I
22 narrowed my focus to pet food. But actually, the

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1 law has to include animal feed, which is a whole
2 other -- it's for livestock. But it's just,
3 it's not just cats and dogs. It's also they're
4 called small animals, gerbils and what-not. So
5 you know, yeah.

6 MEMBER HUSEMAN: Okay, thank you very
7 much.

8 MS. MORRISSETTE: Yeah.

9 CHAIR POWELL-PALM: Any other
10 questions from the Board?

11 All right, Mollie. We appreciate your
12 time. Thank you.

13 MS. MORRISSETTE: Thank you.

14 CHAIR POWELL-PALM: Next up we have
15 Alice Runde, followed by Oren Halle and then John
16 Foster. Alice, please go ahead.

17 MS. RUNDE: Hi, thanks. Good
18 afternoon. My name is Alice Runde. I'm the
19 coalition manager for the National Organic
20 Coalition. My comments today pertain to three
21 topics, racial equity, participation in the NOSB
22 process and publication of notes and TRs.

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1 On racial equity, in our comments we
2 emphasize two things that NOSB could immediately
3 prioritize. First, anti-racism and cultural
4 sensitivity training for NOSB members. NOSB
5 members should have a good understanding of the
6 history of racism and oppression that has led to
7 today's landscape, who has access to land,
8 resources, USDA programs and organic
9 certification.

10 This training would allow NOSB members
11 to build a critical lens when advising the NOP.

12 These trainings would also help NOSB members
13 build a culture of support and inclusion on the
14 NOSB. NOC recommends that the NOP resource the
15 NOSB appropriately for the training, and that
16 this be an intentional, deliberate process rather
17 than just checking the box for equity training.

18 Second, including racial equity as a
19 work agenda item on the CACS Committee. We
20 understand the cumbersome effort of establishing
21 a fully independent subcommittee within the NOSB.

22 We recommend that racial equity be included as a

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1 work agenda item in the CACS Committee. We also
2 want to clarify that NOC recognizes other systems
3 of oppression are very much at work in our
4 communities, including discrimination based on
5 gender and sexual orientation.

6 As a coalition, we have deliberately
7 focused our work on racial equity for now,
8 because of the demonstrated need for the organic
9 community to acknowledge the history of
10 oppression and discrimination in the institutions
11 we work closely with. This does not mean other
12 systems are oppression are less important, and we
13 look forward to focusing on additional equity
14 issues in the future.

15 On participation in the NOSB process,
16 NOC recognizes that the Board has put effort into
17 whether meeting dates could be changed to
18 facilitate farmer participation, and that it
19 would be very difficult to do so. If the meeting
20 timing cannot be changed, we need to continue to
21 brainstorm ideas to involve farmers that have
22 difficulties making comments during their busiest

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1 times.

2 At a minimum, we ask that some form of
3 communication be set up whereby questions to the
4 Board, the questions the Board is deliberating on
5 could be publicized in between meetings. Farmer
6 work groups could chew on those questions and
7 give feedback, even if they are not able to do so
8 during the formal NOSB meeting schedule. This
9 issue could be put on the PDS agenda.

10 And finally on publications of notes
11 and technical reports. The NOSB and stakeholders
12 need to think creatively as to how to
13 transparently share information with all, so that
14 stakeholders can give their best input to the
15 NOSB.

16 Likewise, technical reports that the
17 Board references in documents should be available
18 to the public when those documents are
19 published. We ask that if technical reports are
20 not yet publicly published by the time an NOSB
21 proposal is released, that the agenda item should
22 be carried over to the next meeting. Thank you

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1 very much for your time and for listening to our
2 comments. I look forward to seeing you next
3 week.

4 CHAIR POWELL-PALM: We appreciate --
5 thank you so much. Allison has a question for
6 you.

7 MEMBER JOHNSON: Thank you Alice. I
8 am excited and interested in the proposal to
9 provide equity training for the Board, and I also
10 recognize that it's kind of an amorphous or new
11 idea for folks who haven't gone through something
12 like that. I wonder if you could, oops sorry --
13 if you could sort of give an example or speak to
14 some of the takeaways that NOC has valued from
15 that type of training, to sort of illustrate for
16 us and the public what the value of equity
17 training might be, and what it could look like.

18 MS. RUNDE: Yeah. Thanks for that
19 question Allison, and I'd love to give a more
20 formal answer to the Board. The one thing that
21 comes to mind is that we have hosted a couple of
22 trainings that were funded by the Human Capital

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1 project that was funded by the NOP, really
2 focusing on the history of racism in U.S.
3 agriculture and focusing on organic.

4 That was a training that was very well
5 received, and it was followed up with some in-
6 depth training for certifiers and inspectors, to
7 kind of have some self-reflection on how that
8 history impacted some of the work that they were
9 doing. So that's something that comes to mind.

10 I know that the NOP is supporting some
11 of these trainings through Human Capital Projects
12 and through TOP and moving forward, and so the
13 Board's sharing some of those training
14 opportunities and some other reflection questions
15 and things that we took away from those trainings
16 with the Board.

17 CHAIR POWELL-PALM: Other questions
18 from the Board?

19 (Pause.)

20 CHAIR POWELL-PALM: I have a quick
21 question for you Alice. When you speak about
22 equity and talk about in-person public comments,

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1 I am still having a hard time reconciling how a
2 \$2,000 expense does not elevate certain farmer
3 voices over others.

4 Isn't that an evolution in the right
5 direction to hear all participants' public
6 comments, in the same forum with the same access,
7 which is something you can call in from a
8 tractor? How do we move towards change and
9 recognizing that maybe it's good change?

10 MS. RUNDE: I'm sorry, I had trouble
11 unmuting. That's a really great question, and I
12 think something that I would like to go back to
13 our coalition with. But I think something that
14 we've talked about in the coalition is having two
15 modes of having public comments, one being these
16 virtual opportunities that allow more equitable
17 participation and less -- allow people who don't
18 have the opportunity to fund their travel all the
19 way to the NOSB meetings to be able to provide
20 comments, without taking away the opportunity for
21 these personal connections to happen in
22 relationship, in the same physical space.

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1 CHAIR POWELL-PALM: Absolutely, but if
2 I may push a little further, it seems like those
3 who show up in person with the \$2,000 plane
4 ticket, they're still going to have an advantage,
5 even if it was equitable access.

6 So giving folks with resources the
7 chance to have more direct access seems to be in
8 conflict with equity. Am I missing something
9 here?

10 MS. RUNDE: I don't think you are, but
11 I will go back to the coalition and maybe ask
12 Steve Ela and Abby Youngblood, who are commenting
13 next, to respond to that question.

14 CHAIR POWELL-PALM: I really
15 appreciate it. Thank you for your comments
16 today. Next up we have Oren Holle, followed by
17 John Foster and then Jane Sooby. Oren, please go
18 ahead, and you are muted Oren. Let's get you
19 unmuted.

20 MR. HOLLE: There we go. All right.
21 I'm Oren Holle. I am commenting today on behalf
22 of the Organic Farmer's Agency for Relationship

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1 Marketing, more commonly known as OFARM. I
2 operate a small certified organic farm in
3 northeast Kansas, and I serve as president of
4 OFARM, and I offer comments today on behalf of
5 field crop producing membership.

6 The majority of our membership
7 consists of smaller operations, which fall in the
8 category of what is being referred to as
9 underserved. Our primary emphasis is cooperative
10 marketing for our membership. We are pleased to
11 have been accepted as a partner and were recently
12 awarded a climate-smart ag and forestry grant,
13 and will also be partnering with the Transition
14 to Organic Partnership Program in two regions.

15 These will give us an opportunity to
16 showcase the benefits of the climate-smart
17 practices of organic farming, and provide an
18 opportunity to educate and assist transitioning
19 producers and serve them in the marketing arena
20 as well. It's ironic to us that after more than
21 two decades of the National Organic Program being
22 an arm of the USDA, that we still need to defend

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1 our climate-smart status.

2 Surely all the production elements of
3 the Organic Foods Production Act should make that
4 issue clear. As we did in our written comments,
5 we want to commend the NOSB on the well-drafted
6 document defending organic as climate-smart.
7 It's our hope that this proposal will heighten
8 the recognition within the USDA.

9 Another issue that has become apparent
10 in this, the same companies that dominate the
11 non-organic food market continue their inroads
12 into the organic market. Market fairness will
13 likely become a more prominent issue, and the
14 NOSB might do well to place firmly on the radar
15 screen.

16 We appreciate the climate-induced
17 farming risk and crop insurance discussion
18 document. While many elements still beg further
19 consideration, this serves as a platform to
20 consider further discussion and action to revise
21 for maximum benefit for organic producers. We
22 see that some of our producers recognize the risk

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1 mitigation IMA can provide, and they're using it
2 effectively for their own operations.

3 We also see the attention that the
4 CACS Compliance Subcommittee is providing
5 regarding oversight improvements to deter fraud,
6 the consistent location identification discussion
7 document. With the standard of organic
8 enforcement now having become reality, this
9 certainly provides many opportunities to provide
10 much greater involvement.

11 While this document doesn't exactly
12 reference the issue of import certificates, it
13 still appears that there remains a shortfall in
14 requirements to assure that pending import
15 shipments are identified as organic prior to
16 arrival. This is a concern as our producers are
17 constantly affected by oftentimes huge shipments
18 of organic feedstuffs.

19 We believe the NOSB Compliance
20 Subcommittee might do well to engage in the
21 application of the many SOE elements. The
22 testing of incoming shipment protocols begs

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1 particular attention. As we consider the many
2 research priorities that are being championed by
3 various organizations representing diverse
4 community. Time's up.

5 CHAIR POWELL-PALM: If you'd like to
6 finish, go ahead.

7 MR. HOLLE: Just a final comment.
8 It's our understanding that the NOSB is obligated
9 to evaluate issues based on an interpretation of
10 the Organic Foods Production Act. It appears
11 that there may be a need to apply some -- apply
12 that principle to some more fundamental
13 procedures. Thank you for the opportunity to
14 comment today.

15 CHAIR POWELL-PALM: And thank you very
16 much for your comprehensive comments. Amy has a
17 question for you.

18 MR. HOLLE: Yep.

19 MEMBER BRUCH: Oren, thanks for time.
20 Thanks for your written comments as well and
21 your involvement in the organic grain sector. I
22 really appreciate that being a grain farmer

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1 myself. I saw in your written comments you
2 requested that NOSB work on a resolution to
3 tighten timing requirements for the import
4 certificates, and that's a part of the SOE.

5 I was just curious on timing
6 frequency, what you potentially had in mind for a
7 better solution there.

8 MR. HOLLE: Well, there was indication
9 when Mr. Glasgow met with us at our annual
10 meeting this last February, that there are still
11 opportunities where the import certificates and
12 the timing of those filing would allow shipments
13 to actually be unloaded and then enter the
14 commerce stream before that import certificate is
15 fully represented.

16 There again, when I'm reading through
17 the details of the SOE, I see that that's still a
18 gray area at this point. And so I think that's
19 one of those things that really needs attention.

20 It doesn't make any sense to me when this stuff
21 is coming from halfway around the world, that we
22 can't see an import certificate and know that

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1 it's coming before it ever arrives, so that the,
2 you know, the necessary scrutiny can be put into
3 place.

4 MEMBER BRUCH: Thank you. I
5 appreciate that comment.

6 CHAIR POWELL-PALM: Thank you very
7 much for your comments, Oren. We appreciate
8 them. Next up we have John Foster, followed by
9 Jane Sooby and then Margaret Scoles.

10 MS. ARSENAULT: Wait just one second
11 while I'm getting John's slides up.

12 CHAIR POWELL-PALM: Okay.

13 MS. ARSENAULT: There will be a little
14 delay. Thanks.

15 (Pause.)

16 (Whereupon, the above-entitled matter
17 went off the record at 3:34 p.m. and resumed at
18 3:36 p.m.)

19 CHAIR POWELL-PALM: Oh John, you are
20 muted.

21 MS. ARSENAULT: Now we're muted. It
22 may be --

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1 MR. FOSTER: How about now?

2 CHAIR POWELL-PALM: Still have an
3 echo. Try it out real quick.

4 MR. FOSTER: How about now?

5 CHAIR POWELL-PALM: Good.

6 MR. FOSTER: All right, thank you. I
7 appreciate the opportunity to speak with you all.
8 I look forward to meeting you next week in
9 Atlanta. Thanks to the Board members, and
10 especially welcome to two new Board members.
11 It's going to be fun ride. Thanks to the
12 program. Without all of us and all of you
13 especially, none of this works. So thank you for
14 that.

15 We also provided some comments for
16 review. My name is John Foster. I'm with Wolf
17 and Associates. We're a very persistent
18 consulting firm that specializes in all things
19 organic. So with that, let's go to the first
20 slide. So a big priority for us is supporting
21 more organic acreage, getting more organic
22 ingredients in circulation and getting all the

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1 organic goodness to as many as possible.

2 So these three bullet points that I'll
3 talk briefly to in a minute are really
4 intentioned, the intention is to bring those
5 priorities forward.

6 So next slide, please. On the
7 National List, this is more of an ask or a
8 reminder, that when I was on the Board years ago,
9 I was really useful for you to remember that our
10 criterion of essentiality was intended to be
11 contextual, not universal, right. And so
12 material on the National List exists in a vacuum.

13 It's always in the context of the practice
14 standard.

15 And moreover, any material used that's
16 on the National List, it's the certifier's job to
17 make sure that that material is used in the right
18 context relative to the OSP.

19 So as you're reviewing materials to
20 stay on the List or new materials, I would just
21 ask that the need by a few for a material ought
22 to be enough if the material meets the remaining

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1 criteria. It shouldn't have to be needed by
2 everyone or a whole lot of people, because the
3 need of the few is just as important to those few
4 as the needs of the many.

5 Next slide, please. This idea of a
6 registry or compendium of commercially available
7 materials is something I talked about last year,
8 and I've kind of refined the idea. But my hope
9 is that a registry that includes all the
10 allowances certifiers have allowed under the
11 commercial availability provisions, whether it's
12 an ingredient or seeds or others, would be
13 compiled in one spot.

14 And I don't see another way to allow a
15 consistent application for ACAs of the commercial
16 availability clauses without a single source of
17 truth about knowing what's out there. Right now,
18 my observation is that there's a lot of
19 inconsistency in how those clauses are applied,
20 and I think a single registry which seems a bit
21 fantastic I know at the moment, but a single
22 registry would do the trick.

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1 Organic seed use would be a great
2 place to start. It's a place where the current
3 system really hasn't done justice to increasing
4 significantly organic seed use. So I think of
5 this as a regulatory matter, not a -- not a nice
6 to have.

7 Next slide, please. So it sounds kind
8 of radical at first, but the idea of commercial
9 availability, of being applied broadly to 605 is
10 really just a half step from the familiar. We
11 have mechanisms in place to, what, to use this
12 and it would create an incentive for development
13 of new organic ingredients to replace non-organic
14 ingredients.

15 And a good example of that just came
16 up recently in comments on citric acid. I can
17 talk about that more as an example of why organic
18 citric acid should be used instead of non-
19 organic, but there's no incentive to do that.
20 I'll leave it there. Thank you for your time.

21 CHAIR POWELL-PALM: Thank you for your
22 comments. Any questions for John from the Board?

1 Let me see. Okay. Sorry folks. Kyla, you have
2 a question.

3 MEMBER SMITH: Okay, hi. Hi John.
4 Thanks for comments. My question is really to
5 the 606 like registry, and who or -- and you also
6 mentioned seeds in there. So commercial products
7 that require commercial availability. Who do you
8 envision is the overseer of said database,
9 because there are -- I believe there is a
10 database for feeds. I don't -- again, like
11 they're -- I think that that's used, but anyway,
12 how do we ensure that people are really using it?

13 And then there was, I believe at some
14 point in time, a 606 database as well, and that
15 sort of whittled, fizzled out I guess is what I
16 want to say. So who best to be the keeper of
17 said registry?

18 MR. FOSTER: Yeah. So I've thought a
19 lot about this, and although I know there's
20 resistance to it for very good reason, but I
21 don't see a better place than the NOP using a
22 similar backbone as the Organic Integrity

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1 database, in large part because I've kind of
2 thought through how it would need to be -- it
3 would need to be a neutral party, right, for two
4 reasons.

5 One, it would need to be something
6 organized at that level because everyone's
7 service agreement with certifiers, the certifiers
8 are saying we're not going to reveal XYZ
9 information unless we're under a court order to
10 do so, right? That wouldn't be the case here.
11 That's in part why I see this as a compliance
12 issue.

13 So I see the shorter answer would be
14 as an extension of the -- of OIP, it would have
15 to be, because there's no private entity that
16 will get sufficient information from all
17 participants. That's the shortest possible
18 answer for me.

19 CHAIR POWELL-PALM: Wood, please go
20 ahead.

21 MEMBER TURNER: Hey John, thanks for
22 your comments. Just a quick question about your

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1 points about essentiality. Is that, is there
2 anything specific that you're referring to there?

3 I mean is there a perception that you have that
4 certain, you know, there have been some reviews
5 and materials where there have been a, there's
6 been a different, a different approach to
7 essentiality taken by the Board than what you
8 described.

9 I feel like I've, we've had a lot of
10 conversations about it, but I feel like we're,
11 you know, in violent agreement even on some
12 level. So I just wanted to -- I wanted to make
13 sure we sure we're not missing something.

14 MR. FOSTER: That's a good one, and a
15 fair clarification. What I hear often, I have
16 heard and this goes back -- I mean I started
17 paying attention to NOSB comments, I don't know,
18 mid-2000's and definitely when I was on the Board
19 starting in 2010 and since, is a lot of comment
20 kind of it presupposes that a certain number of
21 people or a certain percentage of operators need
22 a material in order to justify its use.

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1 And that's -- my observation since
2 certainly the last decade or so are that the
3 underlying assumption is that many people should
4 need it, and for more specifics, comments often
5 come up like my grandfather or my grandmother
6 raised chickens and didn't need, fill in the
7 blank, right?

8 And the sometimes spoken, sometimes
9 unspoken implication of that is that no one
10 should need to fill in the blank, because my
11 experience is this. I think that that experience
12 was true for those people in that time. I'm not
13 questioning that. I'm just -- I would like to
14 get away from the idea that what's good for me or
15 what's useful for me or essential for me is the
16 same thing for everybody else.

17 Laddered up even moreso was the
18 magnitude when we're talking about application of
19 NOP standard globally, when one thing on the list
20 that's available to me in California isn't
21 available in Mexico or Chile or Australia. So
22 the idea that any one thing, one solution to one

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1 production problem is enough on the List
2 presupposes that one thing is available to
3 everyone who wants it.

4 And I hear a lot of public comment
5 that uses that operating assumption, and that
6 worries me because, because mostly I don't want
7 the National List to be a tool for exclusivity.
8 That's my main thing. And that's why I get kind
9 of emotional about it, because I think the
10 National List should be an inclusive list. It
11 should drive inclusivity and availability, not as
12 a -- not as a tool, particularly out of context,
13 to keep people out.

14 Yeah, I'll leave it there, sorry. I
15 could go on and I won't. Sorry.

16 CHAIR POWELL-PALM: Amy has a question
17 for you John.

18 MEMBER BRUCH: Yeah, thanks Nate. Hi
19 John, thanks for your comments today. I have a
20 question. It falls in line of what you're
21 speaking about, the commercial availability. In
22 your written comments, you mention there's ten

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1 other items that have a potential to be produced
2 organically, and you don't have to share them
3 now.

4 But I was hoping maybe you could share
5 them with Michelle, so we could have access to
6 that information. You mentioned flavors and
7 yeast, but then say there's ten other ones that
8 are on the radar. So that information will be
9 super-helpful.

10 MR. FOSTER: I will do that. I'll
11 generate a list and send it to Michelle. The
12 exempt, you know, collagen gel is the other one
13 that's called out, and oddly enough dioxide
14 indirectly. That's an odd one, because you
15 generally don't think of mineral. But there's
16 the rice hull demand there.

17 But since it came up just recently in
18 the back and forth here, citric acid. For
19 example, there is certified organic citric acid
20 on the market today. Very hard to find, even by
21 very motivated people and it's very expensive
22 because it's only made to order. And it's only

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1 made to order because there's no market
2 incentive. There's no -- sorry, there's no
3 regulatory incentive to drive people there,
4 right.

5 Like 606, you have to look for
6 something and show it. Not true. So my, yeah.
7 That would be one example, and I'll include
8 citric acid on that longer list.

9 MEMBER BRUCH: Thank you so much,
10 John.

11 MR. FOSTER: You're very welcome.

12 CHAIR POWELL-PALM: Kim, please go
13 ahead.

14 MEMBER HUSEMAN: Hi John. I keep
15 raising and lowering my hand, thinking well maybe
16 this was already partially answered, but maybe
17 not. But do you see any parallels with
18 essentiality and commercial availability from the
19 perspective that commercial availability should
20 then negate essentiality of a product that, you
21 know, someone might say is essential in non-
22 organic form because of where they live versus

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1 having commercial availability to the masses in
2 organic form.

3 Maybe more food for thought, but I was
4 just trying to -- I was just trying to drive a
5 parallel between those two, and I don't know if
6 it's there.

7 MR. FOSTER: Yeah. So can I -- I have
8 a short response to that, is I don't think it's a
9 parallel but an interdependency. There's
10 definitely an interrelatedness there where -- and
11 it is, it can be local. It could be state, it
12 could be regional because if an item is on, is
13 available in one part of the country or a country
14 and not somewhere else, then the context of
15 commercial availability changes. The
16 availability changes as a function of location,
17 say.

18 MEMBER HUSEMAN: Yeah.

19 MR. FOSTER: And so there is an
20 interrelationship for sure.

21 MEMBER HUSEMAN: Well, I appreciate
22 your perspective very much so, and I do like the

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1 idea of a database for multiple things. But I do
2 think that having some sort of a resource for, if
3 nothing else, for people to use almost as
4 advertising, of "we have this in organic form."
5 It has a nice appeal to it. So I appreciate your
6 comments.

7 MR. FOSTER: You're welcome.

8 CHAIR POWELL-PALM: Nate Lewis, please
9 go ahead.

10 MEMBER LEWIS: I couldn't resist
11 extending story time with Uncle John here. So
12 John, the thing I wanted to just -- you touch on
13 something that I think is really important about
14 organic seeds, and the commercial availability
15 aspect of that. There's a lot of barriers and
16 challenges, I realize, to getting organic seed
17 more widely adopted.

18 I think the sort of mixed vegetable
19 side of things has done a pretty decent job
20 pulling it into farmer's markets where primarily
21 they're using organic seeds, or at least have
22 access to them. But I, you know, like out here

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1 processing vegetables, you know, they're
2 proprietary of one hybrid. So you're talking
3 three years of planning and all this stuff.

4 It's a -- it's a seemingly
5 insurmountable barrier. But I was wondering if
6 you had thoughts on sort of how the current
7 iterations of the regulations guidance, just kind
8 of how certifiers deal with that issue may be
9 contributing to the problem, as opposed to
10 pushing farmers or pulling farmers in the
11 direction of utilizing more organic seeds.

12 MR. FOSTER: Yes.

13 MEMBER LEWIS: And sort of
14 incentivizing that market.

15 MR. FOSTER: Yes, thank you. I would
16 first kind of let everyone remember last year, a
17 year ago at the last previous spring meeting,
18 Kiki Hubbard provided a State of Organic Seed,
19 right, for 2022. There was a lot of good
20 information there and as I recall, unanimous
21 engagement from the Board about that content.

22 So I would put people back. That's

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1 where data would come from to support this. But
2 the concern I have is that now we're 20 plus
3 years into the regulation, and there are tons of
4 organic seed that aren't used because the
5 current system doesn't, doesn't provide that in a
6 single place, right.

7 The information about what organic
8 seed, two things. One is available, but more
9 importantly what is needed, because if I were a
10 seed breeder and I could go to my CFO and say
11 look, here is a need for 400,000 pounds of
12 organic Conquistador celery seed, right? Here's
13 the market, and if we have it, we can charge
14 whatever we want for it. Here's the regulation
15 that mandates that.

16 But if I'm, if I'm just out in the
17 field and I don't have that data, I'm not going
18 to be able to convince someone to go to produce
19 that. So that's one value of the list. The way,
20 the way the current system hasn't worked is that
21 -- careful I frame on this.

22 So if someone waits long enough to

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1 order that seed, to order organic seed, there's a
2 relatively high assurance that that person who
3 knows the distribution chain well, because
4 they've been ordering seed for a long time, knows
5 the right time to make that request, right?

6 And then you get your letter from the
7 distributor and everyone's happy. But that's an
8 intent -- in my opinion, that's an intentional
9 avoidance at best, but it's something -- things
10 like that are quite common I hate to say it. But
11 another is, as you mentioned, it takes a long
12 time to breed organic seed that's appropriate for
13 processing specs.

14 MEMBER LEWIS: Agreed.

15 MR. FOSTER: I know from experience
16 when I was at Earthbound Farm, we had a seed
17 company come to us and say if you give us this
18 contract for organic seed, I'll use spinach as an
19 example, we'll supply X number of tons of organic
20 spinach seed. We guarantee the same performance
21 characteristics, but we need that contract first.
22 We can't grow that much seed without the

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1 contract.

2 And that, it really disallowed that
3 system. Really there was no way to promise that.

4 No one wanted to promise first basically. And
5 so I feel like, and I think that's fair, that
6 makes sense. If I were the seed company, I
7 wouldn't want to invest those millions of dollars
8 either without a guaranteed sale.

9 So what this list I think would do is
10 it's the combination of commercial availability
11 and a registry for this. It's give that data so
12 everyone knows how much of this seed is needed,
13 and everyone knows -- then the certifier would go
14 to that list. If I were a grower of celery and I
15 didn't order one of these tons of organic
16 Conquistador celery, there better be a really
17 good reason I didn't get that.

18 And it's got to be a much higher, I
19 think a much more demonstrable standard, not
20 higher, but more demonstrable than is the current
21 case now. I don't see, given the failure of past
22 seed registries and there have been three

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1 attempts that I know of, and not one has
2 survived. I think that's because it has not been
3 a non-regulatory environment.

4 CHAIR POWELL-PALM: All right. I hate
5 to be the one to break story time with Uncle
6 John.

7 (Simultaneous speaking.)

8 CHAIR POWELL-PALM: We do really
9 appreciate this. This is an exciting high level
10 discussion for how we can think about, maybe not
11 as a standards solution to this, but something
12 even bigger than that. So thank you for bringing
13 this, John.

14 MR. FOSTER: You're welcome.

15 CHAIR POWELL-PALM: Next up we've got
16 Jane Sooby, followed by Margaret Scoles and then
17 Bill Wolf and Jo Ann Baumgartner before we jump
18 to the next break. So Jane, the floor is yours.

19 MS. SCOLES: Thank you Nathaniel and
20 good afternoon everybody. I'm Jane Sooby with
21 CCOF. I want to thank National Organic Standard
22 Board members and NOP staff for your hard work to

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1 maintain organic integrity and for this
2 opportunity to comment.

3 Today, I will focus on the importance
4 of organic research and the research priorities
5 put forth by the Materials Subcommittee. First,
6 I'd like to thank the Subcommittee for compiling
7 and sharing organic research priorities.
8 Publicly funded agricultural research is
9 something that conventional producers can take of
10 granted, while historically the percentage of
11 USDA research dollars invested into organic
12 research has been lower than the percentage of
13 organic market share.

14 But over the years, we have
15 accumulated a strong body of basic organic
16 research, and this is why we can state with
17 confidence that organic agriculture is playing a
18 key role in mitigating climate change and should
19 be acknowledged for it.

20 Organic farming builds healthy soils
21 that store carbon, does not rely on fossil fuel-
22 derived fertilizers and pesticides, and this

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1 reduces its energy use and greenhouse gas
2 emissions.

3 Because research clarifies the
4 benefits of organics and provides the basis for
5 extension and outreach, advising growers on how
6 to optimize crop and livestock production, CCOF
7 joins with other partner organizations to
8 advocate for increased organic research funding
9 in the upcoming Farm Bill. The Subcommittee's
10 list of research priorities is a valuable
11 resource in guiding scientists toward doing work
12 that will address organic producers' needs.

13 This year, as we all know,
14 policymakers and legislators are working on a new
15 Farm Bill. Some of you may be surprised to learn
16 that the research title of the Farm Bill is where
17 organic has made the most strides in terms of
18 funding. The 2018 Farm Bill included the first-
19 ever baseline funding for an organic program, and
20 that was for the Organic Agriculture Research and
21 Extension Initiative, an organic research and
22 extension funding program.

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1 Baseline funding is mandatory and it's
2 not subject to annual appropriations. In
3 addition, programs with baseline funding are
4 automatically carried over into the next Farm
5 Bill. So it will be important to protect this
6 gain.

7 The Subcommittee prioritized numerous
8 important research areas, all of them which are
9 needed. We'd like to add a couple of different
10 priority research areas, including investigating
11 organic pastured poultry production, expanding
12 sources of domestic livestock and poultry feed,
13 optimizing cell nutrient cycling and recycling.

14 As noted by the committee, studying
15 the nutritional composition of organic compared
16 with conventional foods and publicizing those
17 results to increase consumer confidence that
18 they're purchasing high quality and nutrient
19 dense products.

20 We also need economic analyses of the
21 projected effect on organic prices by widespread
22 entry of new farmers into organic through USDA's

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1 Organic Transition Initiative, and we'd like to
2 see documentation of the contribution to state
3 and national economies by the organic sector.
4 The organic supply chain contributes a lot.

5 I encourage organic stakeholders to
6 use the Materials Subcommittee's research
7 priorities discussion document and other
8 resources to advocate for organic research in the
9 Farm Bill. Thank you.

10 CHAIR POWELL-PALM: Thank you for your
11 comments. Questions for Jane from the Board?
12 Franklin has a question for you.

13 MS. SOOBY: Hi.

14 MEMBER QUARCOO: Yes. I am
15 particularly interested in this as a researcher
16 myself. The grant-based research is a problem.
17 You start the research, you wait, that grant
18 expires and then you're waiting for the next
19 source of funds to do the research. So I want
20 you to go into it a little bit more about the
21 need for more funding, not just more funding for
22 research but also I'm talking about these breaks

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1 in between funding cycles.

2 Where do these researchers find money
3 to keep research going during these breaks? And
4 one of the things is that, you know, organic
5 agriculture are our province. We don't have all
6 these quick fixes.

7 So we need the data long before the
8 problem arises. So I want you to go into it a
9 little bit more, not just the quantum of funds
10 available, but you know, that kind of continuity
11 for researchers to keep doing what it is that
12 they're doing.

13 MS. SOOBY: Yes, thank you. Thank you
14 for raising that concern, Dr. Quarcoo. I hope
15 I'm pronouncing that correctly. That has been a
16 long-standing challenge, and kind of a
17 dismantling of the soft funding for research,
18 specifically for agricultural research in the
19 land grant system.

20 That was occurring decades ago, and
21 I'd love for more advocacy work to be aimed at
22 that, and to -- for there to be more

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1 institutionalized research funding and capability
2 through land grant system.

3 Unfortunately, they made a decision a
4 long time ago to move towards this competitive
5 model, and one of the solutions is to advocate
6 for longer-term research funding, say at a
7 minimum three years, three to five years. But as
8 you know, it's really unusual for grants to offer
9 that long-term funding.

10 But really at a minimum, it should be
11 at least for three years, in order to have
12 sufficient data to conduct your analysis to be
13 able to publish those results.

14 I don't know what else to say, except
15 that agricultural research has been
16 institutionalized, specifically organic research
17 has been institutionalized in some states that
18 have set up research stations that are dedicated
19 to organic research, and that may be one approach
20 to working on that problem.

21 CHAIR POWELL-PALM: All right. Other
22 questions for Jane?

1 Thank you, Jane. We appreciate your
2 comments.

3 MS. SOOBY: Thank you.

4 MEMBER QUARCOO: Excuse me. I have
5 one comment before she gets off, if you don't
6 mind.

7 CHAIR POWELL-PALM: Yes, please go
8 ahead.

9 MEMBER QUARCOO: Okay. So I had an
10 economic impact of new farmers into the
11 transitioning. Can you elaborate on that a
12 little bit? What kind of economic impact that we
13 -- is there a fear by the existing group of
14 farmers that that will negatively impact them or
15 what is, what are we looking at with that
16 economic impact analysis?

17 MS. SOOBY: So you know, I wouldn't
18 know the details of that economic analysis. I'm
19 not an economist. However, USDA has made the
20 remarkable step of acknowledging that it's really
21 important to have more organic in the country,
22 and they've established a \$300 million Organic

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1 Transition Initiative.

2 Actually, CCOF is playing a role here
3 in the Southwest region on this effort. I've
4 also heard from some of our producers, and most
5 of our research priorities come directly from our
6 producers expressing their needs to us, that they
7 have concern that especially at periods of time
8 when prices can be kind of low and some producers
9 are having to sell their products into the
10 conventional market or at conventional prices,
11 that bringing in a lot of new organic producers
12 may lower prices even further, or lead to
13 increased competition.

14 So I'm talking about this as a way.
15 You know, we really need to look at our market
16 development side of that equation, and also know,
17 understanding clearly what we're getting into,
18 bringing these new farmers in. Of course we,
19 CCOF completely supports the Organic Transition
20 Initiative, and the transition of every new acre
21 -- sorry, under organic certification.

22 But we think we should, you know, have

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1 our eyes wide open as we enter that phase.

2 CHAIR POWELL-PALM: All right, great
3 question Franklin. Thank you, Jane. We
4 appreciate your comments. Next up we have
5 Margaret Scoles, followed by Bill Wolf and Jo Ann
6 Baumgartner and then Dana Perls, and then we're
7 going to take a break. So Margaret, please go
8 ahead.

9 MS. SCOLES: I'm Margaret Scoles,
10 International Organic Inspectors Association.
11 Hello to the members of the NOSB, NOP, friends
12 and colleagues. IOIA is the leading worldwide
13 training and networking organization for organic
14 inspectors. We represent about 200 inspectors in
15 more than a dozen countries, plus many supporting
16 members.

17 We have already submitted written
18 comments on the CACS discussion document,
19 oversight improvements to deter fraud, consistent
20 location identification. I will speak to two
21 others things.

22 First, IOIA is heartened to see how

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1 much has happened within our community since the
2 NOSB prioritized human capital and the NOP
3 followed with the funding initiative, and it
4 isn't all NOP funding or initiatives. The entire
5 community has really stepped up to address the
6 human capital problem.

7 IOIA's current human capital priority
8 is developing and supporting apprenticeship for
9 organic professionals. About two years ago,
10 Organic Valley agreed in principle to help us
11 launch an industry-supported apprenticeship
12 program for inspectors. You probably heard that
13 announcement at an NOSB meeting. Livestock had
14 been identified as a key area where
15 apprenticeship was especially needed.

16 I'm proud to say that with a Farmers
17 Advocating for Organic grant, IOIA and FAPPA will
18 be co-sponsoring a livestock apprenticeship
19 intensive the last week of July in Wisconsin, the
20 first of what we hope will be many.

21 I also serve on the board of IFOAM
22 North America. The reason our president,

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1 Jennifer Taylor is not commenting this round is
2 because she's so busy organizing workshops on
3 BIPOC farms in Virginia this coming weekend with
4 IFOAM North American Projects, funded by Southern
5 SARE and OFRF. We see so much positive
6 collaboration happening.

7 Second, IOIA is pleased to have
8 developed a policy comment process and decision
9 tree for choosing how and when we comment to
10 public requests for comment. We prioritize those
11 issues of direct concern or impact for
12 inspectors. We have a highly engaged and
13 knowledgeable group of inspectors on our Policy
14 Comment Committee. If necessary, we survey our
15 members when consensus cannot be achieved among
16 our committee.

17 The committee's draft policy is sent
18 to our board of directors for review. In 2022,
19 we added a Policy Comment Committee facilitator
20 to assist their work. We feel we are well
21 organized to provide meaningful input to the NOSB
22 process. However, when we are given less than

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1 one month to prepare comments, it's quite
2 challenging.

3 There was no time to conduct a survey
4 and the board received the committee comments for
5 review about two days before the submission
6 deadline, very little time for meaningful
7 discussion. We ask that you set a goal to
8 provide the NOSB meeting documents farther in
9 advance if possible. Thank you.

10 CHAIR POWELL-PALM: Thank you for your
11 comments. Questions for Margaret from the Board?

12 I have a quick question for you,
13 Margaret. Were you able to read or are you part
14 of that drafting process of IOIA comments, or is
15 that just the Policy Committee?

16 MS. SCOLES: I read it three times
17 today, but I did read it.

18 CHAIR POWELL-PALM: Okay.

19 MS. SCOLES: I did read it and I
20 realized my signature's on the bottom. But yes,
21 I read it.

22 (Simultaneous speaking.)

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1 CHAIR POWELL-PALM: One question I do
2 want to pose to you is we are -- in the CACS, we
3 have a geolocating question that would across the
4 industry, there's the (a), concern that
5 certifiers don't necessarily know where all the
6 fields they certify are actually located or have
7 a consistent way to find them. There's been a
8 lot of concern about tech and different
9 communities having different tech allowances.

10 But as an inspector with a Smartphone,
11 do you think it's fairly reasonable to say that
12 the tech won't be that big of a deal if we're
13 able to get the same GPS locations that we would
14 be going to if we visit every field with a
15 Smartphone in hand, and most if not all
16 inspectors have a Smartphone?

17 MS. SCOLES: The simple answer is yes,
18 I agree with you. Of course, our comments do
19 point out that there are some challenges and but
20 we recognize that there's great inconsistency
21 between the location information that different
22 certifiers maintain and provide to inspectors.

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1 But we have six pages of comments that basically
2 yes, we think that's probably the best.

3 CHAIR POWELL-PALM: Perfect, I
4 appreciate that, and thank you for your comments.

5 Any other questions from the Board?

6 All right. Thank you, Margaret.

7 MS. SCOLES: Thank you.

8 CHAIR POWELL-PALM: All right. Next
9 up, we'll have Bill Wolf, followed by Joan
10 Baumgartner, then Dana Perls, and then we'll
11 break.

12 (Pause.)

13 MR. WOLF: Can you hear me?

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

16 MR. WOLF: Awesome. I'm Bill Wolf,
17 with Second Star Farm and Wolf and Associates.
18 The topics you tackle are more complex and
19 diverse than any other federal advisory
20 committee, and I thank each of you for this
21 amazing work. I especially welcome two brave new
22 members, Nate and Franklin.

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1 I've been farming, launching organic
2 enterprises and helping organic growers and
3 projects for 15 years. I served as OMRI's
4 founding president and as president of OTA. My
5 consulting firm has 27 subject experts helping to
6 implement SOE, fraud prevention, stronger OSPs
7 and more.

8 Slide 2, please. I want to address --
9 I ask that you read our written comments, with
10 special attention to essentiality criteria, which
11 John discussed. We ask that you measure
12 essentiality wisely and broadly in voting on
13 National List materials. Also, a shout out for
14 good work on the ion exchange resins.

15 Now, I'd like to share some ideas for
16 increasing organic acreage and organic
17 marketplace in the U.S.

18 Slide 3, please. Organic has grown
19 exponentially, but U.S. organic acreage has not
20 kept up with demand and imports have filled the
21 gaps. These are some thoughts on how the NOSB
22 can help increase organic acreage. Publish, get

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1 the organic pet standards published, which will
2 utilize organic byproducts, increase economics of
3 organic crop production.

4 Speak out about the importance of more
5 emphasis on organics in the Farm Bill. Ask
6 Secretary Vilsack for five percent, not .03
7 percent, of all research and education dollars.
8 Recommend an organic marketing order, and not on
9 this slide, but consider establishing the in-
10 transition labeling again.

11 Slide 4. Consider how you as a board
12 can make messaging about organic stronger. We
13 need to own the markets we've created by
14 screaming out that organic is already non-GMO,
15 regenerative and sustainable. The community
16 needs to unite about trusting organic as the only
17 inspected food system in the world from seed to
18 table.

19 Slide 5 please. Earthworms are our de
20 facto mascot of organic agriculture. They thank
21 you for your time and consideration.

22 CHAIR POWELL-PALM: And we thank you

1 for your time, Bill.

2 MR. WOLF: Thanks, Nate.

3 CHAIR POWELL-PALM: Questions from the
4 Board?

5 I have a quick question for you, Bill.

6 In looking at your last slide, your first and
7 last slide for screaming out our message, how
8 would we both think critically about continuous
9 improvement, while not throwing the baby out with
10 the bath water?

11 When we think about the entire
12 industry and all that we have to offer as a
13 solution to climate change, as a solution for
14 rural, rural depopulation and a solution to
15 producing really good clean, healthy food.

16 How do we have these smart discussions
17 internally, but not have that become the
18 publicly-facing story of organics, that we're not
19 good enough? How do we scream that we are the
20 best, while also engaging continuous improvement?

21 MR. WOLF: Well, I actually think that
22 recommending getting an organic marketing order

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1 back on the table and making that an initiative
2 of the organic community as a unified effort, and
3 understanding that the processing industry would
4 handle a bulk of the cost of it, and not opposing
5 it in a fractured way the way it happened last
6 time.

7 We came very close to having a
8 marketing order, and that gave us -- that would
9 have given a baseline for communicating the
10 unified message about the benefits of organic and
11 shouting it out consistently. So I really, I
12 really think that's -- that is something that the
13 Board could create a task force to look into, you
14 know, or take, figure out a way for that to be an
15 agenda item to start pursuing.

16 I think that all of the points I was
17 trying to make are things that the Board can take
18 an initiative on. I don't know how much there's
19 been discussion during Board meetings or
20 Subcommittee meetings about the Farm Bill. But
21 we're in the midst of the Farm Bill debate, and
22 Organic Policy Week is coming up in three weeks

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1 in D.C.

2 There will be over 200 visits to the
3 Hill to talk, and a lot of that talk will be
4 about the Farm Bill. The Board has a huge
5 ability and power to talk to the -- directly to
6 the Secretary about not just giving organic sort
7 of a passing look, but about all the things we've
8 been talking about, the fact that it is a
9 powerhouse for climate change.

10 I mean the research that's been done
11 about humic acids and the humic compounds that
12 are on organic farms that aren't found on non-
13 organic farms is not being publicized. It isn't
14 being talked about, about the fact that organic
15 farming methods can collect more carbon,
16 dramatically more carbon by its very nature of
17 the structural dynamic of how we farm.

18 So there are many things the Board can
19 be doing. I realize you have a huge agenda.
20 Just take dealing with managing the National List
21 and all the debates about it. In fact, the
22 reason we talk internally quite a bit about

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1 public comments and written comments and oral
2 comments for this upcoming meeting, in fact in
3 our quarterly all-in advisors group, we said well
4 what are the two big issues that --

5 Because this Board meeting this time
6 next week is not having huge voting issues.
7 You're not voting on 100 materials questions.
8 You're considering them well in advance, which is
9 awesome. It's really good that they're on the
10 table to discuss and you have time for them. But
11 we decided wow, let's start talking about the,
12 some of --

13 This gives us an opportunity to
14 comment about some of the bigger strategic
15 issues. How do we get more acreage and can the
16 Board somehow allocate some time to that. Does
17 that at least --

18 CHAIR POWELL-PALM: I so appreciate
19 all of that, and I want to especially highlight
20 thank you for the very succinct bullet points to
21 get across for what we could be doing at a high
22 level. So I really thank you for your

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1 presentation and your comments just now.

2 MR. WOLF: Thank you, I appreciate it.

3 CHAIR POWELL-PALM: Carolyn has a
4 question for you.

5 MEMBER DIMITRI: Yes. So Bill, I
6 wonder how you see balancing like risk mitigation
7 and ensuring the viability of existing organic
8 farms with bringing new farms on board?

9 MR. WOLF: When you say -- are you
10 saying that you're concerned that bringing more
11 acreage on board might adversely affect the
12 current farms?

13 MEMBER DIMITRI: Well, okay. Well
14 maybe, but I also see that we have a lot of
15 existing organic farms that really could use the
16 benefit of like stronger engagement in farm
17 programs, if that's what they want, or stabilized
18 markets or like better ensuring the economic
19 viability of the existing farms.

20 Like, so like how do you think about
21 stabilizing those farms and improving the
22 economic position of the existing organic farm

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1 sector, while at the same time talking about
2 expanding acreage?

3 MR. WOLF: Good question. That's a
4 long conversation. I think, I think there are a
5 lot of things to protect the current organic
6 farmers that isn't being done as well as it
7 could. One of the presenters earlier today was
8 talking about the challenges of the crop
9 insurance program, and that the OSP should be an
10 automatic go-to to qualify for crop insurance.

11 There are numerous places where the
12 current farmers should get a free pass, and we
13 haven't really understood some of those. One of
14 them is the marketing of the chain of custody of
15 local and U.S. food into processed foods, and
16 encouraging more local -- well, domestic
17 purchasing that is starting to happen in the way
18 USDA is starting to fund transition money and
19 education money.

20 When I look at the research, the
21 research funding for organic, it is so tiny it's
22 embarrassing, at university level and at the USDA

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1 level. If we're, you know, between five and
2 seven percent of the food dollar, why isn't the
3 USDA putting money into where the growth is?
4 That's what any good business decision says. We
5 started trying to say that to USDA 15 years ago,
6 and we've begun to get a little bit of funding.

7 That kind of initiative will help the
8 current farmers. I also think an organic
9 marketing order would help the organic current
10 farmers because they'd have a seat at the table
11 and how that marketing money would be spent.

12 MEMBER DIMITRI: Nate, can I just make
13 one more comment or question? So like what I've
14 learned through some of my research with organic
15 farmers is they don't feel that USDA really hears
16 them or understands them or is there for them.

17 So like I mean so then if -- like so
18 how does that fit into this? These are the
19 things that I think about in my spare time. It's
20 very hard to like untangle, so you have more USDA
21 money coming to help transition people into like
22 a sector where they don't feel that USDA

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1 supports them.

2 So like will this make things worse,
3 or how -- like how would you have this change
4 coming from like maybe the small to mid-scale
5 organic farmer to like instead of being like
6 we're not part of like regular agriculture.
7 You're sort of asking them to like jump on board
8 with marketing orders and farm programs and
9 stuff.

10 MR. WOLF: Sure. Well, you've sort of
11 touched on one of my pet peeves about the Organic
12 Foods Production Act. The small farmers who go
13 to the farmer's markets, who aren't certified
14 should have been given the opportunity to
15 continue to use the term "organic," the exemption
16 shouldn't have been at \$5,000. It should have
17 been if you are truly direct selling person to
18 person to the farm.

19 And that was one of the proposals in
20 front of the Senate Ag Committee in 1990. It
21 failed. I think reopening OFPA to make that
22 change would reopen the door to the small farmers

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1 respecting organic again. I'm just throwing an
2 idea out there, if we're going to reopen OFPA to
3 some things that will broaden the understanding
4 of the benefits of organic.

5 MEMBER DIMITRI: Okay, great. Thanks.

6 I do see we could talk about this forever. Nate
7 probably won't let us. Thank you.

8 CHAIR POWELL-PALM: And you can talk
9 about it next week. So this is, I think, a great
10 example of how a comment made, follow-up in
11 person. So thank you so much for your time,
12 Bill. We really appreciate it.

13 MR. WOLF: Thank you all. Take care.

14 CHAIR POWELL-PALM: Next up we have
15 Jillian Baumgartner, followed by Dana Perls, and
16 then we'll break. After our break, we'll have
17 Jane Stevens, Malaika Elias and then David Meyer.
18 So Jo Ann, please go ahead.

19 MS. BAUMGARTNER: Thank you, yes, and
20 thank you to the NOSB for your hard work. I'm Jo
21 Ann Baumgartner, Executive Director of Wild Farm
22 Alliance. We have been advocating for the NOP to

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1 implement the NOSB's native ecosystem protection
2 since 2018, when the recommendation was made.

3 I want to dispel any misconceptions
4 that we are a consumer organization that does not
5 work with many farmers with the same concerns.
6 Our main constituents are farmers. Our recent
7 hedgerow video we made had over 10,000 views. We
8 work to help farmers support and benefit from
9 wild nature. Our mission states that we promote
10 a healthy, viable agriculture.

11 I bring this up because organic
12 growers need native ecosystems for their farms to
13 function well. Many farmers we work with
14 recognize that they shouldn't cut off their nose
15 to spite their face. Destroying existing native
16 habitat and ecosystems nationally and
17 internationally to quickly produce certified
18 organic crops threatens the integrity of organic
19 farming practices, weakens the environment that
20 farmers rely on for pollinators and natural
21 enemies, and removes valuable habitat from many
22 kinds of wildlife.

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1 There are 4,000 native bee species in
2 the U.S., and while some can be supported by
3 organic farms, we need to conserve a diversity of
4 native ecosystems to provide habitat for the
5 overwhelming majority of them. The same is true
6 for beneficial insects and birds.

7 Ladybug beetles will overwinter in
8 native deer grass and other native plants, and
9 conserving native ecosystems means that farmers
10 can count on these beneficials to be around when
11 they need them.

12 A pair of barn owls and four young
13 will eat up to 3,400 rodents in a year, but they
14 only spend a third of their time on the farm, and
15 require grasslands, woodlands and riparian areas
16 all made of ecosystems for the rest of their
17 sustenance. Native species have nowhere to go
18 when the habitat is destroyed. Niches are almost
19 always filled, meaning that there is no room if
20 they try to make a living elsewhere.

21 They inevitably compete with residents
22 and the strongest wins out, but the world loses

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1 as our biodiversity dwindles. Most organic
2 farmers that had to transition their land for
3 three years do not think it's fair for others to
4 be certified quickly after destroying a native
5 ecosystem. The transitional farmers had to
6 forfeit organic premiums while they increased the
7 environmental quality of their land.

8 Meanwhile, the farmers destroying
9 ecosystems make more money while they
10 significantly decrease the environmental value.
11 The NOP needs to eliminate the incentive to
12 destroy native ecosystems, making a more level
13 playing field for farmers and conserving the
14 biodiversity necessary for pollinator and natural
15 enemy health on functioning organic farms. Thank
16 you.

17 CHAIR POWELL-PALM: Any questions for
18 Jane? I apologize, Jo Ann. I made that too
19 long.

20 All right. We appreciate your
21 comments today. Thank you. Is Dana Perls still
22 on?

1 MS. PERLS: I am, thanks so much.

2 CHAIR POWELL-PALM: All right. Please
3 go ahead and then we'll break.

4 MS. PERLS: Thank you. I know I'm
5 blocking your break. My name is Dana Perls. I'm
6 the food and technology manager with Friends of
7 the Earth. Thank you for the opportunity to
8 provide some comments. I'm going to speak about
9 the Materials Subcommittee's excluded methods
10 list.

11 Friends of the Earth really
12 appreciates the NOSB's careful examination of
13 emerging technologies, particularly those derived
14 from genetic engineering and we are concerned
15 with one thing in particular, which is the
16 induced mutagenesis and ask the NOP to include
17 this in the list of excluded methods.

18 We appreciate the NOSB has named that
19 if the mutagen is developed using in vitro
20 nucleic acid techniques, it would constitute an
21 excluded method. However, we're a bit concerned
22 about what happens if that mutagen is UV light or

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1 synthetic chemicals, irradiation or environmental
2 stressors like heat, cold, increased salinity.
3 We believe that if the mutagen is a chemical or
4 irradiation, such changes in mutagens may not
5 respect the genome as indivisible, and therefore
6 should be considered an excluded method.

7 Additionally, the chemical mutagens
8 would be considered synthetic chemicals. But
9 there may be types of mutagens that would not be
10 considered, such as if the mutagen is an
11 environmental stressor, and environmental
12 stressors, as I said, might be cold or heat or
13 salinity and are naturally occurring, and these
14 should be an allowed method.

15 The use of UV light is a form of
16 environmental stressor, so it should be
17 considered an allowed method. But if the induced
18 mutagenesis involves a chemical or irradiation
19 that would impact in vitro nucleic acids, it
20 should be an excluded method. I hope that's
21 clear. There's kind of some that would be left
22 out and some that wouldn't.

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1 So we encourage the NOSB to clarify
2 the kinds of induced mutations that would
3 constitute an excluded method versus those that
4 would be allowed. So that's it. Thank you for
5 your consideration of these comments.

6 CHAIR POWELL-PALM: And thank you for
7 your comments. Questions for Dana? Mindee,
8 please go ahead.

9 MEMBER JEFFERY: Dana, thank you so
10 much for your relentless pursuit of how the
11 biotech industry has entered the food system. I
12 definitely would be undereducated without all the
13 work you guys do.

14 MS. PERLS: Thank you.

15 MEMBER JEFFERY: Yeah. So again,
16 looking at the horizon, I worry about developing
17 technologies entering the food system and how do
18 we trace them, and I think we all lived in the
19 pain of what some of those first versions of
20 genetic modifications did to organic systems and
21 how hard we had to work to figure them out and
22 clean them up.

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1 It was a backtrack process, and I'd
2 love it if we could avoid that. And so if you
3 have the ability to help us position emerging
4 technologies like sprays and insects, and how far
5 away from the organic system those are, that
6 would be immensely helpful to our future work.

7 MS. PERLS: Yeah, thank you. It is
8 one of my really significant concerns about how
9 new and emerging genetic engineered products that
10 are designed to spread or that will spread
11 through the environment will impact organic, like
12 RMAI sprays that are being proposed as pesticides
13 and that can drift and directly alter people's
14 crops and then become property of that
15 agribusiness company or farm, and genetically
16 engineered soil, microbes that could spread
17 through the soil.

18 So these are all things that
19 I think are really essential, and the NOSB and
20 the NOP really grapple with, either testing or
21 research. How are we going to know if organic
22 has been contaminated and what kind of change of

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1 regulations do we need to make sure that doesn't
2 happen?

3 So really I would be honored to work
4 with you on thinking through what that means, and
5 how we might address it.

6 MEMBER JEFFERY: Thanks. Do you mind
7 a follow-up question?

8 MS. PERLS: Of course, go for it.

9 MEMBER JEFFERY: Yeah. So if we're --
10 where to track, how and who is that FDA, APHIS?
11 Do you have a quick list for us?

12 MS. PERLS: Yeah. It's going to --
13 for the RMAI pesticides, that's going to be the
14 EPA currently, and for the soil microbes, that's
15 going to be the EPA. I think that there's -- it
16 depends on what the use is, and so it may be the
17 EPA, it may be the USDA. There's questions
18 around genetically engineered animals, which
19 would be the FDA.

20 So it's going to depend a little bit
21 whether that's going to fall under the EPA or
22 USDA, and in some cases it may be the FDA. So

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1 we're trying to figure that out. There's a lot
2 of comments to all those agencies about the
3 confusion in which agency each thing, you know,
4 goes into.

5 So I can sort of lay out what are the
6 things on the horizon, and what agency we think
7 that those will be going into, but it's very
8 confusing.

9 MEMBER JEFFERY: Thank you so much.
10 I'm sorry. If you don't mind indulging one more.

11 Do you think that the -- we sort of a few months
12 ago, like maybe in last September there was that
13 presidential order for the harmonization of
14 biotechnology. I'm wondering if there's any
15 silver lining for us, that maybe we'll achieve
16 some interagency transparency and participation
17 and talking across those systems, to help us gain
18 access as these technologies are entering?

19 MS. PERLS: That's a tough one.
20 Unfortunately, some of the heads of the agencies,
21 including the USDA, are really pushing for
22 decreased transparency and deregulation, which I

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1 think is a real serious threat. I think that
2 there are opportunities that we're trying to push
3 for for consistency across agencies for
4 definitions.

5 So for example, the NOSB uses a
6 definition of genetic engineering that's
7 internationally aligned with modern biotechnology
8 and codex. And currently the FDA is close to
9 that definition, but EPA and particularly the
10 USDA is actually pretty far from that.

11 So one of the things that is possible,
12 though it's not mandated in any sort of way by
13 the executive order, but one thing that we can at
14 least try to do is get the other agencies to move
15 towards a definition like that, that the NOSB
16 uses.

17 The deregulation is going to be a big
18 challenge, particularly because it means that
19 things like RMAI spray or the soil microbes and
20 new genetically engineered plants that have
21 higher risk of contamination might not be
22 regulated or even registered as fly in under

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1 grass.

2 I'll try and think of some silver
3 lining and we'll send it to you. I know that
4 there's something there, and I'm going to find it
5 so that we can have a positive note to really
6 look at.

7 CHAIR POWELL-PALM: Brian, please go
8 ahead.

9 MEMBER CALDWELL: Thanks so much.
10 Quick question about mutagenesis, induced
11 mutagenesis and UV radiation. What about sort of
12 like really high levels of UV radiation that
13 would be way beyond what we've given the
14 sunlight, that will induce a lot of, you know,
15 random mutations throughout the genome, which is
16 kind of what they're shooting for there. But is
17 that, is that something that we would not
18 consider excluded?

19 MS. PERLS: You know, there is a
20 concern about what happens with those higher
21 levels of UV light, particularly I think the
22 thing that we're looking at is whether or not

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1 this would alter the, alter the genome.

2 MEMBER CALDWELL: Yeah.

3 MS. PERLS: Would it -- and in that
4 case, and particularly if it isn't a natural
5 level of UV light, I think that is something a
6 little bit tricky that we should address. I'd
7 love to give you a little bit more information.
8 I may need to follow up, because it gets into
9 some pretty nitty-gritty details.

10 But I think in general, what you're
11 getting to is that need to really make clear
12 distinctions about what would be allowed and what
13 wouldn't be allowed, and that level of detail is
14 going to be pretty important. So if it's
15 possible to follow up with you about what that
16 level of distinction might be, then I would be
17 honored to work again with you on this as well.

18 MEMBER CALDWELL: That would be great,
19 and I think if you could send a note to Michelle
20 about that, that would be great, and then maybe
21 she would forward it to everybody.

22 And speaking of following up, if you

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1 all would have some really great ideas on how to
2 address these, some of these, you know, new
3 decisions on excluded methods that are going to
4 be coming up in all the germ plasm that's
5 already out there, that would be great.

6 But we don't have time for that now,
7 but I would love to hear a lot of comments on
8 that too. So thank you very much.

9 MS. PERLS: Okay. Yeah, thank you so
10 much. I will make a list of all the follow-ups.
11 Appreciate that.

12 CHAIR POWELL-PALM: Al right. Thank
13 you so much, Dana and thanks for sticking with
14 us.

15 MS. PERLS: Thank you.

16 CHAIR POWELL-PALM: As we go into our
17 break, we are going to have Jane Stevens, Malaika
18 Elias and David Meyer after the break. I just
19 want to take a moment to remind folks that
20 excluded methods as a category are prohibited in
21 the regulations now. So it's saying here these
22 very, very in the weeds conversations, but I want

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1 to take a little bit of a reminder that we
2 already have a blanket prohibition in the
3 regulations now.

4 So off to our break. We'll see you in
5 ten minutes.

6 (Whereupon, the above-entitled matter
7 went off the record at 4:36 p.m. and resumed at
8 4:46 p.m.)

9 CHAIR POWELL-PALM: All right. It
10 looks like we're missing Jane Stevens, so we're
11 going to get started off with Malaika Elias,
12 followed by David Meyer and then Dave Chapman.
13 Malaika, if you're there, the floor is yours.

14 MS. ELIAS: Yes. Can you hear me
15 okay?

16 CHAIR POWELL-PALM: Yes. Please go
17 ahead.

18 MS. ELIAS: Great. Hi everyone. My
19 name is Malaika Elias. I'm a food and tech
20 campaigner with Friends of the Earth. Thank you
21 for this opportunity to provide comments to the
22 NOSB. I will comment on two different issues.

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1 First, organic as climate-smart agriculture, and
2 second, chemicals in food and packaging and
3 production.

4 So Friends of the Earth commends the
5 NOSB recommendations to promote and fund organic
6 agriculture as the leading ecological approach to
7 agriculture appropriate for meeting climate
8 change problems. As the Biden administration
9 allocates funding for what they call climate-
10 smart ag, it's imperative that the USDA advocate
11 for organic agriculture as a climate solution.

12 The science is clear, as folks have
13 mentioned earlier in the call, that organic
14 farming systems can help mitigate climate change.

15 Many of the practices that have been found to
16 foster soil carbons, sequestrations such as crop
17 rotation, cover cropping and composting are
18 central to organic ag. Research has found that
19 organic soils sequester more carbon on average
20 than conventional soils.

21 Organic farming also helps mitigate
22 the effects on climate change on farmers, since

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1 healthy soils conserve water and significantly
2 increase farmer's resilience in the face of
3 climate-related droughts and floods. Organic
4 agriculture reduces energy use and greenhouse gas
5 emissions by eliminating synthetic fertilizers
6 and the vast majority pesticides.

7 Pesticides and synthetic fertilizers,
8 like other synthetic chemicals, come from oil and
9 fossil gas and play a role in driving the climate
10 crisis, and studies show that organic systems
11 require 15 percent less energy than conventional
12 systems, with some organic systems using as much
13 as 70 percent less energy than their conventional
14 counterparts.

15 Additionally, it's imperative that
16 USDA recognize organic pasture-based and mixed
17 crop livestock systems as climate solutions.
18 Industrial meat and dairy production are major
19 culprits in the climate crisis as well, as
20 livestock production accounts for roughly 15
21 percent of global greenhouse gas emissions.

22 Conversely, well-managed, pasture-

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1 based systems can help sequester carbon. So it's
2 more important than ever that the NOSB recommends
3 that the USDA unequivocally promote and push for
4 increased funding of organic agriculture as a
5 climate solution.

6 And on a different note, Friends of
7 the Earth appreciates the NOSB's ongoing
8 discussion about chemicals used in food packaging
9 and processing. As Friends of the Earth has
10 identified in previous comments, BPA and PFASs
11 are toxic chemicals and should be prohibited from
12 organic operations and the resulting food
13 products.

14 BPA and PFASs are found in the organic
15 food supply through packaging and production as
16 many of you all know, and PFAS has been shown to
17 cause endocrine disruption and immune
18 dysfunction, and BPA has been associated with
19 reproductive and endocrine-related health
20 effects.

21 We appreciate the NOSB recommendation
22 to the NOC that this is a research priority, and

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1 we continue to urge deeper research into plastic
2 alternatives.

3 More broadly, it's important that the
4 NOSB recommend that the NOC respond to PFAS
5 concerns. Thank you for your consideration of
6 these comments.

7 CHAIR POWELL-PALM: And thank you for
8 making them. Questions for Malaika? Please go
9 ahead, Wood.

10 MEMBER TURNER: Thanks, Malaika, great
11 comments. I just wanted to ask you restate the
12 point. I was interested that you mentioned the
13 energy intensity of -- sorry, the energy
14 intensity of conventional farms versus organic
15 farms I believe in your remarks, and I was just
16 curious.

17 Can you say that again, and do you
18 have anything -- what is it attributable to? I
19 just want to make sure I understand that. I had
20 never heard that, that statistic before, and I
21 want to lean into it a little bit.

22 MS. ELIAS: Yeah. I'm, so I am more

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1 than happy to maybe go back to my notes and
2 documents and folks on my team that actually work
3 on this issue, to get a better clarification. I
4 want to be as thorough as possible for you, and
5 this is not like my topic of expertise or
6 something that I work on directly.

7 MEMBER TURNER: Great. Well, I'd love
8 to have that data point, and just -- not just --

9 MS. ELIAS: If you can follow up via
10 chat now, I can ask folks or I can follow up via
11 email. I think my colleague Dana who spoke a
12 couple of minutes ago said she'd send some things
13 via email. So I'm happy to send clarification.

14 MEMBER TURNER: And it's not just the
15 number but what it's attributable to. If you can
16 go deeper on that, that would be great. Thank
17 you.

18 MS. ELIAS: Absolutely, thank you.

19 CHAIR POWELL-PALM: Right. Other
20 questions from the Board?

21 All right. We really appreciate your
22 time. Thank you. Next up we have David Meyer,

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1 followed by Dave Chapman and then Sal Pinkham.
2 David, the floor is yours. Oh, we've got some
3 slides. All right.

4 MR. MEYER: Excellent. I've got a
5 couple of slides here. First of all, I want to
6 thank the Board and everyone this afternoon for
7 your time. I really appreciate this opportunity
8 to speak to you and offer some comments.

9 We have submitted written comments as
10 well, and I am here on behalf of CP Kelco, which
11 is the company that I work for. We are
12 manufacturers of hydrocolloids, and xanthan and
13 high acyl gellan gum. Both fit as
14 hydrocolloids.

15 So next slide, please. To me, this is
16 a lot of fun, but I love to talk to students and
17 talk about what hydrocolloids do and what they
18 are. So xanthan gum is produced by fermentation,
19 and I like to tell people it's kind of like, you
20 know, if you've ever seen vats of brewed beer,
21 that's what we do.

22 We brew this hydrocolloid xanthan gum,

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1 and it is currently allowed under 205.605(b),
2 synthetics allowed, and it does some great things
3 for product developers who are working to make
4 organic foods. It provides thickening when
5 needed; it provides suspension. It provides
6 cling. It's cold solubles. You don't have to
7 heat something up.

8 So if you're putting a beverage
9 together, it's really useful for that. Or if you
10 were putting, you know, a dry mix beverage
11 together, that works really well too. Excellent
12 syneresis control.

13 People, a lot of people don't know
14 what syneresis is, so I like to explain it.
15 That's like if you've ever opened a yogurt, a
16 personal yogurt container and you see all the
17 whey, the whey off on top, that's syneresis. The
18 whey proteins squeeze out the extra liquid, and
19 xanthan gum can help with that.

20 It provides emulsion and air
21 stabilization. It works on a really wide range
22 of pH temperature, enzyme stable and it provides

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1 really high viscosity at really low
2 concentration. Usually the use level is less
3 than half a percent, and it's not chemically
4 modified.

5 Next slide, please. So where is it
6 used? All sorts of products, dressings, sauces,
7 syrups, baked goods, bakery fillings, beverages,
8 dairy, confectionary, batters and breadings, low
9 fat spreads. You've seen it all over, and then
10 it also can be used in consumer products as well.

11 But some of my favorites are on there, gummy
12 bears, the fruit preps for yogurt.

13 So that's xanthan gum. If you go
14 ahead, we'll talk about gellan gum as well. It's
15 also by fermentation. It fits under 205.605(a),
16 non-synthetics allowed, and the difference here
17 is that gellan gum is really, really good at
18 suspension. So we use it in a lot of beverages.

19 It's used both in dairy and non-dairy milks, and
20 it will suspend things that normally won't
21 suspend, like vitamins, minerals, cocoa.

22 A lot of people don't know that cocoa

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1 doesn't suspend and melt by itself. If you mix
2 it up, it will fall to the bottom.

3 Go ahead, next slide and I'll
4 finish up and just talk about where we use high
5 acyl gellan gum. These dairy beverages, the
6 plant beverages, yogurt, dressing, sauces, and
7 then there's some personal care products also
8 that use it. Once again, thank you so much for
9 your time. We appreciate the opportunity to
10 comment, and please refer to our written comments
11 for anything further.

12 CHAIR POWELL-PALM: We appreciate the
13 comments. Thank you so much. Questions from the
14 Board?

15 All right. Thank you, David.

16 MR. MEYER: Thank you.

17 CHAIR POWELL-PALM: Next up we have
18 David Chapman, followed by Sol Pinkham and then
19 Edward Maltby. Dave Chapman, the floor is yours.
20 There we go, all right.

21 MR. CHAPMAN: I'm working on it.
22 Thank you, Nate. Okay. Hello. I am Dave

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1 Chapman. I'm a farmer and co-director of the
2 Real Organic Project. Real Organic was created
3 as a response to the failures of the National
4 Organic Program. As most of you know, we are an
5 add-on label to the USDA organic program. We
6 certify over 1,000 U.S. farms, and we have a
7 joint venture with the German-based certifier
8 Naturland.

9 Naturland, which is also an add-on,
10 certifies over 140,000 farms around the world.
11 Our standards are simple, affirming what has been
12 laid out in the Organic Food Production Act. I'm
13 here today to call on the NOSB to push for the
14 end of hydroponics being certified as organic, in
15 keeping with the 2010 recommendation.

16 This is not a settled issue. We hope
17 that the USDA will join the world organic
18 movement in rejecting hydroponic. In the last
19 year, the USDA has given billions of dollars to
20 support so-called climate-smart agriculture.
21 Only a tiny amount of that money went to organic
22 production. All the rest went to what is now

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1 being called regenerative agriculture.

2 Regenerative is rapidly coming to be
3 defined by the largest food and ag companies on
4 the planet. It is the same companies that have
5 caused so much of the environmental and climate
6 destruction, and they are the same companies that
7 organic is meant to be an alternative to.

8 They are now insisting that our
9 movement is not regenerative, because NOP's
10 organic certification is no longer based on soil
11 health or pasture-raised livestock, and they are
12 right. You can be running a certified organic
13 hydro operation with no regard to the complex
14 interactions between plants and living soil.

15 Such hydro producers are no longer
16 small outliers. Such companies are now the
17 biggest players in certified organic berries and
18 tomatoes. Peppers and greens are coming fast.
19 Three years ago the director of marketing for a
20 very large conventional hydro tomato company,
21 which has a small organic spinoff, stood in front
22 of you in the Pittsburgh meeting and mocked my

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1 earlier comments on the magic of soil and the
2 soul of organic, calling them "bits of marketing
3 fluff."

4 Soil is a bit of marketing fluff?
5 Really? Where is our outrage. The NOP has a
6 wound that won't heal. The hydroponic issue is
7 not going away. A large majority of American
8 organic farmers do not believe hydroponics should
9 be certified as organic. But public trust in
10 organic will go away if we don't fix this. It
11 was laboriously built up over many years. Please
12 don't let that happen.

13 Let us acknowledge that a mistake has
14 been made. The organic brand is too precious to
15 squander. Our movement is too important. Please
16 dig in and fight for what is right. Thank you.

17 CHAIR POWELL-PALM: Thank you for your
18 comments. Questions from the Board for Dave? I
19 have a -- please go ahead, Brian.

20 (Simultaneous speaking.)

21 MEMBER CALDWELL: Okay, here we go.
22 All right. Thanks, Dave. I'm feeling like you

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1 guys might be a source of some of this
2 information, but if you have any scientific
3 studies that are like life cycle studies of
4 energy use or carbon impacts from conventional
5 versus hydroponic operations or even, you know,
6 hydroponic versus organic, which is I think
7 there's much less likelihood that there will be
8 research on that.

9 But anyways, if you have any of that,
10 if you could forward them to us, it would be
11 great to look at that.

12 MR. CHAPMAN: Yeah, great Brian. I've
13 seen such a study from Cornell about vertical,
14 vertical farming, the vertical grains, and it
15 wasn't good for vertical grains in comparison.
16 There must be stuff about hydroponic production,
17 but I have not seen that study. If I find it, I
18 will send it to you.

19 MEMBER CALDWELL: Okay, sounds good.
20 Thank you very much.

21 CHAIR POWELL-PALM: I have a quick
22 question for you Dave, and then we'll go to Jerry

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1 and Nate. I think there's another commenter
2 today who made the same statement you just made,
3 that basically the conventional regenerative
4 folks are coming for organic, because we have
5 hydroponics.

6 I'm trying to figure out, I've never
7 heard that. I've only ever heard that our
8 tillage is the reason that they're saying that,
9 and I think hydroponics would be the opposite of
10 tilling. So I feel like if anything, it would be
11 an asset to their perception of what regenerative
12 is. Do you, I mean who's saying this, the
13 "they"? Who is the they?

14 MR. CHAPMAN: Well, the nastiest big
15 voice I know of is Syngenta, in terms of
16 attacking organic while defending regenerative
17 and they've been very upfront about it.

18 (Simultaneous speaking.)

19 CHAIR POWELL-PALM: --attacking it
20 because of organic, because of hydroponic? I
21 think that's --

22 MR. CHAPMAN: No, no, no. They're

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1 attacking it because they believe that the world
2 will starve if we go organic.

3 CHAIR POWELL-PALM: Sure, sure. So
4 when you say that we're losing consumer and, you
5 know, sort of the culture debate with
6 regenerative, you said it's because of
7 hydroponic. Who is saying that?

8 MR. CHAPMAN: I don't mean only
9 because of hydroponic "they." But I believe that
10 that is part of it because it's very hard if
11 you're in a public discussion with such a group
12 to say well organic is all about soil health,
13 when it clearly isn't, not USDA's organic. It's
14 just not. We've got a billion dollars by the
15 claim of the hydroponic lobby of stuff being
16 certified as organic that is hydroponic. There's
17 no soil involved.

18 CHAIR POWELL-PALM: One follow-up to
19 that, do you -- I address this to a few folks.
20 Do you have any data on economic harm because of
21 hydroponics? Is there anywhere we can go to say
22 so, so many dollars left soil-based farms over to

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1 hydroponics. You know, I think when we talk
2 about dairy, which is a big crisis, when we talk
3 about any farmers struggling in our space, we
4 want to be very clear about what that source data
5 is so we can hunt it up and understand it.

6 MR. CHAPMAN: Yeah.

7 CHAIR POWELL-PALM: Could you point to
8 that data?

9 MR. CHAPMAN: I can tell you my
10 thoughts about it Nate, which is the nature of
11 this conversation and I have really been in it
12 from the beginning, is that it's impossible to
13 say what the impact is because the major
14 hydroponic producers publicly insist that they're
15 not hydroponic.

16 And you know that the biggest berry
17 producer and the biggest tomato producer who are
18 growing hydroponically say we are not growing
19 hydroponically. We're growing in containers, and
20 that immediately becomes a very complicated
21 conversation for somebody who doesn't really know
22 a lot about this subject.

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1 So I don't think any data at all, and
2 I don't think there could be because where would
3 you get the numbers? Who would you say well this
4 is hydroponic?

5 CHAIR POWELL-PALM: I would think that
6 the farmers would be similar to the dairy space,
7 self-reporting their loss of market share and
8 folks like, you know, more regional organizations
9 like say MOFGA or Montana Organic Association,
10 anyone who's very close to the farmers would be
11 able to have a beat on that. If you're able to
12 get that for me, that would be great.

13 MR. CHAPMAN: I can give you that
14 right -- I can give you one good one right now,
15 which is that there's a growers coop in Vermont
16 called Deep Root, and they reported to me that
17 they lost a half million dollar tomato contract
18 with Whole Foods. They were given about two
19 weeks' notice, and they switched to Mexican
20 hydroponic.

21 And this was back in the early days.
22 This was about 2015 or 2016. But that was a

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1 definite example of a significant shift in the
2 marketplace. For Vermont, half a million dollars
3 is a lot of dollars.

4 CHAIR POWELL-PALM: Sure, absolutely.
5 Nate, please go ahead.

6 MEMBER LEWIS: Hey Dave, good to see
7 you. Thanks for comments. It's good to go out
8 and interact with the community again. Just
9 wanted to -- I'm not sure if you were kind of
10 following the certification, but my wife and I
11 got real organic certified at our farm, and just
12 wanted to throw that out there, acknowledging
13 that it really does seemingly hinge on the
14 traceability and transparency elements that NOP
15 provides.

16 So anyway, I just wanted to share
17 that. But you know, my question was about the
18 crops you had identified, and I was -- you were
19 going a little quickly and I was taking notes as
20 primarily the hydroponic. Tomatoes and berries I
21 know are the capstone, but then you had a couple
22 of other ones that are not far behind I think is

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1 what you said. If you could repeat those, that
2 would be great.

3 MR. CHAPMAN: Sure. What I said is I
4 think coming fast, coming soon.

5 MEMBER LEWIS: Oh coming fast, yeah,
6 yeah.

7 MR. CHAPMAN: Yeah. It's growing
8 rapidly, greens and peppers.

9 MEMBER LEWIS: Greens and peppers.
10 Okay, thanks.

11 MR. CHAPMAN: I do know of several
12 pretty large-scale hydroponic greens operations
13 that are certified as organic, and these are, you
14 know, the classic pond system where you float
15 across and three or four weeks later you harvest
16 from the other edge of the pond. And yeah,
17 they're growing quickly and dramatically. I
18 think that they're going to be a major market
19 force soon.

20 And peppers, well from the beginning,
21 we've been importing hydroponic peppers from
22 Holland, but I'm seeing a lot coming in from

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1 Mexico now too.

2 MEMBER LEWIS: Great.

3 MR. CHAPMAN: By the way, nice-looking
4 -- are those blueberries behind you?

5 MEMBER LEWIS: Yeah. Well, this is
6 eastern Washington, where yeah, I guess we grow
7 over half the organic blueberries in the country
8 and they're all soil grown.

9 MR. CHAPMAN: Yeah, yeah. They look
10 great.

11 CHAIR POWELL-PALM: One final question
12 for you Dave. Given the outcome of the lawsuit
13 with USDA, essentially allowing certification of
14 hydroponic operations to go forward, what
15 constructively would you say NOSB can be doing to
16 try to keep going forward with the system we
17 have, and shaping the world we want to be in as
18 best we can?

19 MR. CHAPMAN: Well, it would be very
20 wonderful if you, if you pushed the NOP to act on
21 the current recommendation, which is the 2010
22 recommendation. And that grants that hydroponic

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1 absolutely cannot be certified as organic. I
2 think if you urge them to action on that one,
3 that would be marvelous and, you know, very
4 meaningful.

5 CHAIR POWELL-PALM: And possibly a
6 discussion for later, but with the outcome of the
7 lawsuit, we're looking at hydroponics will be
8 certified, and that's from the very clear line,
9 to work with the clay we're given, not to mix my
10 metaphors. Is there a certain, a certain avenue
11 when we think about writing standards for
12 greenhouse and container production, or should we
13 be looking at other questions?

14 I think your question about Mexican
15 tomatoes coming in raises a big question about
16 trade in general. Can we think bigger than just
17 standards to protect markets, and is there some
18 way that has a bigger lever than just eliminating
19 hydroponics within our standards?

20 MR. CHAPMAN: Well, one point of
21 clarification. The lawsuit, the outcome of the
22 lawsuit did not rule that hydroponics are

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1 qualified for certification. It ruled that the
2 court would not challenge the USDA on this. They
3 wouldn't challenge the USDA decision, not that
4 hydroponics clearly met the rules of the Organic
5 Food Production Act.

6 It was published in a way that they're
7 making clear it was not a precedent. But if the
8 USDA changed their mind, then the law would not
9 disagree with that decision at all. In terms of
10 trade, it will be interesting to see when the new
11 trade deal is negotiated with the EU. There's
12 been considerable energy saying that EU will not
13 respect America's hydro allowance in a trade
14 agreement. That will be a new ball game also.

15 I don't know what will come of that,
16 but of course Mexico is a big question, yeah.

17 CHAIR POWELL-PALM: Franklin has a
18 question for you.

19 MEMBER QUARCOO: Yeah, I'm curious.
20 How do you compare hydroponics to conventional
21 agriculture in terms of the impact that it has on
22 the environment, energy, footprints and all of

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1 that?

2 A second part of that question is do
3 you think that hydroponics is a viable option,
4 just that you don't want it labeled as organic?
5 Is it a food production practice that you think
6 contributes significantly to agriculture, and
7 when you compare that with conventional?

8 Do you have issues just with the
9 labeling as organic? Would you be okay with it
10 as a method of producing food if it was not
11 labeled organic?

12 MR. CHAPMAN: That's a lot of
13 question. So I think that hydroponic that is
14 unsprayed is really much better than hydroponic
15 that is.

16 I think that hydroponic is a very
17 viable way of producing food. I would rather see
18 organic production in the ground. I think that
19 would be better for everybody, but hydroponics
20 certainly works financially in this world, and it
21 can be pretty reasonable about avoiding
22 pesticides.

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1 So it's not that it
2 necessarily involves a lot of pesticides. In
3 terms of energy, it does not do well compared to
4 field production. So if we're looking at carbon
5 footprint, it's not a big winner. I'm not trying
6 to shut down hydroponic. As I say, I think I
7 said it.

8 But I will say some of my best friends
9 are hydroponic producers, and some of them are
10 very large-scale hydroponic producers. I have
11 common friends with Jerry on your Board from his
12 hydroponic past. We're not trying to get rid of
13 hydroponics. That would be crazy. That's like
14 trying to get rid of beer. It's not going
15 anywhere. It's a major, major world food
16 industry.

17 But it should not be called organic,
18 and only in America is it certified as organic.
19 It's not allowed anywhere else, and I believe
20 that it seriously undermines our ability to take
21 America from one percent organic land to 30
22 percent where it ought to be or 50 percent,

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1 because it's pretty hard to build a movement
2 that's standing on such a shaky foundation.

3 CHAIR POWELL-PALM: Any other
4 questions for Dave? Jerry, please go ahead.

5 MR. CHAPMAN: Hi Jerry. You're muted,
6 Jerry.

7 (Pause.)

8 MEMBER D'AMORE: Thank you for that
9 and good afternoon to you. I've put my hand up
10 and down at least ten times during your
11 conversation here, and I took it down finally
12 because I found that I really did not have a
13 question. I had a strong, strong desire to
14 debate and so that generates a question, which is
15 will you be in Atlanta?

16 MR. CHAPMAN: I am not planning to be
17 in Atlanta, although I would love to come and
18 have a conversation with you. Your boss says hi,
19 you know, we have friends.

20 MEMBER D'AMORE: Oh my God. That
21 takes me back 40 years.

22 MR. CHAPMAN: I know.

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1 (Simultaneous speaking.)

2 MEMBER D'AMORE: Yes sir. Okay, well
3 I -- yeah. The only thing that prompted me to
4 raise my hand the first time was the statement
5 that you made, that you couldn't find a lot of
6 information on hydroponic production. I was
7 going to volunteer to help you out of that
8 dilemma, but anyway.

9 MR. CHAPMAN: That's good, that's
10 good. You know, there's so much information of
11 course out there, you know, studying hydroponics
12 has not been my, and the energy input and output,
13 has not been my mission in life. But I agree
14 with you, that there's a ton of research, has to
15 be.

16 MEMBER D'AMORE: Yeah. Okay. Well
17 again, if we were given another 30 seconds, it
18 would take three hours. So I'll say thank you
19 for your contribution.

20 CHAIR POWELL-PALM: All right. Thank
21 you Dave for your comments.

22 MR. CHAPMAN: Thank you, Nate.

1 CHAIR POWELL-PALM: Next up, we're
2 going to have a little quick switch. Next up is
3 going to be Matt Begley, followed -- and then
4 Edward Maltby and Sandra Remilien. So Matt, if
5 you want to go.

6 MR. BEGLEY: Hi. Yes, thanks. My
7 name is Matt Begley. I am a materials review
8 specialist at OEFFA. I'd just like to address
9 some of the concerns that we have regarding the
10 phosphoric acid listing at 603(a) and sanitizers
11 in general.

12 We would like to see a broad review of
13 sanitizers. There is some inconsistency among
14 certifiers as to when or whether to review
15 inactive ingredients, when the active ingredients
16 are on the National List.

17 Some of these inactives are addressed
18 in technical reports, but their inclusion in
19 these products, which is needed to create
20 effective products, can create difficulty for
21 operations to find approved sanitizers.

22 We have experienced that our farmers

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1 do not always considered milk bulk tanks to be
2 part of the milking equipment, and different
3 sanitizers are used for bulk tanks and milking
4 equipment and lines. This has led to bulk tanks
5 often not getting rinsed, even when used with
6 products that would require one under NOP
7 regulations.

8 An industry sales rep informed us that
9 chlorine materials are incompatible to bulk tank
10 cooling plates over the long term, and parasitic
11 acid can taint the flavor and smell of the milk.

12 Farmers are in a bind because the effective
13 sanitizers require rinsing under NOP rules that
14 based on their labeling cannot be rinsed under
15 PMO rules.

16 There are few options for farmers to
17 remain in compliance with their state milk
18 inspectors, as well as the NOP. Phosphoric acid
19 is the preferred choice for sanitizing bulk tanks
20 in many cases in rinsing, and is potentially
21 counteractive to the sanitizing process and may
22 be in direct violation of the product's labeling.

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1 We have two EPA-registered phosphoric
2 acid sanitizers in use by our operations, at
3 least two that clearly indicate to let air dry
4 before use of equipment. They contain only
5 phosphoric acid as the active ingredient and
6 inactive ingredients which are not on the
7 National List. Therefore, we would require these
8 operations to rinse these products before contact
9 with milk.

10 Phosphoric acid alone may satisfy NOP
11 requirements for a sanitizer, but it may not
12 properly sanitize the milking equipment without
13 the presence of these inactive ingredients. We
14 would like to see discussion around the use of
15 phosphoric acid-based and other sanitizers that
16 could be approved for use without a rinse based
17 on current formulations to meet NOP and PMO
18 compliance.

19 Most or all certifiers would allow
20 milking powder wastewater to be applied to
21 organic fields due to limited rural options for
22 wastewater disposal, usually via manure lagoon or

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1 septic tank and sometimes directly through
2 irrigation. Does the annotation at 603(a)(25)
3 allow rinsed phosphoric acid to be applied to
4 land?

5 One solution would be to clarify that
6 products with phosphoric acid as the active
7 ingredient are allowed without a rinse. Then it
8 would not wind up in wastewater and no land
9 contact would occur. We want to ensure that our
10 daily operations are able to continue producing a
11 safe, high quality product.

12 We would appreciate further discussion
13 on phosphoric acid and other sanitizers so they
14 may be reviewed in light of industry practices
15 and provide a path for dairy operations to meet
16 their multiple compliance obligations. Thank
17 you.

18 CHAIR POWELL-PALM: Thank you for your
19 comments. Questions for Matt from the Board?

20 All right. Thank you, Matt. Next up
21 we have Ed Maltby, followed by Mike Dill and then
22 Jackie DeMinter.

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1 MR. MALTBY: Hi, good afternoon. Not
2 quite good evening, but you stayed the course
3 well, and I'm glad that Dave doesn't want to get
4 rid of beer. And I'd like to thank the Board for
5 their patience today, and for the incredible work
6 they do in ensuring the integrity of the organic
7 seal.

8 The NOSB, as an independent body, is
9 an important and invaluable part of the process
10 that consumers and producers count on, to ensure
11 that their voice is heard, that regulations are
12 practical and workable on the farm, and that
13 decisions made reflect the intent and law of the
14 Organic Foods Production Act.

15 I agree with Dave and many, many
16 others, that organic certification is soil-based.

17 I also think that NOSB members need greater
18 support for their work. NOSB membership is time-
19 consuming and often requires -- reduces not
20 unlimited resource members to hire labor to work
21 their farms or other jobs during their service.

22 The Board members work throughout the

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1 year on committees plus research, and in order to
2 guarantee that serving on the NOSB is not
3 effectively restricted to those with full-time
4 salaries, and recognizing the restrictions of
5 FACA regulation, USDA needs to explore any
6 opportunity that these expenses can be reimbursed
7 or prepaid in some situations.

8 Looking back into organic integrity
9 and the ability for one type of practice, which
10 is certified organic, ruining the reputation of
11 product, we have only to go to look at organic
12 dairy and to see what happened when factory farms
13 like Aurora Dairy and those in Texas were able to
14 undercut the whole market and reduce certified
15 organic milk, which didn't match any of the
16 certification criteria and definitely didn't meet
17 consumer expectations.

18 CHAIR POWELL-PALM: I will ask not to
19 name folks in particular. Speak broadly.

20 MR. MALTBY: Okay. My apologies for
21 that. It's a well-known company, but and to come
22 back to the in-person meetings, when I first

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1 attended the in-person meetings, I was not very
2 forthcoming and I learned how to be a policy nerd
3 at those meetings. I had some great mentoring
4 there, and from the point of view of cost, no
5 meeting I ever went to cost \$2,000.

6 I know some cheap motels out near the
7 airport in D.C., and can always go to a Subway to
8 get a sandwich. So I think that when we look at
9 that issue, look at how -- if I can just finish
10 this sentence -- look at how, you know, access is
11 not universal.

12 Even in Vermont, you don't have
13 universal. So in some cases it's very difficult
14 for producers, especially those at the age that
15 I'm at, to adapt to speaking into the camera
16 poised on the end of the computer screen. So if
17 we're talking about equality in representation,
18 we need to have both sets of attendance at
19 meetings. Thank you.

20 CHAIR POWELL-PALM: We appreciate your
21 comments, and any questions from the Board?

22 Ed, on organic dairy, real quick I

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1 have a question for you. It seems that we have
2 put a lot of eggs in the baskets of standards, in
3 the basket of standards. They were hoping that
4 the grazing rule will fix our oversupply problem.

5 We're hoping that animal welfare, the origin of
6 livestock, will fix the welfare problem, or will
7 fix the oversupply problem.

8 At what point do we start looking
9 bigger, and start figuring out that if we looked
10 30 years ago, if organic had looked at small,
11 conventional dairyland and as friends and
12 neighbors, as opposed to as rivals or not good
13 enough, we would have seen that dairy is prone to
14 oversupply, that it seems that there's just
15 incessant whiplash in this market without
16 something like a quota, say, that Canada has.

17 How do we start looking at driving
18 more demand, rather than just constricting
19 supply, as a way to keep farmers on the land?

20 And we can have both. It's not an
21 either/or, but what is that means of driving
22 demand and how do we get it so that organic milk

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1 makes up half of America's milk market, or that
2 we see we have growing opportunities? How do we
3 get it so that the Farm Bill requires that ten
4 percent of all school milk is certified organic?

5 How do we build our coalitions to be more broad
6 than just saying standards are going to save us?

7 MR. MALTBY: Well, this Committee
8 maybe has gone on for longer than anticipated,
9 but I have been known to talk to four or five
10 hours about these answers to the many problems
11 out there.

12 From the point of view of --
13 conventional dairy is heavily subsidized and
14 that's why we're putting together a request to
15 the Congress to have a safety net program for
16 organic dairy, that will guarantee a minimum
17 price.

18 At this point, organic dairy is
19 heavily consolidated, as are the processing
20 restrictions. When you look at the pasture rule,
21 then you have got the origin of livestock. The
22 origin of livestock and the intent within the

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1 original rule was that it would take three years
2 to transition. You had enough initiative to
3 build the organic herd that would take one year
4 to transition. That could have been phased out
5 or should have been phased out.

6 But what happened, what you had was a
7 massive growth in 2015, because the origin of
8 livestock rule was not implemented equally across
9 the country. So it's again consistency of
10 standards, consistency of implementation and
11 enforcement, you know. The SOE does address some
12 of that enforcement when you come to risk
13 analysis on large-scale dairies.

14 I would challenge any of the
15 certifiers as to whether they have inspectors
16 that qualify enough to go out and inspect a
17 10,000 cow dairy and get a good balance of what
18 comes in, what goes out, where it comes from, you
19 know, is it pasture-based? So I think what has
20 happened is that the standards --

21 CHAIR POWELL-PALM: And I apologize
22 for time, Ed. How do we increase demand?

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1 MR. MALTBY: How do we increase
2 demand? By highlighting the qualities of organic
3 milk, and organic milk is going to be more
4 expensive because it costs more to produce. It
5 doesn't mean the producer is not going to get
6 more.

7 We should also look at more
8 regionality in organic milk, so that you can cut
9 down the cost and the carbon footprint of
10 trucking milk from the southwest all the way up
11 to the tip of Maine.

12 So it's ensuring that the integrity,
13 integrity, integrity of the organic certification
14 is held out there, without any opportunity for
15 somebody to undermine it as they have done in the
16 past.

17 CHAIR POWELL-PALM: Well, we
18 appreciate your comments today. Thank you.

19 MR. MALTBY: Thank you.

20 CHAIR POWELL-PALM: Next up we have
21 Mike Dill, followed by Jackie DeMinter and then
22 Sal Pinkham.

1 MR. DILL: Hello. My name is Mike
2 Dill, and I'm representing the Organic Produce
3 Wholesalers Coalition. OPWC is comprised of
4 certified organic businesses that distribute
5 fresh organic produce to retailers, restaurants,
6 food buying clubs and processors.

7 My comments today are on the proposal
8 for organic as climate-smart agriculture,
9 oversight improvements to deter fraud and the
10 petition for potassium sorbate.

11 OPWC agrees with the intent of the
12 climate-smart ag proposal, which is to quote in
13 the packet, "sends a clear signal to the greater
14 USDA that certified organic production should be
15 automatically considered climate-smart, and
16 therefore eligible for any and all funding
17 opportunities and support through USDA programs."

18 The letter in the Board's proposal
19 will serve as the official statement from the
20 collective organic community that organic is
21 climate-smart. Therefore, we feel it is
22 important that the letter (1) be accurate, and

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1 (2) incorporate feedback from the organic
2 community.

3 Unfortunately, this is not what we see
4 in the proposal. We do not find that any
5 stakeholder feedback following the fall meeting
6 was incorporated into the draft shared for this
7 meeting. What's even more concerning to us is
8 the lack of acknowledging that the community's
9 feedback is the letter still contains multiple
10 false and misleading responses.

11 For instance, the response to the
12 Question No. 2 in the letter asks what USDA
13 should prioritize to demonstrate the efficacy of
14 organic farming as climate-smart agriculture.
15 The written response states "Climate benefits of
16 zero synthetic fertilizer use. The NOP
17 standards prohibit crop production using
18 synthetic fertilizers, herbicides and
19 pesticides."

20 As mentioned in our written comments,
21 it's common to see organic production described
22 in popular articles as being pesticide-free or

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1 not using any synthetic inputs. But we in this
2 virtual room are familiar with the National List.

3 OPWC asserts that the NOSB, the body required by
4 federal law to review and approve the synthetic
5 material, synthetic materials allowed in organic
6 production should not perpetuate this
7 misconception.

8 On oversight improvements to deter
9 fraud, a/k/a the GPS discussion, we're not
10 opposed to the idea, simply because of the new
11 FISMA traceability rule, that it contains a
12 similar requirement for many specialty crops.
13 However, we note that FISMA has included field
14 level identification as a way to react or respond
15 to a food outbreak event.

16 Therefore, we agree with some
17 commenters who question how this will proactively
18 deter fraud better than we're able to now under
19 current systems, and we look forward to learning
20 more about this in Atlanta.

21 Then finally, we are unclear why a
22 discussion document for the petition of potassium

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1 sorbate was issued prior to the release of the TR
2 that has specified and are specific to the use
3 being petitioned.

4 This material does show some promise
5 for controlling pests and that heavily impacts
6 the crop and deserves a fair trial. We ask that
7 the Crop Subcommittee review the updated TR dated
8 March 8th, 2023, and then update the discussion
9 document.

10 CHAIR POWELL-PALM: Thank you for your
11 comments. Amy has a question for you.

12 MEMBER BRUCH: Hi Mike, thanks for
13 attending today. I actually have several, but
14 I'm going to reduce it to one. But I wanted to
15 ask a little bit more on the potassium sorbate,
16 just the last piece that you mentioned. You said
17 it does -- this product potentially does show
18 some promise for fighting disease and insects.

19 I did read the article that you
20 included about from the Cornell Cooperative
21 Extension. We have the petition. We have also
22 the technical report that's available. Is there

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1 any other research that you can point to that can
2 help substantiate that idea, that there's promise
3 here for being a solution? For this petition
4 source.

5 MR. DILL: Yeah, yeah. For, I mean
6 for other resources, no. I think what we want to
7 really find out is, or kind of clarify some of
8 these speculative statements that were in there,
9 such as folic acid should inhibit the growth of
10 soil bacteria. There's a lot of shoulds and
11 coulds and then a little bit more about, you
12 know, the fact that it contains urea.

13 So I think we -- we want to have a
14 little bit more time with this, and we spent, you
15 know, the bulk of our review time going off of
16 the old information, you know, the TR from what
17 was it, like 2002. And then it wasn't until we
18 were at the stage where comments were -- we were
19 presenting them to our whole coalition and
20 getting all the member feedback and we got that.

21 So everyone approved them and then we
22 looked back and then saw them for the new

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1 petition. So we didn't have a chance to
2 incorporate any of that information or really
3 review it. So what we really wanted, you know,
4 to give this a fair trial, not dismiss it based
5 off of old information, because I mean powdery
6 mildew, if anyone's grown, you know, cucumbers or
7 pumpkins, squash, anything, you've dealt with
8 powdery mildew. I guarantee it.

9 So I think knowing that there's a
10 potential for this to work against powdery
11 mildew, just that alone, you know, is worth
12 looking into, you know. We'd love to have more
13 tools in the toolbox, but again only if those are
14 compatible with organic systems and they meet all
15 the requirements.

16 We don't -- we don't want every tool
17 in the toolbox but, you know, if something meets
18 requirements and it's a great alternative to what
19 we have right now, then I think we should
20 consider it, or at least look into it.

21 MEMBER BRUCH: Thank you, Mike.

22 CHAIR POWELL-PALM: Other questions

1 for Mike from the Board?

2 I've got a couple for you, Mike. From
3 your written comments, you had singled out one of
4 our members' statement of "voting with their
5 heart." I was wondering what is a good enough
6 threshold to describe how we incessantly canvass
7 our constituents every day, live with our
8 constituents every day, and how would you like us
9 to better orate and articulate whom we spoke with
10 before we vote? It seems like we'd like to get
11 this right.

12 MR. DILL: Yes. Well, it's a heavy
13 question, but I think what I have seen as being
14 missing from, you know, the last several NOSB
15 meetings, you know, before your time, Nate, is
16 that we don't hear a lot anymore about the
17 stakeholder or the groups that the chairs
18 represent.

19 So you know, when we're talking about
20 say climate-smart agriculture proposal, I would
21 love to hear, you know, a lot from the
22 environmental groups and the consumer interest

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1 groups on what they're, they're hearing. Or you
2 know like, you know, I don't want to give out any
3 examples.

4 But it just seems like, you know,
5 hearing that let's say Jerry for instance, you
6 know. He wrote all of the comments and this is
7 what he feels is the consensus amongst the crop
8 producers or the wholesalers or the handlers. So
9 just to really get a sense that this vote
10 represents the group that you're representing,
11 you know, the seat that you hold on the Board.

12 And you know, and I guess I apologize
13 for using that exact quote. But I think that
14 helps illustrate the point that that could have
15 been an opportunity to say like my vote, my heart
16 is here, but this is what this means to the group
17 that I'm representing. And they could be the
18 same, you know, or it could have, you know, the
19 vote with my heart factored into this decision.

20 But to set that vote solely on like
21 myself, this is what I feel and my heart is
22 telling me, even though I've read countless, you

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1 know, thousands of comments and pages and pages
2 from stakeholders.

3 That's what I'd like to see a little
4 bit more of is, you know, the handlers feel this.

5 The retailers feel this. The crop producers,
6 this is their feedback and then we debate that
7 and hear like okay, well you know, this group
8 said this, this is important to these
9 stakeholders. How do we come to consensus or is
10 there a middle path or how do we get to that
11 vote.

12 So I don't know if that's the best way
13 to describe that, but so to answer your question,
14 that's the best I got.

15 CHAIR POWELL-PALM: Brian, please go
16 ahead.

17 MEMBER CALDWELL: Yeah, thanks Mike.
18 Just a quick follow-up to that. Do you think
19 that the consumer is by far the biggest numerical
20 group of stakeholders?

21 MR. DILL: I mean by number I would
22 say yes but I, you know, they're not the ones

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1 that are all responding here. So that's, I mean
2 that's a really interesting question.

3 MEMBER CALDWELL: So I represent the,
4 you know, consumer and public interest, and there
5 are a lot of responses from consumers in our
6 written comments. Just putting out a little
7 perspective there.

8 MR. DILL: Sure, and I'm not trying to
9 suggest that one outweighs the other, if that's
10 what you're kind of asking. So but this Board
11 represents, you know, 20 to 30 thousand certified
12 operations, \$60 billion industry, you know, and
13 millions and millions of consumers. So it is a
14 balance, but that's why we'd like to just see a
15 little bit more, you know, kind of clear.

16 Like if you were sharing out Brian,
17 you could say, you know, I focused a little bit
18 more on the consumers. Not necessarily the
19 certified operations or the farmers, but this is
20 what the consumers were telling me. These were
21 the comments that stuck out to me from consumers,
22 because you're probably all going to read the

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1 same comments on the topic, but then you could
2 summarize your group; someone else could
3 summarize their group.

4 That would be helpful for us, to hear
5 a little bit more about what you're hearing from
6 different constituents, from different groups.

7 (Simultaneous speaking.)

8 MEMBER CALDWELL: Yeah. We try to
9 read a bunch, as many comments as we can. But we
10 can't get through them.

11 CHAIR POWELL-PALM: Any other
12 questions for Mike? Mindee, please go ahead.

13 MEMBER JEFFERY: Thank you so much,
14 Mike, and I apologize because there was one
15 section of your comments that I need to re-read.

16 But just in case, I'll have the opportunity to
17 ask you a question. Were you suggesting that a
18 TR template should be developed solely for the
19 excluded methods questions, a separate template?

20 MR. DILL: It's been a while since
21 I've thought about that one. Not, not specific.

22 If I recall, it's not specific to excluded

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1 methods, but that would be included into the
2 regular TR.

3 MEMBER JEFFERY: Okay, great. I just
4 wanted to make sure I didn't misread you there.
5 I appreciate your responses today. Thank you so
6 much.

7 MR. DILL: No problem.

8 CHAIR POWELL-PALM: Any other
9 questions for Mike?

10 All right. We appreciate your
11 comments. Thank you all. Next up, we have
12 Jackie DeMinter, followed by Sal Pinkham and then
13 Colehour Bondera. Jackie. Jackie, you're there.
14 The floor is yours.

15 MS. DeMINTER: Can you hear me?

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

18 MS. DeMINTER: Wonderful. Good
19 afternoon. My name is Jackie DeMinter. I am the
20 certification policy manager at MOSA. Thank you
21 for the opportunity to comment. MOSA certifies
22 almost 1,900 organic operations throughout the

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1 U.S., including over 700 crop, livestock, 875
2 crops and 325 handling operations.

3 I am commenting today primarily on the
4 discussion document for technical reports. We
5 use technical reports to gain a deeper
6 understanding of materials on the National List,
7 and to review why some materials didn't make the
8 cut.

9 The current format is easy to follow
10 and we find all the information, information
11 sections very helpful to understand the material.

12 We also use TRs to support our decision-making
13 on materials, and think they're especially
14 helpful in the decision that's tricky to make.

15 We regularly reference the petitioned
16 substances database. Being able to follow a
17 material through the process is a very helpful
18 understanding to have, and a consolidation of the
19 petition technical reports, all the NOSB work in
20 the final decision and place for each material
21 and scope is considered as extremely useful.

22 We appreciate this easily accessible

1 resource. A similar approach to review of
2 excluded methods would seem as if it could work,
3 and also be very helpful information to have. We
4 would appreciate the resource. Thank you for the
5 work you have put into developing and maintaining
6 the excluded methods chart.

7 We include chart in our excluded
8 methods form and use it as a reference in MOSA
9 decision-making. In one circumstance, a client
10 indicated they used an induced mutagenesis
11 process and assumed that it was prohibited.

12 However, after a more careful review
13 of the chart's exclusions from induced
14 mutagenesis, additional follow-up with the
15 manufacturer and discussion with OMRI, we
16 determined that the type of induced mutagenesis
17 used was chemical, and therefore not currently
18 prohibited.

19 Thank you again for maintaining this
20 very helpful resource. We support using a
21 technical report approach to gather additional
22 information on excluded methods when deemed

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1 appropriate. We also submitted a letter on
2 sunset materials, including information about our
3 client's use, and answers to the stakeholder
4 questions relevant to our work as a certification
5 agency.

6 Finally, we want to be a voice of
7 support for continuing all public comments
8 virtually. The elimination of public comments at
9 the in-person meeting has not seemed to reduce
10 the effectiveness of the overall meeting
11 proceedings. We appreciate that the NOP has the
12 same period of time to consider all public
13 comments before discussion begins.

14 Thank you again for all of the work
15 you do and for the opportunity to comment.
16 Please let us know if you have any questions.

17 CHAIR POWELL-PALM: Questions for
18 Jackie? Questions for Jackie? Thank you for
19 your comments, Jackie. Questions for Jackie from
20 the Board? Mindee, please go ahead.

21 MEMBER JEFFERY: Hi Jackie. Thank you
22 so much for all of your hard work. I was

1 wondering in the question with the person who was
2 using the induced mutagenesis, if they gave you
3 any idea of how long it would take and like what
4 the implications are, because I have a maybe
5 vague understanding of seed development, and like
6 that it could have a very big implications though
7 we might need a long lead time to change those
8 things, because the seed varieties take a while.

9 If you don't have perspective, that's
10 totally fine, don't worry. I was just if you
11 did.

12 MS. DeMINTER: I don't think we do
13 have additional perspective, and I would have to
14 dig back into that documentation. But the point
15 that I wanted to make being that the way the NOP
16 or NOSB is included those exclusions right in the
17 excluded method chart was very helpful as we dug
18 into that topic, into the actual process that
19 they were using, because at face value, it seems
20 like it was prohibited.

21 MEMBER JEFFERY: Thank you.

22 CHAIR POWELL-PALM: Jackie, I just

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1 want to grab on that little nugget you left us
2 with on virtual comments. You represent a really
3 big group of farmers.

4 MOSA has a ton of farmers who have a
5 lot of input and lot of stake in these meetings,
6 and I think you hit on something that's very,
7 very interesting to this equity question, giving
8 everyone the same amount of time between when we
9 hear the question or the comment and when we
10 vote.

11 I think that is not to be undersold,
12 that if you're in the ears of the Board five
13 minutes before they voted because you've got an
14 extra two grand to get over to the meeting, that
15 does elevate your position just in the memory of
16 how folks are processing. So I think that is a
17 really important point, and I really appreciate
18 you bringing it up.

19 MS. DeMINTER: Yes, thank you Nate.
20 Very important consideration.

21 CHAIR POWELL-PALM: Other questions
22 for Jackie?

1 All right, Jackie. We appreciate your
2 time today. Thank you for your comments.

3 MS. DeMINTER: Thank you very much.

4 CHAIR POWELL-PALM: Next up we have
5 Sal Pinkham, followed by Colehour Bondera and
6 then Kristen Adams. We are getting to the end of
7 the wire folks, so bear with us. Sal, the floor
8 is all yours.

9 MS. PINKHAM: Thank you. Can you hear
10 me?

11 CHAIR POWELL-PALM: Yes.

12 MS. PINKHAM: Wonderful. Hi, my name
13 is Sal Pinkham. I'm the certification program
14 manager, OEFFA Certification, and I'll comment on
15 two topics today.

16 First, consistent location
17 identification. We appreciate the Committee's
18 continued efforts at fraud prevention, but this
19 proposal raises logistical and equity concerns.
20 OEFFA OSPs do require lots of locations for all
21 organic and transitioning fields, and locations
22 for all conventional fields. Usually locations

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1 are street addresses.

2 OEFFA farmers in our organic work
3 group do not mind sharing GSP coordinates, noting
4 they already provide this information to Farm
5 Service Agency. We encourage interdepartmental
6 collaboration at USDA, so that they are not
7 required to double report this data.

8 However, we also certify hundreds of
9 plain community farmers who engage less
10 frequently with FSA and utilize technology
11 selectively in accordance with their religious
12 beliefs and culture. It would be a heavy lift
13 for us to collect GPS coordinates from farms in
14 this community.

15 It's common to have 20 or more fields
16 in an OSP, and taking time during inspection to
17 locate the exact center to verify or provide GPS
18 coordinates would greatly increase time spent
19 inspecting. Field boundaries would be more
20 useful for fraud prevention, especially for large
21 fields or fields with pollinator, habitat or
22 other buffers, but walking all the boundaries of

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1 every field would be even more time-consuming.

2 OEFFA does require inspectors to visit
3 each certified or requested field every year, but
4 specifically seeking the center of the field
5 would distract from important tasks like
6 assessing buffer adequacy, crop management and
7 soil health. OEFFA contracts with several
8 inspectors who are consultants in the plain
9 community, who add unique qualities and
10 perspective to our inspector pool.

11 However, plain inspectors do not
12 typically use GPS technology, and it would be
13 exclusionary to require GPS use at inspection.
14 Certifiers who work with plain inspectors would
15 face an extra logistical burden, to avoid
16 assigning them new operations or operations with
17 new fields.

18 And if previous land use affidavits
19 must include GPS coordinates, operators in the
20 plain community face a greater barrier,
21 particularly if they acquire land from others in
22 the plain community who also do not use GPS

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1 technology. Our written comments include
2 additional logistical and practical concerns.

3 Second, we again urge NOSB to activate
4 the latent agenda item field and greenhouse
5 container production. Because aeroponic,
6 hydroponic and crops grown to maturity in
7 containers do not comply with OFPA, and because
8 there is significant inconsistency in the way
9 these forms of production are being handled by
10 organic certifiers, we urge the Board to call for
11 a moratorium on the certification of new
12 hydroponic and aeroponic operations, and crops
13 grown to maturity in containers, until we can
14 utilize our existing NOSB and rulemaking process
15 to move forward with greater consistency.

16 The future of organic integrity
17 depends on how we handle this topic, not to
18 mention our assertion that organic is climate-
19 smart. It's hard to say you take care of the
20 earth when you eliminate it from your growing
21 system.

22 Thank you NOSB members for your

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1 service, your efforts to protect organic
2 integrity, and the opportunity to offer comments
3 today.

4 CHAIR POWELL-PALM: Questions for Sal
5 from the Board?

6 I've got a couple for you. As a proud
7 former OEFFA organic inspector, I like how you
8 noted that we do visit every field every year.
9 We'll -- I'll definitely make sure about wording.
10 We are not proposing middle of fields. We are
11 proposing that we have any idea on paper anywhere
12 where fields are. Given those hand-drawn maps
13 that we accept, I'm really as an inspector
14 completely at the mercy of the farmer, to show me
15 which field is which.

16 There's not consistent data to show
17 that we have an idea, especially as a certifier
18 but definitely as USDA, where all these fields
19 are, where they are and consistently how we track
20 them. When we think about perfect being the
21 enemy of the good, if we have three, even ten
22 plain community inspectors, should we base a

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1 policy on those three out of maybe 300 inspectors
2 in the country? Why don't you answer those two
3 first?

4 MS. PINKHAM: Great, thank you. I
5 want to tackle the second one first, because it's
6 interesting to me from an equity perspective. We
7 heard a comment recently, I think it was from
8 Wolf and Associates, about how essentiality is
9 determined for materials, and that just having a
10 few people using a thing or launching a thing
11 shouldn't prevent us from accepting that material
12 in organic production.

13 I think a parallel can be drawn here,
14 that we don't want to be excluding groups from
15 inspections or certification or organic
16 production more broadly. I think it's really
17 important for not necessarily to shoot down any
18 proposal to use technology, because some people
19 don't use it, but to really consider the impacts
20 of such a proposal.

21 And in our written comments which are
22 much more detailed than what I said today, OEFFA

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1 did not say we absolutely will not collect GPS
2 coordinates. We said we have some concerns about
3 how this will be used and how it will be
4 collected, and we think it will have a
5 disproportionate impact on the farmers that we
6 certify and on also the certifier that does work
7 with a higher proportion of plain community
8 inspectors than most certifiers do.

9 To your first question, or your first
10 point was about the center of the field, yeah.
11 So the -- oh, and the hand-drawn maps, which are
12 troublesome and delightful in equal measure. So
13 OEFFA does require an address if possible for
14 every field. We require like how many acres is
15 it, how far is it from your main farm, how do we
16 get to it?

17 If we run into a concern where we
18 can't find a field, we do require more
19 information from the operation until we can
20 independently locate it. Yes, hand-drawn maps
21 are sometimes not as good as GPS maps, but
22 sometimes they're much more detailed and they

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1 actually help you understand where fields are
2 relative to each other, and how the farm operates
3 as a whole.

4 So from the principle that organic is
5 a -- okay, here are our standards. Show us how
6 you meet -- I think we should continue to accept
7 hand-drawn maps and field addresses --

8 (Simultaneous speaking.)

9 CHAIR POWELL-PALM: I'm sorry not --
10 love a good hand-drawn map. Not meaning to get
11 rid of them at all, but when that's the only
12 thing you have. It seems like we are just -- we
13 have a short ability to be able to have good data
14 on where are all these fields? If there's a
15 massive spray event, something happens where we
16 have a big contamination event or we have a
17 really big question about a given county,
18 understanding where these fields that we certify
19 are located seems to be a point of improvement,
20 that we don't really have.

21 And I guess this will be my final
22 question for you. Can OEFFA tell me exactly

1 where every field is?

2 MS. PINKHAM: We currently do track
3 every field and every OSP. We have an ability to
4 find it. It's true that if there were a spray
5 event such as the spraying for eastern equine
6 encephalitis that happened in Indiana a year or
7 two ago, we did get in touch with all of the
8 farms in that area who may have been impacted by
9 that spraying event.

10 We know county level and city level
11 and zip codes of where the farms are located, and
12 we know the distance from the main farm. We have
13 street addresses. We don't currently track all
14 of those street addresses in our database,
15 because of the time commitment it would take to
16 track it relative to the perceived benefits.

17 We're open to changing that if we can
18 be convinced that it's sufficiently worthwhile.

19 CHAIR POWELL-PALM: I appreciate you
20 accepting so many questions from me all at once.

21 I'm going to hand it over to Jerry real quick.

22 MS. PINKHAM: Jerry, you're muted.

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1 CHAIR POWELL-PALM: You're muted.

2 MEMBER D'AMORE: My question of you
3 Nate, was are you going to hand it over real
4 quick, or are you going to make Jerry be real
5 quick? I'd like to note that there's been 12
6 mentions just today of hydroponic growing in
7 containers, and I'd like to also then note that
8 it's very gratifying that nobody's yelling at
9 anybody.

10 I sort of like the idea that we're
11 talking, and so I have a very specific question
12 of you, if I may. Were you to get information
13 that the, you know, the low profile NFT
14 hydroponic that's been in existence here for 40
15 years, 50 years that I know, because I've been
16 involved in it, which is the production of head
17 lettuce, were you to have a definitive study that
18 showed you that for each acre of that system that
19 was under cultivation, you could give back 25
20 acres of field production, would it take a little
21 bit of the sting away from what hydroponics does
22 or doesn't do for the field?

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1 So that's the -- or for soil. So
2 that's the first one, and what I just mentioned
3 is a study that was done by Rutgers and given to
4 me in 1979, saying this is what you've got. And
5 if you can take -- and then I think you can take
6 this vertical farming to some mathematical
7 extremes, where that could be as much as a factor
8 of 200.

9 Is it -- would it take -- would it
10 just give a different view of this soil-bound
11 piece and how good one is to the soil, if
12 literally you could give back 25 acres for every
13 one you put under cover?

14 MS. PINKHAM: So just to be really
15 clear, I do not personally, nor does OEFFA as a
16 certifier or as a membership organization, have a
17 problem with hydroponic production. The quibble
18 that we have, and it's a significant one, is that
19 under the Organic Foods Production Act, soil is a
20 mandatory component of an organic production
21 system, and it's written into the regulations in
22 several parts.

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1 It's impossible for us as a certifier
2 to hold all farms to a consistent standard, which
3 is the whole point of our certification program,
4 if some of them are growing in soil and some of
5 them are not, because there aren't standards.
6 Which is why we're asking for the field and
7 greenhouse container production to get back on
8 the agenda, so that we as the community can
9 really move forward, figure out what our
10 container-growing standards are.

11 Maybe ultimately the result will be
12 let's change OFPA and let's change the
13 regulations to cover hydroponics. But currently
14 they don't allow for it, and the fact that it is
15 being certified leads to a great deal of
16 inconsistency in the marketplace.

17 MEMBER D'AMORE: Thank you so much for
18 that comment. I'd like to make one more
19 observation, which is that, you know, the
20 National List is part of that same document, and
21 if National List is a list that gives tools
22 founded on exceptions to people to do what we

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1 hope they can do. I'm just wondering if that,
2 you know, did that go stagnant somewhere back in,
3 you know, 20 years ago?

4 Are we no longer willing to say hey,
5 this has value and we're going to -- we are going
6 to give you those tools through the National List
7 to engage. That -- it's just another one of the
8 points where I think that there's more room, and
9 by the way you can read things differently and
10 I'm not going to tell you that I've read, I've
11 read things better than you have at all. But,
12 and that's going back to OFPA.

13 But in terms of just having a mind
14 that's open enough to say there's that -- that we
15 organics are founded on a system that allows us
16 to have exceptions, can't we be that generous
17 going forward too?

18 MS. PINKHAM: I really appreciate
19 where you're coming from with this, and I think
20 it's very important that -- I mean speaking with
21 my certifier hat on, because I have to make
22 actual policy decisions when somebody applies for

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1 certification to say can my farm comply? I
2 cannot in good conscience, based on the actual
3 wording in the regulations or the law, certify a
4 hydroponic operation because it's simply not
5 supported.

6 That's not to say that we as an
7 industry can't have an open-minded conversation
8 about well, what is organic really about? We
9 care about the planet, we care about people, we
10 care about food, let's move it forward. But
11 under -- as it currently exists, it's very clear
12 that the law and the regulations do not support
13 it, and until we as an industry are conversing
14 about it with the fact that it is, I don't think
15 we can move forward productively about we might
16 incorporate other types of farming into the
17 organic umbrella.

18 MEMBER D'AMORE: Well again, thank you
19 very much. As I said in the beginning, I had 12
20 reasons why I wanted to at least mention it, and
21 founded in the fact that all 12 of them were
22 well-reasoned responses or deliveries. You just

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1 made the 13th, so thank you very much.

2 CHAIR POWELL-PALM: Thank you so much,
3 Sal. Folks, we have five commenters left, and I
4 just want to give a huge shout out to all of you
5 for sticking with us. These have been some of
6 the best conversations I've heard while during my
7 time on the Board. So I really appreciate your
8 grace for letting us go a little bit over.

9 So we'll try to keep moving along
10 here. So thank you again Sal. Next up we have
11 Colehour Bondera, followed by Kristen Adams and
12 then Emily Musgrave. Colehour, please go ahead.

13 MR. BONDERA: Okay, am I good?

14 CHAIR POWELL-PALM: Yes, we can hear
15 you.

16 MR. BONDERA: You guys can hear me
17 fine? Okay. Hello. My name's Colehour Bondera,
18 a former NOSB member and a long-time small scale
19 diversified beetle organic, certified organic
20 farm, Kanalani Ohana Farm in Kona, Hawaii. Today
21 I'll provide some thoughts about overall organic
22 integrity, and specifically Handling Subcommittee

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1 procedures and Crop Subcommittee's consideration
2 of plastic mulches.

3 Organic farmers are looking out for
4 the whole system that they live in, and moreso
5 the whole ecosystem where located. This is not
6 only my thought, but it's also what OFPA
7 requires. The USDA via NOP, via NOSB reviewed
8 system has cycles. In our context, it's called a
9 sunset.

10 Since everything permitted for use in
11 organic must be fully reviewed every five years,
12 do we agree at a serious level to allow things to
13 remain on the National Organic List, or must we
14 seek constant improvement? Everything cannot and
15 should not be organic without oversight.

16 Our responsibility is to ensure that
17 the activities remain as healthy to the
18 ecosystem, to the farm, to ourselves, to soil
19 microbes, to consumers, etcetera as possible.

20 Therefore, we must monitor and limit
21 and be careful with all inputs which are
22 permitted. Within the Handling Subcommittee,

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1 there are two items that deserve attention.
2 First that 205.606 states that up to five percent
3 non-organic processing ingredients can be used if
4 organic is not available.

5 Since these ingredients are available
6 in organic form, close that loophole. Do not
7 permit these unneeded exceptions.

8 Second is that the chemicals and
9 chemical change via ion exchange resins, so I've
10 listened throughout today and I know that
11 different testimony has said different things,
12 they might affect food products. These resins
13 must each be carefully reviewed to be included in
14 organic product, and not permitted via a blanket
15 allowance of ion exchange in organic processes.

16 Keep organic what it's meant to be.
17 Do not permit synthetic ingredients which result
18 from chemical change via their inclusion. Each
19 item must be reviewed and not put under a blanket
20 or simply because allowed via FDA approval. This
21 is similar to frankly my college days with inert
22 ingredients in pesticide formulation.

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1 They're often not inert. Just because
2 the EPA said that they were okay, it doesn't mean
3 it's true. We need to look at full formulation.

4 Next is that the Crop Subcommittee
5 will again be dealing with the topic of plastic
6 mulch. This has gone on for much too long for
7 me. When our family moved to our already-
8 certified organic farm over 21 years ago, I was
9 disturbed to see that the previous farmers had
10 been using plastic mulch.

11 Upon review at that time, I found out
12 that it was still permitted. As is common, full
13 cleanup had not been done, which is why we found
14 remnants of plastic sheets on our farm. Why?
15 Frankly, this type of experience was a strong
16 motivation for me to serve on the NOSB. Why
17 could or would people who care about Pele, a wise
18 earth goddess, think about Mother Earth, even
19 consider to use and leave plastic mulch?

20 I don't comprehend it. While on the
21 NOSB I was surprised in 2011 and 2015 when
22 relisting of plastic mulches was passed by NOSB

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1 vote because of continued dependency. Decades
2 passed, and there seems to be a (audio
3 interruption). I guess I'll just wrap up and say
4 please uphold the integrity of organic, and vote
5 to let plastic mulch leave organic with the
6 setting sun. Thank you.

7 CHAIR POWELL-PALM: Thank you for your
8 comments. Any questions for Colehour?

9 All right; We appreciate you. Next
10 up we have Kristen Adams, followed by Emily
11 Musgrave, Bradley McNeil and then we'll follow
12 the day with James Riddle. Kristen.

13 MS. ADAMS: Hi, thank you for your
14 time. My name is Kristen Adams. I'm affiliated
15 with MOSA Certified Organic. So MOSA certifies
16 about 1,930 producers, 55 -- we also work with 55
17 contract inspectors and represent a staff of 40
18 employees.

19 I will let you know my thoughts today
20 are very candid at this late hour. I have been
21 listening and have some specific things that I'd
22 like to respond to.

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1 But before we get into the off the
2 book conversation, I definitely just want to
3 thank Jenny and her staff for their work on SOE,
4 the federal registry notice, that 80 page
5 document, provided amazing comments and a
6 foundation for MOSA to be able to start
7 interpreting the rule and changing our forms,
8 updating our OSPs, our inspection reports, and
9 get communication out to our clients really
10 quickly.

11 So all of that work has already been
12 done. It's been a hot minute or two since SOE
13 dropped. So now we can actually like move into
14 implementation periods, and start working with
15 the ACA groups and working collaboratively to
16 make sure that we're all aligned.

17 A couple of notes that I wanted to
18 share from our clients. They are asking for
19 harmonized paperwork. So I think it was, let's
20 see, Carolyn who had a question about how could
21 we increase producer confidence in USDA? If we
22 think about like some of the burdens in organic,

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1 first of all like field production system could
2 be considered a burden.

3 The second largest burden or possibly
4 the first major obstacle to overcome is the
5 paperwork. So if we recognize that our farmers
6 and our producers, our handlers are investing
7 time, resources into that paperwork, let's like
8 make that as applicable across the USDA system as
9 possible. Let's value it as much as possible,
10 and reduce the need for redundant paperwork from
11 one agency to another agency.

12 Let's like formally honor the work
13 that they're putting into their paperwork, by
14 giving it increased value. One stop shopping,
15 folks.

16 I think that there are a number of
17 initiatives that have rolled out recently that
18 have the potential to compete with each other
19 unintentionally. So let's also make sure that
20 these initiatives to increase organic acreage,
21 bring folks into the transitional world and
22 increase market access are harmonized from one

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1 agency to another.

2 So that again looks like some sort of
3 standardized paperwork, which I cannot believe
4 I'm saying out loud. Several months ago I was
5 like no, don't take MOSA's individual voice away.

6 (Audio interruption.) Sorry I didn't get to my
7 hydroponic comments.

8 CHAIR POWELL-PALM: That's okay. I
9 have -- I have a quick question for you, but I'm
10 going to let everyone go first real quick. Oh,
11 Jerry, go ahead.

12 MEMBER D'AMORE: I'd love to hear your
13 hydroponic question.

14 MS. ADAMS: It's maybe not a question,
15 but a comment. MOSA does certify hydroponic
16 operations. We believe that we do so in
17 compliance with the standards. We also believe
18 that in this day and age, we need creative,
19 flexible solutions that bring as many people to
20 the organic table as possible.

21 We need all of the elements at the
22 table. We talk a lot about soil, what is soil

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1 without water, etcetera, etcetera. So one of the
2 ways for us to start really having full
3 conversations about how hydroponics can offer a
4 solution, they're not the answer to everything,
5 is to invite hydroponics formally, comfortably,
6 publicly to the organic table.

7 MEMBER D'AMORE: I'm glad I asked the
8 question. Thank you.

9 CHAIR POWELL-PALM: I am too. A great
10 answer. So Kristen, I realize that it's late,
11 but I'm going to take advantage of the fact that
12 you're in candid mode. Does MOSA, when you say
13 harmonized documents, are you saying universal
14 OSP?

15 MS. ADAMS: Yes. Nate, thank you very
16 much. I dare to say yes. Harmonizing, either a
17 harmonized OSP or some form of like addendums
18 that work together, that just reduce
19 redundancies. It also probably looks like cross-
20 training and collaboration across agencies. So
21 it's not just about the paperwork; it's about
22 understanding each of the silos and how they all

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1 work together.

2 CHAIR POWELL-PALM: So in the creation
3 of that universal OSP, do you think it should be
4 private companies building them and then pitching
5 them to the USDA, or do you think -- who do you
6 think should make this universal OSP and how do
7 you think it should be stewarded?

8 MS. ADAMS: Well, I have been recently
9 like honored enough to be in some conversations
10 that are talking about like full stakeholder
11 engagement. So one example is like ACA. There's
12 a couple of working groups about increasing
13 access to government funding, technology,
14 innovations in inspections, and those folks are
15 saying who else besides ACA or accredited
16 certifiers needs to be part of this conversation?

17 So I think there's a number of
18 solutions. I don't have a magic answer for you.

19 CHAIR POWELL-PALM: No, no. Yeah,
20 great starting point. Any other questions for
21 Kristen from the Board? Thank you, really
22 appreciate you. Next up we have Emily Musgrave,

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1 followed by Bradley McNeil and then we're closing
2 the day with James Riddle. Emily, the floor is
3 yours.

4 MS. MUSGRAVE: Great. Can you hear me
5 okay?

6 CHAIR POWELL-PALM: We can.

7 MS. MUSGRAVE: Great. Good afternoon.
8 My name is Emily Musgrave. I'm the organic
9 regulatory manager at Driscoll's. As always, I
10 would like to thank the NOSB for their tremendous
11 commitment by serving on the Board.

12 My comments focus on the continued
13 allowance of plastic mulch and covers, and I will
14 state that Driscoll supports the relisting of
15 elemental sulfur, liquid fish products, lime
16 sulfur and sulfurous acid on the National List as
17 well.

18 Additionally, I am a volunteer member
19 of the International Fresh Produce Association's
20 Organics Committee, and Driscoll supports the
21 comments made by IFPA. Driscoll supports the
22 continued listing of plastic mulch and covers on

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1 the National List, as they are an essential tool
2 for organic cultural control of weeds and
3 disease. There are numerous agronomic benefits
4 of plastic mulch including reducing nitrogen loss
5 from the beds, and limiting the amount of water
6 infiltration during extended rainy seasons.

7 During the cooler months, plastic
8 mulch also promotes plant growth and soil microbe
9 activity by keeping the soil warmer. The color
10 of the plastic mulch is also important. Darker
11 colored mulch allows for an earlier crop, because
12 increased microbial activity from warmer soil
13 temperatures helps convert more readily available
14 nutrients that the plants can uptake quicker.

15 Conversely, using white or silver
16 plastic mulch helps reduce the soil temperature
17 in the warmer summer months, when excess heat can
18 stunt or stress strawberry plants, also helping
19 to conserve water and moisture during hot
20 temperatures. Another benefit of plastic mulch
21 is that it keeps the berries and plants from
22 having direct contact with the soil, reducing

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1 fruit rot and other fungal pathogens, because the
2 fruit and leaves rest on a clean, dry surface of
3 the mulch rather than the moist soil surface.

4 Plastic mulch is currently not widely
5 recycled. However, Driscoll's is working on
6 recycling pilots in California and Baja that have
7 had some success. The widespread practice of
8 recycling plastic mulch throughout the industry
9 is years away.

10 But there is hope on the horizon.
11 There's increased interest and investment from
12 growers, shippers, some manufacturers and
13 distributors to make the recycling of plastic
14 mulch possible on a larger scale. NGOs and
15 foundations also want to solve this issue.

16 Because of these increasing pressures
17 from the organic industry, as well as consumers
18 to reduce plastics in the organic supply chain,
19 we anticipate industry coalitions will form to
20 develop solutions needed to drive the increased
21 adoption of plastic mulch recycling.

22 Driscoll's will continue to partner

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1 with leaders on this issue, to develop innovative
2 ways to accept push the recycling of plastic
3 mulch forward to become an industry-wide
4 practice. In the meantime, the loss of plastic
5 mulch as a tool would be catastrophic for the
6 organic berry industry, and we urge the NOSB to
7 relist it.

8 Driscoll's thanks the National Organic
9 Standards Board for the opportunity to comment,
10 and their commitment to protecting the integrity
11 of the program.

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

14 MEMBER TURNER: Thanks, Emily. Why do
15 you think the -- why do you think it's years away
16 that we're going to be able to recover plastic
17 mulch? And we've been having this conversation
18 for as long as I can remember. I think I talked
19 about ag plastics 15 years ago at least, and it's
20 been long. I'm sure it's longer than that.

21 And so I just can't -- if it's 15
22 years from now, that feels like that's too long.

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1 So I don't, I don't know where we are on this.
2 So I'm curious specifically for a big grower like
3 Driscoll's, you know, what is the impetus, what
4 is the role, what is the push that your
5 organization is really doing to kind of drive
6 this?

7 Talk to me more about the details of
8 where the barriers are and sort of what's
9 actually happening. Is it dirty plastics? Is
10 that the issue? Is it something else? Like
11 what's going on?

12 MS. MUSGRAVE: Great question. So a
13 few things. So I said years, and actually really
14 much, much less. Like we're thinking less, you
15 said 15 years. When I've talked to our R&D
16 folks, it's maybe more like three to four years
17 to become widely for the recycling of plastic
18 mulch to be something industry-wide.

19 So the biggest -- even like two years
20 ago, the biggest reason we have talked to -- I
21 think Driscoll's talked to over 50 recycling
22 companies in the U.S., and this was like two and

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1 a half years ago, and they all would not take it,
2 would not take the plastic mulch simply because
3 it was too contaminated, right, with dirt and
4 soil.

5 So I think what is -- literally this
6 was about two years ago I think I commented to
7 the Board. It was like nobody is taking the --
8 there's like nobody is taking the plastic mulch
9 to recycle it because of the contamination. So
10 what I have literally seen in just the past two
11 years, recycling companies are now --

12 I think they're making it into like
13 low grade, like making twist ties or low grade
14 other things. They're somehow able with the
15 technology, things are coming through where they
16 are able to do something to recycle the plastic
17 mulch, even though it's still contaminated with
18 dirt and soil. So it's getting there. We're,
19 like I said, we're piloting with some processors
20 and recycling companies, and it was successful
21 this year.

22 They have recycled plastic mulch. I

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1 have heard from R&D folks, you know, we're making
2 progress in actually recycling some of the
3 plastic mulch used in strawberries in California
4 and Baja this year and last year that was not
5 getting recycled at all. Years before, those
6 went straight to the landfill, and now a
7 percentage with these partners is getting
8 recycled.

9 So I think Driscoll's, on our scale of
10 piloting, we just want to push that pilot program
11 upward, and then we're hoping -- well, when I
12 talked with our R&D folks they're wondering, you
13 know, with it industry-wide, if it can be not 15
14 years. We're talking about maybe, you know,
15 within the next three to five years could be
16 possibly, you know, more widespread recycling.

17 MEMBER TURNER: Thanks, great answer
18 Emily. Need your muscle, need you guys' muscle
19 on this big time.

20 MS. MUSGRAVE: We're on it.

21 CHAIR POWELL-PALM: Jerry has a
22 question for you, yeah.

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1 MEMBER D'AMORE: Yes. I'd like to
2 follow on what Wood just started and concluded
3 for his topic, by sharing with you that I and
4 others on the Board have had a frustration with
5 the knowledge that no matter how hard we work, if
6 we were to get something done in the organic
7 world, what would we have accomplished?

8 We would have accomplished, you know,
9 getting rid of three percent of plastics. So my
10 question would be you as the organic person and
11 talking about your R&D, can we assume that where
12 you're going with all of that would have a
13 conventional component too? Because that would
14 be wonderful. It would be wonderful just to hear
15 that.

16 MS. MUSGRAVE: Absolutely. So I think
17 none of our -- nobody, I mean none of the
18 growers, conventional, organic, nobody wants to
19 be seeing plastic mulch going to the landfills.
20 So I absolutely think we will be trying this with
21 both organic and conventional growers, and if we
22 can get conventional plastic mulch being recycled

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1 too, I mean yeah, definitely the case. That's a
2 great question.

3 MEMBER D'AMORE: Thank you.

4 MS. MUSGRAVE: Okay, thank you.

5 CHAIR POWELL-PALM: Brian, please go
6 ahead.

7 MEMBER CALDWELL: Hi Emily. Thanks a
8 lot for your comments, and I asked this question
9 of another person as well, but I know that
10 Driscoll's has a lot of container berry
11 operations and acres.

12 Do you think -- do you have any life
13 cycle analyses of the energy or carbon balances
14 over the life cycle of these, of these you know
15 systems, that would compare to, you know, in the
16 ground kind of growing?

17 And if -- I was thinking that if you
18 could possibly look for that and then just
19 forward it to Michelle, that would be great,
20 because I know you don't have it right on, you
21 know, with you right now.

22 MS. MUSGRAVE: Yeah, yeah Brian. I

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1 believe we do. I believe we've been looking at
2 that. So I can get in touch with the right folks
3 and forward you the information.

4 MEMBER CALDWELL: That's fantastic.
5 Thank you very much.

6 MS. MUSGRAVE: You're welcome.

7 CHAIR POWELL-PALM: Any other
8 questions for Emily?

9 All right, Emily. We appreciate your
10 time.

11 MS. MUSGRAVE: Thank you very much.

12 CHAIR POWELL-PALM: Okay. Next up we
13 have Bradley McNeil, followed by James Riddle.
14 Bradley, the floor is yours.

15 MR. McNEIL: Yes, can everyone hear
16 me?

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

19 MR. McNEIL: Okay. So B.J. McNeil
20 with Rocking Z Acres, Wessington, South Dakota.
21 I've got two things I'd like to address today.
22 Number one, both will concern federal crop

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1 insurance. Number one thing I'd like to address
2 is a topic called trend line yield that is used
3 in crop insurance.

4 What trend line yield does is it
5 allows a producer who has grown a crop within a
6 four-year period, continually within a four-year
7 period or once within a four-year period, to get
8 the trend line yield on that crop, meaning that
9 corn hybrids, corn management continually
10 increases, which is increasing yield. Because
11 that happens, you're allowed to take a trend line
12 yield bump within that county for a said crop.

13 Now as an organic producer, where we
14 have long-term rotations, some of them up to six
15 years, that limits us because we then cannot take
16 advantage of that trend line yield.

17 So if we have let's say alfalfa in our
18 ground for four years and then we want to plant
19 corn, well you no longer get trend line yield for
20 corn like some of the other counterparts might,
21 who are planting a corn-bean-corn rotation or
22 corn-corn-corn or anything where they had corn

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1 within four years. So that's kind of a negative
2 effect on a lot of organic producers.

3 The other thing, if you could move the
4 slide ahead please? We can see here that crop
5 insurance recognizes organic as a different
6 practice. We have to keep different books, we
7 have to have buffer zones, all that to stay
8 obviously within the rules of organic production.

9 If you could forward please. Right
10 here, this slide just kind of -- this is all data
11 that my insurance agent helped me get out of the
12 crop insurance book to show -- out of RMA's book,
13 to show how trend line yield is used and how it
14 isn't, as you can see, just have the crop planted
15 in one out of four years to get that trend line
16 yield.

17 If you could go ahead, please. The
18 second issue I would like to talk about is
19 organic management not being recognized in an
20 enterprise unit situation. So if I'm a producer
21 and I have an organic crop growing in a section
22 of ground or a unit, and I have a conventional

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1 crop growing in that same unit, once I harvest
2 those bushels, I'm not allowed to view those
3 bushels as separate.

4 In other words, they're thrown into a
5 pile and they're allocated to whatever my whole
6 production insured was on that field. I can't
7 separate my organic bushels from my conventional
8 bushels. Now the reason I don't understand this,
9 as you can see in my examples here, RMA allows
10 you to recognize winter wheat different from
11 spring wheat. You can insure them separately in
12 an enterprise unit.

13 It allows you to, you know, separate
14 all the dry beans, you can separate pinto beans
15 separate from black beans. Same thing with
16 sunflowers. You can insure your confectionary
17 flowers separate from your oil types. But as you
18 can see -- and then if we go to the next slide
19 please? You can also see where they allow you to
20 separate your management practice of irrigated
21 versus non-irrigated, all within the same unit.

22 So I don't understand why we are not

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1 allowed to look at organic practice and insure
2 that separate from conventional practice, or why
3 we're not allowed to insure organic corn versus
4 conventional corn. Thank you very much for the
5 time.

6 CHAIR POWELL-PALM: Thank you for
7 those slides. This is really great, and thank
8 you for bringing such actionable questions to us.

9 I know that we have an expert in Amy, but this
10 is really exceptional work and thank you for the
11 time that went into preparing that presentation.

12 We have a question for you from Kim. Kim,
13 please go ahead.

14 MEMBER HUSEMAN: Hi BJ. I just have
15 one quick question for you here. With the
16 understanding of how its yields are determined
17 and so forth in the conventional space in the
18 rotation from an organic perspective, how would
19 you suggest that be redesigned then for the
20 organic farmer, to determine for crop insurance
21 and yields?

22 MR. McNEIL: Well, I mean that's a

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1 great question, one that's really complicated to
2 answer. But I just feel, I mean if we're looking
3 at this, they're giving you a trend line yield
4 due to management practices, and what they're
5 saying is you've grown corn multiple years, so
6 you know how to manage it better, so therefore
7 we'll give you this bump in coverage, right?

8 Well, if I'm an organic producer, and
9 this doesn't affect just organic, but it just
10 affects us more than conventional. I think
11 conventional has the same argument, okay. It's
12 just that it affects us because we do longer
13 rotations in organics.

14 So if I do four years of alfalfa and
15 then I plow that alfalfa and plant corn, odds are
16 I'm going to have a more sustainable corn crop in
17 that alfalfa ground than maybe the neighbor
18 organic farm. Even though he's planted corn two
19 out of the last four years, my corn crop is
20 probably going to outyield his where he's done
21 corn on corn out of the last two years. But yet
22 I'm penalized and they're saying well, this guy

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1 has been using it more, so therefore he's going
2 to have a better crop.

3 Well that's just not the way it is in
4 organics, you know, and we can extrapolate that
5 in conventional too. But I mean it just seems
6 like an unfair advantage, because I can give you
7 several examples in my field this year, where we
8 lost up to 18 bushels of coverage because I
9 hadn't had corn in that unit one out of four
10 years.

11 So if I had 150 bushels APH, if I put
12 it at trend line, I would have got 168 on my
13 insurance to guarantee. But because I hadn't had
14 corn there, I get the 150. For the neighbor
15 across the road, he got 168, you know. It seems
16 like an unfair advantage.

17 MEMBER HUSEMAN: Yeah, I understand
18 the gap. It's just the solve, right?

19 MR. McNEIL: Right, right, right.

20 MEMBER HUSEMAN: The awareness and the
21 attention is greatly appreciated. So good luck
22 on planting this year as well. I know you guys

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1 are getting closer to that date that moves up in
2 the U.S., so I just want to say good luck in your
3 planting intentions as well.

4 MR. McNEIL: Thank you very much.

5 CHAIR POWELL-PALM: We have another
6 question for you from Nate Lewis.

7 MEMBER LEWIS: Yeah, thanks BJ. Yeah,
8 these crop insurance issues are really
9 complicated, and everyone in various cropping
10 systems and across the country have different
11 experiences.

12 What I'm trying to home in on is your
13 opinion or your experience around the issues
14 being a policy or a structure in RMA, or
15 ignorance or naivete is probably a better, more
16 flattering term for the adjuster in your area
17 about organic systems.

18 Because I've, I've encountered where
19 both are the issue, where one's the issue, the
20 other's the issue and I think they both -- they
21 require different solutions. Sometimes the RMA
22 policy works, but the adjuster doesn't know what

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1 they're doing or doesn't know organic, and
2 sometimes it's the other way. Sometimes both
3 things are not working well. So I'm curious what
4 your experience has been in.

5 MR. McNEIL: My experience is it's
6 been more RMA. Normally, I can teach or show my
7 adjuster. They're normally in my corner. I mean
8 every adjuster I've ever dealt with is always in
9 the farmer's corner when it comes to those
10 things, and if I can show him in the rules. I
11 have a great agent. The agent will pull the
12 rules out, show it to the adjuster, whatever.

13 So I've never had a problem with
14 adjusters, and I've never had a problem with RMA.

15 I just don't always understand the thoughts
16 behind the rules when, you know, I mean I get
17 originally how we -- a lot of times what it feels
18 like is, you know, the whole big egg wants us to
19 plant corn, right?

20 So why do we have -- we have these
21 policies that continually favor corn, and I just
22 think that needs, you know, are we going to cull

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1 that out of the system? No. But I wish they
2 would recognize that maybe there's an exclusion
3 in that trend line yield, that four-year rule in
4 organics.

5 Because it is a different system than
6 conventionals. I mean it's different practice.
7 They recognize it's different practices, as you
8 can see on my slide. So I just think we need to
9 recognize that hey, it's a different practice and
10 there needs to be a few tweaking of the rules.
11 You don't need to go change and build a whole new
12 set of parameters or rules. But there needs to
13 be little tweaks in here, and I think that's a
14 big one, the trend line yield deal.

15 MEMBER LEWIS: That's interesting.
16 Thank you very much.

17 CHAIR POWELL-PALM: Other questions
18 for BJ?

19 All right. Really appreciate your
20 time, both for preparing that presentation and
21 meeting with us today. So thank you.

22 MR. McNEIL: Thank you.

1 CHAIR POWELL-PALM: Our last commenter
2 for today will be James Riddle. James, the floor
3 is yours.

4 MR. RIDDLE: Okay, thank you. My
5 name's Jim Riddle, and I'm a former NOSB member,
6 former chair and founding president of the IOIA.
7 I currently serve on the Policy Committee of
8 NOFA New Hampshire, and from personal experience,
9 I understand that serving on the Board is much
10 more than just an honor; it's a lot of work. So
11 I really thank you for your service to our
12 country and to our earth.

13 I'd like to comment today on the CACS
14 proposal organic is climate-smart agriculture,
15 which states "While all certified organic
16 production is climate-smart, not all climate-
17 smart production is certified organic." The NOSB
18 should revise that sentence to read "While soil-
19 based certified organic production is climate-
20 smart, not all climate-smart production is
21 certified organic," since as far as I can see,
22 all of the research that you cite in your

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1 excellent paper is based on soil-based organic
2 production.

3 And that term "soil-based" was
4 officially used by the NOP last year when they
5 announced a new online course, "Organic Field
6 Crop Practices," and they stated the following:
7 "Soil is a critical resource, and the USDA
8 organic regulations emphasize the need to
9 maintain or improve the natural resource of the
10 operation, including soil and water quality.

11 "For soil-based operations, this
12 includes cultivation practices that maintain or
13 improve the physical, chemical or biological
14 condition of the soil, minimize soil erosion, as
15 well as managing crop nutrients and soil
16 fertility through rotations, cover crops and the
17 application of plant and animal materials." Now
18 that's climate-smart.

19 But that's not what organic is these
20 days. The soil-based operations comply with all
21 the provisions of OFPA, including 6513(b)(1),
22 which states "an organic plan shall contain

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1 provisions designed to foster soil fertility,
2 primarily through the management of organic
3 content of the soil through proper tillage, crop
4 rotation and manuring."

5 Water-based operations, including
6 hydroponic and container systems, do not grow
7 plants in soil. They deliver highly soluble
8 nutrients through aqueous solutions to produce
9 crops such as tomatoes, peppers, cucumbers,
10 greens and berries. OFPA contains no language
11 that allows for organic crop production plans
12 which do not foster soil fertility.

13 There's no language in OFPA that
14 supports organic certification of water-based
15 operations. NOP has issued no rules, no
16 regulations or even online courses to guide the
17 organic certification of water-based operations.
18 They're totally dependent on external inputs.

19 They do not foster soil fertility, use
20 crop rotations, sequester carbon, protect natural
21 resources or foster cycling of resources, promote
22 ecological balance and conserve biodiversity as

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1 required by the definition of organic production.

2 They are not climate-smart.

3 I have one more point. I see my time
4 is about up. You've been pretty generous with
5 other presenters, so I'm hoping I can make my
6 final point.

7 CHAIR POWELL-PALM: Please go ahead.

8 MR. RIDDLE: Thank you. I call on the
9 NOSB to investigate just how much of the U.S.
10 organic market is comprised of products from
11 water-based crop production systems, and how much
12 of that production is imported from countries
13 where the products couldn't even be sold as
14 organic in those countries of origin, but yet
15 they're being dumped on the U.S. market.

16 I think the NOSB needs to get the
17 facts on how much is soil-based and how much is
18 water-based. We have two very different systems
19 of agriculture being certified as organic under
20 the U.S. right now. Thank you.

21 CHAIR POWELL-PALM: Any questions for
22 Jim?

1 Seeing none, all right, Jim.

2 MR. RIDDLE: Thank you very much.

3 CHAIR POWELL-PALM: Oh, Mindee --

4 (Simultaneous speaking.)

5 MEMBER JEFFERY: Honestly, I wanted to
6 say thank you for your service and thank you for
7 your patience today, and everyone else who went
8 real late and hung in there with us. I really
9 appreciate it. I know you all have busy lives.
10 So thank you Jim and everyone else.

11 MR. RIDDLE: Yeah, well thank you.
12 And I really encourage consumers who are
13 concerned about this to use the USDA, the NOP's
14 official complaint system if they think products
15 are not being produced in compliance with OFPA,
16 with the soil requirements. That's what it's
17 there for; use it. Thank you.

18 CHAIR POWELL-PALM: So Jim, real
19 quick. That raises one question for me. Have
20 you heard of any consumers having a problem with
21 hydroponics, like by data?

22 (Simultaneous speaking.)

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1 MR. RIDDLE: --by data. But yeah, we
2 have --

3 CHAIR POWELL-PALM: I have one follow-
4 up question to that. What is the propensity to
5 be a conspiracy if we don't, and so an anecdote,
6 if we don't have data? And I sort of meant that
7 just to Dave Chapman as well. If we aren't
8 talking data, how do we make policy decisions?
9 Otherwise it's, you know, sort of --

10 (Simultaneous speaking.)

11 MR. RIDDLE: That's why I'm calling on
12 you to find the data to know just how much, and
13 the certifiers have this. They know which
14 operations they certify which are soil-based, and
15 which ones are water-based, you know. So you can
16 get it from the accredited certifiers to begin
17 with.

18 But from personal experience, we have
19 a certified organic, Blue Fruit Farm in
20 Minnesota. So many consumers ate our organic
21 berries and they say we always buy organic, but
22 we've never had such flavorful, such rich flavor,

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1 even though we buy and I won't say the brand
2 names, but big brands of USDA-certified organic
3 blueberries.

4 That's where I think we need to look
5 at nutrient density comparisons. These aren't
6 the same. When you grow things in healthy,
7 biological soil, they're going to have much
8 richer bioflavonoids. We've seen research from
9 University of California, ten-year research
10 looking at conventional versus organic, and
11 showing that the levels of bioflavonoids as well
12 as vitamins and minerals just keep going up in
13 healthy soil, whereas they stay flat when they're
14 on a conventional nutrient path.

15 And so I think we need to take that
16 type of research and compare soil-based organic
17 versus water-based organic. We do need the data.

18 CHAIR POWELL-PALM: all right. Well,
19 we appreciate your comments.

20 MR. RIDDLE: Thank you.

21 CHAIR POWELL-PALM: Thank you.

22 MR. RIDDLE: Have a good time next

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1 week.

2 CHAIR POWELL-PALM: We appreciate it.

3 So we've got this one in the bag. Thank you
4 everybody for sticking with us. We're going to
5 do this again on Thursday, same time, same place.

6 Please join us. On Thursday we're going to get
7 kicked off with Garth Kahl, followed by Sam
8 Welsch and then Laura Holm. So we're excited to
9 see you there.

10 (Whereupon, the above-entitled matter
11 went off the record at 6:32 p.m.)

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UNITED STATES DEPARTMENT OF AGRICULTURE

NATIONAL ORGANIC STANDARDS BOARD

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SPRING 2023 MEETING

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PUBLIC COMMENT WEBINAR

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THURSDAY
APRIL 20, 2023

+ + + + +

The Board met via Videoconference,
at 12:00 p.m. EDT, Nathan Powell-Palm, Chair,
presiding.

BOARD MEMBERS PRESENT

- NATHAN POWELL-PALM, Chair
- MINDEE JEFFERY, Vice Chair
- AMY BRUCH, Secretary
- BRIAN CALDWELL
- JERRY D'AMORE
- CAROLYN DIMITRI
- KIMBERLY HUSEMAN
- ALLISON JOHNSON
- NATE LEWIS
- DILIP NANDWANI
- LOGAN PETREY
- FRANKLIN QUARCOO
- KYLA SMITH
- WOOD TURNER

STAFF PRESENT

DR. JENNIFER TUCKER, Deputy Administrator,
Agricultural Marketing Service (AMS);
Designated Federal Official

MICHELLE ARSENAULT, Advisory Committee
Specialist

JARED CLARK, National List Manager

ERIN HEALY, Director, Standards Division

ANDREA HOLM, Agricultural Marketing Specialist

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

2 12:05 p.m.

3 DR. TUCKER: I'm Jenny Tucker, Deputy
4 Administrator of the National Organic Program. I
5 want to welcome everyone back, so welcome to all
6 of our Board Members and our audience. Thanks
7 for returning to the second day of public
8 comments where we are now reconvening here.

9 We, as I mentioned the very first day,
10 continue to be very, very grateful for everyone's
11 ability to engage in these sessions. It really
12 does help us connect through both time and space.

13 And I, again, want to welcome our two
14 new Board members, Franklin Quarcoo from Tuskegee
15 University in Alabama and Nate Lewis from
16 Washington Farmland Trust in Washington State.

17 They, again, just recently joined.
18 So, again, we want to give them a very warm
19 welcome, warm Zoom welcome.

20 To our public commenters, thank you
21 for engaging in the process with us. And thank
22 you to our audience. You are a vital part of

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1 witnessing this event together in the public
2 space and the public sphere.

3 This webinar continues our two days of
4 public webinars this week. We'll convene in
5 person in Atlanta, Georgia next week. We plan to
6 live stream that meeting as well as we did last
7 fall.

8 Meeting access information for all
9 meeting segments is posted on the NOSB meeting
10 page on the USDA website. And transcripts for
11 all segments will be posted once completed.

12 This meeting, like all other meetings
13 of the National Organic Standards Board will be
14 run based on the Federal Advisory Committee Act
15 and the Board's Policy and Procedures Manual.

16 So, I am the Designated Federal
17 Officer for all meeting segments. And Nate
18 Powell-Palm, our Board Chair will be taking the
19 helm again today.

20 We remind everyone that in an open,
21 transparent process, mutual respect is critical.

22 We ask you in advance to avoid

1 personal attacks and disparagement. This extends
2 also to any chats that you share.

3 So, even if you disagree with a
4 speaker's position, in a public process, everyone
5 deserves the same respect and grace you would
6 want for yourself.

7 I want to, again, thank the National
8 Organic Program team. You guys are amazing. I
9 was very particularly impressed on Tuesday when
10 we did have the Zoom-bombers. We haven't had
11 that happen which is really remarkable given how
12 public this meeting is.

13 And so, the team's ability to problem
14 solve in the background while also continuing to
15 run the meeting is truly impressive.

16 And this team works like that every
17 day. They are problem solvers. They are
18 achievers and, often, overachievers. And I'm
19 very, very grateful for all of their work.

20 There have been many, many successes
21 from the program over the past six months since
22 we convened in California. And the team that's

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1 supporting you as a community today is, in large
2 part, responsible for many of those successes.

3 So, I want to thank them for their
4 work.

5 So, Michelle Arsenault, who you all
6 know well, Jared Clark, Andrea Holm, Joanna
7 Miranda, and our new Standards Director, Erin
8 Healy. We also have a new Assistant Director of
9 Standards who I introduced last time, Fred David.

10 And so, I would appreciate if we could
11 all give the NOP team a big round of applause.
12 They are a huge part of getting us here.

13 And a huge round applause for the
14 Board itself, who listens constructively and
15 thoughtfully, and is a incredibly collaborative
16 group.

17 So, I'm going to hand the mic back to
18 Michelle who will do a roll call of NOSB Members
19 and NOP staff.

20 So, thanks so much. Oh, I guess she's
21 not doing NOP staff because I just did that,
22 right?

1 But Michelle, take it from here.

2 MS. ARSENAULT: Thank you, Jenny.

3 Thank you, I'm glad you reiterated
4 that, actually.

5 All right, you guys, I'm not on
6 camera. I have the speaker timer on camera now.
7 So, I will still call roll.

8 Nate Powell-Palm?

9 CHAIR POWELL-PALM: Present. Hello,
10 hello.

11 MS. ARSENAULT: Welcome.

12 Mindee Jeffrey?

13 MEMBER JOHNSON: Colored pens ready to
14 go.

15 MS. ARSENAULT: Excellent.

16 Amy Bruch?

17 MEMBER BRUCH: I'm here.

18 MS. ARSENAULT: Good morning, Amy.

19 Brian Caldwell?

20 MEMBER CALDWELL: Here. Hi,
21 everybody.

22 MS. ARSENAULT: Hi, Brian.

1 Jerry D'Amore?

2 MEMBER D'AMORE: Good day, here as
3 well.

4 MS. ARSENAULT: Welcome, Jerry.

5 Carolyn Dimitri?

6 MEMBER DIMITRI: Hi, everyone, good
7 afternoon.

8 MS. ARSENAULT: Hi, Carolyn.

9 Kim Huseman?

10 MEMBER HUSEMAN: Hello.

11 MS. ARSENAULT: Hello, Kim.

12 Allison Johnson?

13 MEMBER JOHNSON: Here, good morning.

14 MS. ARSENAULT: Welcome, Allison.

15 Kyla Smith?

16 MEMBER SMITH: Hi, everybody, I'm
17 here.

18 MS. ARSENAULT: Hey Kyla.

19 Nate Lewis?

20 MEMBER LEWIS: Present from the
21 Northwest.

22 MS. ARSENAULT: Welcome, Nate.

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1 Dilip Nandwani?

2 MEMBER NANDWANI: Good morning, all.

3 MS. ARSENAULT: Good morning, Dilip.

4 Logan Petrey?

5 MEMBER PETREY: I'm here, good
6 afternoon.

7 MS. ARSENAULT: Hello, Logan.

8 Franklin Quarcoo?

9 MEMBER QUARCOO: Present.

10 MS. ARSENAULT: Welcome, Franklin.

11 Wood Turner?

12 MEMBER TURNER: Here, good morning.

13 MS. ARSENAULT: Good morning, Wood.

14 And I believe Javier Zamora won't be
15 with us today.

16 So, for transcription purposes, we'll
17 mark Javier absent.

18 I'm waiting for him to yell out, just
19 in case.

20 (No response.)

21 MS. ARSENAULT: Nope, okay. All
22 right, and as Jenny said, she already introduced

1 all of the NOP staff so I won't do that again.

2 Now, I'm going to hand off the mic to
3 Nate Powell-Palm, Chair of the National Organic
4 Standards Board.

5 CHAIR POWELL-PALM: All right, thank
6 you, Michelle, and welcome back, everybody.

7 Just to get kicked off here, I really
8 wanted to say thank you to everybody, the Board,
9 NOP staff, the whole community for letting us run
10 a little long on Tuesday, but it was worth it.
11 Those were some great conversations. I'm really
12 looking forward to having similar conversations
13 today.

14 For brevity, I will remind my fellow
15 Board Members, if you can keep it to questions as
16 opposed to comments, that will save some time.
17 But don't hold back. That was a really nice
18 conversation and I hope we get to have that again
19 today.

20 We do have a slide for our Policy and
21 Procedures Manual about public comments.

22 All speakers who will be recognized

1 signed up during the registration period.
2 Persons must give their names and affiliations
3 for the record at the beginning of the public
4 comment.

5 So, when I call on you, I'll state
6 your name, but if you would state your
7 affiliation, that'd be great.

8 Proxy speakers are not permitted.

9 Individuals providing public comment
10 shall refrain from making any personal attacks or
11 remarks that might impugn the character of any
12 individual.

13 Members of the public are asked to
14 define clearly and succinctly the issues they
15 wish to present before the Board. This will give
16 NOSB Members a comprehensive understanding of the
17 speaker's concerns.

18 I'll call on speaks in the order of
19 the schedule and will announce the next person or
20 two so they can prepare.

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

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1 Board Members will indicate to me if
2 they have a question and I will call on them.
3 Only NOSB Members are allowed to ask questions.

4 So, with that, our first speaker today
5 is going to be Garth Kahl followed by Sam Welsch
6 and then Laura Holm.

7 Garth, the floor is yours.

8 MR. KAHL: Hello, good day. Thank you
9 for your service. Thank you NOP staff.

10 I represent the Organic Integrity
11 Cooperative Guild. The Organic Integrity
12 Cooperative Guild, OICG, is a cooperative of
13 organic inspectors, reviewers, and consultants,
14 all of whom either own or work on certified
15 organic farms.

16 And we have come together to further
17 professionalism in the organic industry and
18 promote dynamic growing and trustworthy organic
19 marketplace.

20 Next slide, please?

21 So, CACS, we need clear and distinct
22 locations and fields for performing unannounced

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1 inspection. This is the perfect example on
2 calling out this certifier because they do a
3 great job.

4 This is a perfect example of what we
5 can do at the beginning on an OSP parcel
6 document. You'll see that they ask for not only
7 the GPS coordinates, but they also ask for
8 township and range.

9 This is critical because plain people
10 may not have access to GPS or a smartphone. They
11 certainly can go to their county and get a
12 township and range.

13 Next slide, please?

14 With that township and range, then
15 anybody, myself or someone in the certification
16 community, can use a free document, convert
17 township and range to GPS coordinates.

18 Here's what another outstanding CB can
19 do with that information.

20 So, you can see there, I can go, if
21 I'm the inspector, I can go directly to the dairy
22 in question. I can hop on a four-wheeler. I can

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1 drive around the fields.

2 If there's a problem, I can
3 immediately pull out my smartphone, locate where
4 I am, and describe in the report where the issue
5 is.

6 This kind of program also includes the
7 shape of the fields and the area.

8 Next slide, please?

9 Here is an example of what me, a
10 simple, humble organic inspector can do with free
11 software, i.e., Google or Pro. I can take those
12 GPS coordinates, I can make a map. I can draw a
13 map with my smartphone or a tablet. I can
14 describe to the certifier exactly where an issue
15 is and I can compare that field area to what's in
16 the OSP.

17 So, great way to improve organic
18 integrity without a lot of lift.

19 Next slide, please?

20 Okay, so, you're close, you're almost
21 here. Let's get this ion exchange issue
22 resolved.

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1 Ion exchange resins do not need to be
2 listed. The recharge materials are already
3 listed.

4 As you can see, this is the kind of
5 document that we see at every organic inspection.

6 We can review this. We can see the specific
7 name brand and the FDA statement verifying that
8 it is, indeed, compliant. It's been reviewed.

9 It's not a heavy lift, let's get it
10 done.

11 And I would refer you also to Adam
12 from QAI's comments on Tuesday.

13 Last slide, please?

14 Okay, so, this basically says it all,
15 climate smart and sunset. Keep all the tools in
16 the toolbox. And yes, we could, even though it's
17 an anathema, have organic Twinkies. Why not?
18 Let's push the climate smart benefit of organic
19 agriculture, even if it includes organic
20 Twinkies.

21 CHAIR POWELL-PALM: Thank you very
22 much for your comments.

1 I'm going to sit here and really
2 imagine eating an organic Twinkie now. And I
3 want us all to let our worlds be so large.

4 Amy has a question for you to get
5 kicked off.

6 Please go ahead, Amy.

7 MEMBER BRUCH: Thank you for your
8 public comments and for attending our session,
9 starting us off here.

10 I really appreciate your information,
11 it was really helpful. We all think organic --
12 we all refer to it as the gold standard.

13 And it was interesting in your written
14 comments how you mentioned about the Mexican
15 Organic Standard and how they are not only
16 tracking, but verifying -- or not only receiving
17 these coordinates, but verifying these
18 coordinates and tracking them.

19 Could you speak more on to the Mexican
20 Organic Standard and how they're able to execute
21 that across the countryside?

22 Because I'm sure that they run into

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1 similar situations that we have been hearing
2 about.

3 MR. KAHL: Yes, absolutely.

4 And actually, Mexico is the perfect
5 example of why this is so necessary.

6 If you've traveled or worked in
7 Mexico, addresses are, at best, kind of a
8 suggestion. So, it may be, you know, 500 meters
9 past the blue house on the right in terms of a
10 field description.

11 So, they saw very on when they
12 implemented their national law, that this was
13 critical to allow inspectors to verify parcels to
14 perform unannounced inspections.

15 What they do as a certifier accredited
16 to the National Organic Standard, the Ley de
17 Productos Organicos, you have to receive this
18 information, every parcel as part of the OSP has
19 to have GPS coordinates.

20 It's tracked, so you have to
21 demonstrate during your accreditation audit with
22 the national body, with the Secretariat of

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1 Agriculture.

2 You, as the certifier, need to show
3 how you're tracking this field information. And
4 it actually appears on certificates as well.

5 So, if you look at a certificate that
6 is issued by a certifier for an operator that's
7 accredited to the Ley de Productos Organicos, it
8 will list the specific field information.

9 So, it's just another -- just the way
10 we would track a name or the products that are
11 certified, it just tracks these -- they call them
12 geocodes. But it's basically the way Google
13 Earth, you know, has digitized latitude and
14 longitude.

15 It's simple. It works. And again, it
16 works in Mexico. Anybody with a cheap smartphone
17 can record this information and/or can look on
18 with free software, can pull up on their
19 smartphone and see where they are and see where
20 they need to get to with Google Maps, for
21 example.

22 So, it works really well. It hasn't

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1 been, again, even with impoverished communities,
2 even with, you know, communities, most people
3 have a smartphone. They may not have a car, they
4 may, you know, they may literally still be
5 farming with oxen, but almost everybody's got a
6 smartphone.

7 MEMBER BRUCH: Thank you for
8 elaborating more on that.

9 And thanks, also, for sharing how you
10 are using, from an inspector point of view, the
11 geocoordinates to then lay out the fields into
12 GIS type systems.

13 So, thanks, again, appreciate that.

14 MR. KAHL: Yes.

15 CHAIR POWELL-PALM: Other questions
16 for Garth?

17 I've got one for you, Garth. Do you
18 feel like there is consistency amongst certifiers
19 that you've worked with or that you've consulted
20 with in how they track internally where their
21 fields are? Do you feel like that you've seen
22 folks be able to know where all the fields they

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1 certify are in a consistent format?

2 And if we were, through this document,
3 just to recommend that we get a consistent format
4 where they're able to aggregate that data
5 internally, not necessarily in public facing,
6 that that would be an asset to the integrity of
7 our industry.

8 MR. KAHL: And so, and to answer your
9 first question, no, there is not consistency
10 across certifiers.

11 Some certifiers don't have this. Some
12 certifiers literally that I've seen have all
13 fields tied to a specific address. So, that
14 might be the home farm.

15 Other certifiers just have, you know,
16 a rough address that may put you a quarter mile
17 away or at, you know, the other end of the
18 section.

19 And then, some certifiers, as I've
20 shown, are tracking this very closely.

21 I think it is absolutely would be an
22 improvement to demand some consistency across the

1 board with certifiers.

2 As you say, it doesn't need to be
3 public facing as long as they're tracking it.
4 And the reality is, you know, everybody's --
5 virtually everybody's got a smartphone. And if
6 they don't have a smartphone, if they're plain
7 people, they can get the township and range
8 information.

9 I don't think it's a heavy lift for
10 certifiers to do this. And consistency would be
11 really good.

12 I cannot tell you the number of times
13 I have basically tried to, you know, compare the
14 map in the OSP and then open Google Maps on the
15 other, you know, on the other document, like on
16 my computer and have the map open and try to
17 basically find some landmarks in Google Maps
18 exactly where the farm is far more times than I
19 care to recount. But it's a very common
20 occurrence.

21 So, yes, again, it's an easy lift to
22 really improve organic integrity and to

1 facilitate unannounced inspections which is what,
2 of course, the rule requires.

3 CHAIR POWELL-PALM: Fantastic, I
4 really appreciate that insight from an inspector
5 point of view.

6 One last question for you, how do we
7 explode the demand for organic foods?

8 MR. KAHL: Wow, easy question there,
9 Nate.

10 We -- I think we explode the demand
11 for organic foods by bringing organic foods to
12 everywhere the consumer is.

13 So, the consumer is not just at
14 farmer's markets, they're not just at specialty
15 shops. They're shopping in Walmart. They're
16 shopping in Target. They're shopping in
17 convenient stores. That's the sad reality with
18 food deserts in this country.

19 I think we explode the organic -- the
20 demand for organic food by keeping a full
21 toolkit, by having stable regulatory compliance
22 so processors don't see changes coming down the

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1 line all the time.

2 And by basically pushing the climate
3 benefits or organic food. Organic food means
4 less dead zone at the mouth of the Mississippi.
5 It means less carbon footprint in general.

6 If you look at the carbon footprint
7 for synthetic nitrogen compared to the carbon
8 footprint of organic, it is vastly lower and it's
9 even lower when you include long supply chains,
10 which, obviously, aren't ideal.

11 We should have local organic food
12 everywhere. But even taking into account global
13 supply chains, organic foods still beats
14 conventional, local conventional with synthetic
15 nitrogen hands down if you're talking about
16 carbon footprint.

17 CHAIR POWELL-PALM: And that's a great
18 foot to get started off today. We really
19 appreciate your comments. Thank you so much and
20 I hope you have a very successful calving season.

21 It looks like your babies are doing well in that
22 photo.

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1 So --

2 MR. KAHL: Well, thanks and thanks to
3 all the NOP staff and the Board Members for all
4 your work.

5 CHAIR POWELL-PALM: All right, take
6 care. Thank you.

7 Next up, we have Sam Welsch followed
8 by Laura Holm and then Gwendolyn Wyard.

9 Sam, the floor is yours. Please state
10 your affiliation.

11 MR. WELSCH: Hello, I'm with OneCert.

12 I'm going to start by talking about
13 something just very important, consistency.

14 As you deliberate today, it's
15 important to remember the purpose of OFPA.

16 One, to establish national standards
17 governing the marketing of products as
18 organically produced products.

19 Two, to assure consumers that those
20 products meet a consistent standard.

21 And three, to facilitate interstate
22 commerce.

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1 Unfortunately, the assurance that
2 organic products meet a consistent standard is
3 not being achieved. Inconsistent implementation
4 of USDA organic regulations by certification
5 agencies has two main causes.

6 One, lack of specific regulations,
7 this includes the absence of regulations USDA
8 said it would publish by October 2002, such as
9 apiculture, greenhouse, pet food, mushrooms.

10 It also includes the absence of
11 regulations for the certification of
12 non-agricultural substances like yeast and
13 flavors.

14 There's also the ambiguous or vague
15 requirements and unclear definitions, that's the
16 second cause.

17 Another item that's also a big
18 contributor is inconsistent enforcement by the
19 USDA which also contributes to the lack of
20 consistency.

21 I want to mention on ion exchange and
22 remind you that OFPA, in 6517B requires that each

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1 substance be listed. The list established under
2 Subsection A shall contain and itemization by
3 specific use or application of each synthetic
4 substance permitted under Subsection C1 or each
5 natural substance prohibited.

6 The word each is used here means that
7 each substance must be identified and listed
8 separately.

9 Ion exchange resin should not be
10 listed as a collection. They should be listed
11 individually.

12 Ion exchange is a process that
13 chemically changes the product that's being
14 produced.

15 That ion exchange resins and recharged
16 chemicals are not simple food contact substances.
17 They're intended to change the organic product.

18 As others have pointed out, actual
19 food contact substances are intended to have no
20 effect on the food.

21 Certification of non-agricultural
22 substances, there are many that are not on the

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1 list that are still being used as ingredients in
2 organic products.

3 The value of organic certification is
4 based on the premise that organic products are
5 distinct from non-organic products. But
6 non-agricultural substances are being certified,
7 it diminishes the value of organic certification.

8 CHAIR POWELL-PALM: Appreciate your
9 comments.

10 Questions for Sam?

11 Allison, please go ahead.

12 MEMBER JOHNSON: Thank you so much for
13 your comments, Sam.

14 I am still trying to tease out this
15 ion exchange issue. My current understanding and
16 what I think the proposal reflects is that we're
17 drawing a distinction between the recharged
18 material which is intended to have this back and
19 forth interaction with the product and then the
20 resin that holds it in place.

21 Is your understanding that there is
22 some chemical or anything other than like a

1 contact interaction between the resin itself and
2 the organic product?

3 MR. WELSCH: Yes, it's my
4 understanding the resin is what captures the ions
5 in the products being processed. And it's the
6 recharged materials then wash that -- those
7 captured ions out so that the resins are able to
8 capture more ions in the next round of
9 processing.

10 MEMBER JOHNSON: So, the resin, in
11 your mind, by pulling something out of the
12 product, the resin is having an interaction. But
13 it's not that the resin is putting something into
14 the final product, right?

15 MR. WELSCH: Well, it's creating a
16 chemical reaction. That's why it's called ion
17 exchange. And ion exchange is a chemical
18 reaction.

19 So, we're chemically altering the
20 products that are in there. Sometimes, they're
21 trying to remove, you know, ions that are in
22 solution, but other times, they're actually

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1 altering chemistry of the product that's being
2 processed.

3 So, it is a -- the ion, you know,
4 process does, you know, the substances that are
5 used in ion exchange also degrade over time. So,
6 they do result in quantities over time starting
7 to be included in the product that they're
8 processing.

9 Those things don't last forever.
10 They're not like a stainless steel food contact
11 surface, you know, that's good for decades. You
12 know, these are substances that degrade in use
13 and they do, you know, so portions of those
14 resins do end up in the organic products.

15 MEMBER JOHNSON: I see Kyla's hand up
16 so I bet she has another question. So, I'll
17 leave it at that.

18 Thank you.

19 CHAIR POWELL-PALM: All right, Kyla,
20 please go ahead.

21 MEMBER SMITH: Okay, a couple things.

22 Juice that goes through an ion

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1 exchange filtration process, when it comes out
2 the other side is still chemically juice,
3 correct?

4 MR. WELSCH: Well, it's still juice
5 but it's not --

6 MEMBER SMITH: Yes.

7 MR. WELSCH: -- the same juice that
8 went in there. It's --

9 MEMBER SMITH: Okay, and the resin
10 could not perform its function without the
11 recharge material. So, the resin itself, the
12 polymer bead, is not functional without the
13 recharge. The recharge is what is performing the
14 action.

15 MR. WELSCH: Yes, but --

16 MEMBER SMITH: Without the recharge,
17 there is no function.

18 MR. WELSCH: I think the thing should
19 be looking at is, is this a necessary -- is the
20 ion exchange necessary for organic processing?

21 There are other filtering aids already
22 listed on the national list that are also doing

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1 the same thing that the ion exchange process
2 does.

3 And we've had operations using those
4 processes in substances that are on the national
5 list to achieve the, you know, purposes of
6 filtration and clarification that is cheaper to
7 do with ion exchange but without the risk of
8 contributing ion exchange resin and recharge
9 chemicals to the products that are being
10 processed.

11 MEMBER SMITH: That was not the
12 mandate that the NOP tasked us with. The mandate
13 was to decide whether or not ion exchange or the
14 components thereof needed to be on the national
15 list.

16 Thanks.

17 CHAIR POWELL-PALM: Amy, please go
18 ahead.

19 MEMBER BRUCH: Sam, hi, thanks for
20 your time today. I really appreciate it.

21 I'm going to switch gears, you
22 mentioned consistency. And that is a really

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1 strong word, and I love it, actually. I think
2 it's real important. And that's been kind of
3 something we've taken to task I believe with the
4 CACS committee with some of our work agenda
5 items.

6 And I wanted to ask you, from your
7 certifier background, your thoughts on just --
8 because we have received feedback with this, do
9 we want to be clear in our recommendations almost
10 to the point we're getting feedback on the
11 prescriptive nature or do we want to be less
12 descriptive?

13 And then, that's, I think, where maybe
14 consistency can, you know, deviate a little bit.

15 So, what's your thoughts on how much
16 prescriptive nature we should be aiming for to
17 get consistency?

18 MR. WELSCH: Well, I think if you're
19 clear in what you want to achieve, you know,
20 there are sometimes more than one way, you know,
21 to get to a destination.

22 So, if the purpose is clear, like as

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1 Garth was mentioning, clear identification of
2 each parcel that's being certified organic.

3 GPS is a great tool. He mentioned
4 the, you know, township and range, the maps that
5 you get in the U.S. from your farm service
6 office. You know, those are always to get, you
7 know, and identify the parcels. And that's what
8 we want to achieve.

9 It may be that different certifiers
10 use different types of documents to achieve that
11 or using all of them in our work.

12 In our international work, we use GPS
13 because that's more universally available. The
14 other, you know, the township and range like we
15 have in the U.S., you know, is not as -- you
16 know, they don't have similar things in other
17 countries.

18 So, we use GPS a lot and the maps.
19 The maps are very important and the Google Maps
20 are a great tool to identify that.

21 You know, that's something we look at
22 first if we're having someone who wants to

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1 certify some operations, especially in growing
2 groups, we get the GPS coordinates and we want to
3 see that they're actually close enough physically
4 that it makes sense to certify them as a group,
5 for example.

6 Or even operations here in the U.S.,
7 we have some that are trying to certify the same
8 -- as a single farm, operations and have fields
9 hundreds of miles apart. You know, in our mind,
10 you know, it's farmers are not traveling that
11 far. Those are separate operations, even though
12 they might have the same owner.

13 They're using different equipment,
14 different workers, you know, the locations can be
15 quite different.

16 So, we try to look at this in as fine
17 a grain as possible and make sure we clearly know
18 what's being certified.

19 MEMBER BRUCH: Thank you, Sam, thanks
20 for providing the international examples also. I
21 appreciate that.

22 CHAIR POWELL-PALM: Kyla has a

1 question for you.

2 MEMBER SMITH: Sorry, going back to
3 resins.

4 You were starting to talk about
5 degradation and I just wanted to know if you had
6 any data that supported the claim that the resin
7 itself degrades and ends up in the product? And
8 if so, if you could please send that to Michelle?

9 Because we've had -- we've seen no
10 such data to support that.

11 MR. WELSCH: Well, I'm not the
12 scientist on that, but I have talked to those who
13 deal with these and I don't know why the data
14 hasn't been made available to you, but these
15 things do degrade and they get replaced which is
16 a good indication of -- that it's not maintaining
17 its integrity.

18 CHAIR POWELL-PALM: Okay, thank you,
19 Sam, for fielding all those questions in several
20 different categories.

21 I have just one sort of just bigger
22 picture question for you. And that's, when we

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1 think about, going back to my question for Garth,
2 how to drive demand, availability of organic
3 food?

4 Do you see organic as the gold
5 standard for clean food? And from that, do you
6 think that if we can have something in the
7 toolbox that's going to make sure that when a mom
8 in a grocery store is looking for the right baby
9 food, she knows that there is going to be a
10 guarantee of cleanliness because there's all of
11 the tools in the toolbox for organic processors
12 like ion exchange?

13 Or do we want to set a standard of
14 purity that limits that toolbox?

15 Where do you -- how do you think that
16 should be compromised and explored?

17 MR. WELSCH: Well, in my view, and I
18 was an organic consumer for decades before
19 organic certification, you know, was even a
20 thing.

21 So, it's important to me, personally,
22 to have as much organic food available as

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1 possible, preferably local food. But that's not
2 always possible and we do certify a lot of food
3 that gets traded in international markets.

4 I think the value of organic
5 certifications, you said people want pure food.
6 They want something that's wholesome and healthy,
7 you know, it's got that strong connection.

8 When you start to include processes
9 and substances that are the same as conventional
10 like the substances created with ion exchange, I
11 think you diminish the value of organic.

12 And it gets its value because it's
13 different than conventional. And if we try to,
14 you know, change the regulations so that every
15 conceivable product that can be made
16 conventionally can also be made organic, I think
17 it really loses its value. And it's not what
18 consumers want.

19 I always look for whole foods,
20 minimally processed because that's healthier for
21 us.

22 CHAIR POWELL-PALM: I'll follow up

1 with one quick question. Do you think this
2 entire debate is sort of about carrying a purity
3 assessment for what we hope or think organic
4 should be rather than the actual science? Or are
5 we thinking that we're going to see degradation
6 or loss of product, loss of resins into the food?

7 Is this somewhat of a higher debate
8 that we're just couching into this discussion
9 that we don't want processed foods in organic?

10 MR. WELSCH: No, I think there's a
11 genuine concern that these things do degrade, you
12 know, just like there's concerns about the
13 plastics we use whether it's in production or in
14 packaging.

15 You know, we have found that there are
16 certainly types of plastics that contribute
17 substances to the foods that we don't want to be
18 eating and consuming.

19 So, those are issues and I think it's
20 important for organic to take a -- and I don't
21 see anything wrong with a pure approach. We want
22 our food to be pure.

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1 I remember when I first started
2 beekeeping 50-some odd years ago. You wanted to
3 have pure honey because it had been adulterated.

4 And so, having the word pure on there
5 was meaningful. And I think the same thing is
6 true for organic. It should be pure food, it
7 should not be adulterated with the substances
8 used in processing.

9 CHAIR POWELL-PALM: I appreciate your
10 comments today. Thank you.

11 Next up, we have Laura Holm followed
12 by Gwendolyn Wyard, and then, Angela Schriver.

13 Laura, when you're ready, the floor is
14 yours. Please state your affiliation.

15 MS. HOLM: Hello, I'm Laura Holm,
16 legislative and farm policy associate of the
17 Organic Trade Association.

18 Thank you for the opportunity to
19 provide comments on organic and climate smart
20 agriculture.

21 OTA is the membership based business
22 association for organic agriculture and products

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1 in North America. We are the leading voice for
2 promoting and protecting organic trade in the
3 United States representing organic businesses
4 across all sectors in all 50 states.

5 Organic is the original climate smart
6 commercial agriculture and it is a system rooted
7 in indigenous cultivation practices.

8 OTA celebrates the compliance
9 accreditation and certification subcommittee's
10 continued advocacy that USDA fully recognize the
11 impact of organic. And we support the
12 subcommittee's proposal, organic is climate smart
13 agriculture.

14 Organic producers should be
15 automatically recognized as climate smart and
16 receive default eligibility for all climate smart
17 funding and opportunities administered by the
18 USDA.

19 Organic farmers are federally required
20 to maintain or improve the nature resources of
21 their operations, including soil and water
22 quality.

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1 Organic farmers must maintain or
2 improve soil health.

3 Organic farmers must implement tillage
4 and cultivation practices that maintain or
5 improve the physical, chemical, and biological
6 condition of soil and minimize soil erosion.

7 Organic farmers must manage crop
8 nutrients and soil fertility through rotations,
9 cover crops, and the application of plant and
10 animal materials.

11 Organic farmers must implement a crop
12 rotation, often cover crops, green manure crops,
13 and cash crops that maintains or improves soil
14 organic matter.

15 These requirements are in the organic
16 regulations.

17 The climate smart techniques
18 recognized by NRCS practically mirror the organic
19 regulations and can be found in organic system
20 plans across the country.

21 Organic systems have the power to
22 reverse the effects of climate change while

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1 increasing farm resilience in the face of
2 droughts and floods.

3 We are optimistic that USDA will
4 increase their support of organic farming as the
5 climate, economic, and health benefits of organic
6 systems are continuously revealed.

7 On behalf of our members across the
8 supply chain and the country, OTA thanks the
9 National Organic Standards Board for your
10 commitment to furthering organic agriculture.

11 Thank you.

12 CHAIR POWELL-PALM: Thank you for your
13 comments.

14 Questions from the Board for Laura?

15 (No response.)

16 CHAIR POWELL-PALM: All right, we
17 appreciate, thank you for joining us.

18 MS. HOLM: Thank you.

19 CHAIR POWELL-PALM: Next up, we have
20 Gwendolyn Wyard followed by Angela Schriver, and
21 then, Scott Myers.

22 Gwendolyn, please state your

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1 affiliation and the floor is yours.

2 MS. WYARD: I'm going to do a quick
3 sound check, yet, don't start that timer. All
4 good? All right.

5 CHAIR POWELL-PALM: All good.

6 MS. WYARD: Okay, getting myself
7 positioned here, and one, two, three, go.

8 All right, good morning, NOSB Members.

9 My name is Gwendolyn Wyard. I'm vice president
10 of regulatory and technical affairs for the
11 Organic Trade Association.

12 And I want to thank you for this
13 opportunity. We appreciate you and we want to
14 welcome the new members, Mr. Nate Lewis, and Dr.
15 Franklin Quarcoo.

16 I'm really excited to see everyone in
17 Atlanta next week.

18 All right, you have our written
19 comments on organic is climate smart. Thank so
20 much, Laura Holm, natural flavors up for sunset
21 and ion exchange resins.

22 So, today, I will touch on the latter

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1 two.

2 We support the continued listing of
3 natural flavors on the national list at 605(a).
4 Our goal, however, is to fuel the successful
5 growth development and use of organic flavors.

6 OTA was the petitioner of the
7 annotation change that requires the use of
8 organic flavors when they're commercially
9 available.

10 So, until December 2019 when that
11 ruling went into effect, there was no requirement
12 to use organic flavors, despite the growing
13 availability in the marketplace.

14 We acknowledge that the sunset
15 evaluation for natural flavors is challenging
16 because the listing literally covers thousands of
17 distinctly different types of flavors ranging
18 from agricultural to non-agricultural.

19 So, in our comments, we have provided
20 a flavor types 101 that should help you navigate
21 this very complex flavor map.

22 There is an extensive history on why

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1 NOSB decided to keep flavors on 605 and
2 collectively assign commercial availability to
3 them all.

4 And there is a very good reason for
5 why we should keep the listing as is because it
6 would be very impractical to try to list every
7 flavor on the national list.

8 So, to get to the point, the
9 requirement to use organic flavors is still
10 relatively new. And while the availability of
11 organic flavors is good, it's certainly not good
12 enough across all flavor categories and in all
13 food and beverage situations to remove the
14 listing all together.

15 So, as we've stated in our written
16 comments, our ability to succeed in terms of
17 growing the organic flavors sector comes with
18 responsibility that relies heavily on robust and
19 well documented commercial search efforts by
20 industry, us, and robust and consistent review by
21 the certifiers and oversight from the NOP.

22 So, for this reason, OTA and the

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1 Accredited Certifiers Association have developed
2 guidance on vest practices for sourcing and
3 reviewing flavors for compliance.

4 They're two separate documents. They
5 were developed to help ensure a rigorous and
6 consistent approach to determining commercial
7 availability.

8 We think they're excellent and they're
9 complimentary. But we also think they would be
10 furthered if NOSB and/or NOP could elevate their
11 visibility through a formal adoption process.

12 Last but not least, OTA strongly
13 supports the subcommittee's proposal on ion
14 exchange resins.

15 We've carried out a thorough review
16 for three and a half years now since NOP sent the
17 memo in August of 2019, complete with extensive
18 stakeholder feedback and a very comprehensive
19 technical review.

20 We believe you have an obligation to
21 complete your recommendations to NOP at this
22 spring meeting so the program can address

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1 inconsistencies between certifiers and provide
2 greater certainty to organic businesses.

3 Thank you.

4 CHAIR POWELL-PALM: We appreciate your
5 comments.

6 Questions for Gwen?

7 Kyla, please go ahead followed by
8 Logan.

9 MEMBER SMITH: Hi, Gwendolyn, thanks
10 for your comments.

11 My question is related to the ion
12 resin composition. There was some questions
13 about that yesterday. And I wasn't sure if you
14 could speak to that because I know you have
15 talked about that in your written comments.

16 MS. WYARD: Sure, absolutely, I'll do
17 my best.

18 So, resins, resin composition, there's
19 a lot we know about the resins, so I want to
20 start by saying I, you know, I kind of heard
21 reference to these novel resins and we don't know
22 much about resins.

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1 But we actually know a lot about
2 resins and, while there are many different
3 variations of the resins, they are mostly, like
4 90 percent of the resins that are out there, they
5 are what we refer to as copolymer or a
6 polystyrene, a cross-linked polystyrene.

7 So, what that means is that this
8 resin, this little, itty-bitty, tiny little
9 plastic bead, about 90 percent of it is a styrene
10 that gets cross-linked, polymerized with
11 divinylbenzene. So, those are the two components
12 and that cross-linking, that polymerization is
13 done to make them tough little beads and make
14 then totally insoluble.

15 So, then, there is a covalently-bonded
16 functional site that's put on to this backbone,
17 right, this cross-linked backbone.

18 And it's that functional site, that's
19 where the exchange occurs. That functional site
20 is charged.

21 So, that's your basic makeup of about
22 90 percent of the resins that are out there.

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1 There are some that use acrylic
2 instead of the styrene. But that's pretty much
3 what you're looking at.

4 Now, how they start to differ is that
5 functional site and whether it's a anion or
6 cation. Whether it is a positive charge or a
7 negative charge, depending on the charge that
8 you're trying to take out of the product that's
9 being treated.

10 So, if you're trying to take arsenic
11 out, that's a negatively charged ion, so you're
12 going to have an anion that's going to want to
13 capture that arsenic and it's going to replace it
14 with a different negative ion.

15 That replacing, that negative ion that
16 goes into the juice, that's the ion that needs to
17 be on the national list. That's the recharge
18 material.

19 That that functional site, that is
20 covalently-bonded to the resin. It does not go
21 into the product. It stays there. It does come
22 with a ion that has to get replaced, but that's

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1 what needs to be on the national list.

2 So, that's essentially what we're
3 looking at are these little polymer, tiny, tiny,
4 tiny little plastic beads.

5 MEMBER SMITH: Thank you.

6 I'll let some other people go and I
7 might have a follow up.

8 Thanks.

9 CHAIR POWELL-PALM: All right.

10 Please go ahead, Logan.

11 MEMBER PETREY: Hi, thank you. And
12 thank you for all of the information on flavors.
13 If it weren't complicated enough, there's
14 definitely a lot there.

15 So, just a couple questions for you.
16 I know that you said there were some products I
17 saw that in the fall, you're going to have an
18 update survey of what it's -- I guess the
19 difference, maybe, the progress that's been made
20 over the last few years. Is that correct?

21 MS. WYARD: That's correct, yes. I
22 think that it's due. You know, when we put the

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1 petition together, that was in 2014. Everything
2 went through in 2018, then it was effective in
3 2019.

4 So, data from 2014 is getting a little
5 old. And in that data that we put into the
6 petition, OTA worked with the ACAs. And so, we
7 used the ACAs database, all the information that
8 we had to look at all of the flavors across the
9 board, how many were certified organic.

10 You know, we could even drill down,
11 you know, a little bit further.

12 But I think, you know, unfortunately,
13 we don't have that data here for this spring
14 meeting. But I think that that would be a great
15 effort.

16 So, we can just get an idea to see,
17 you know, how we're progressing with the growth
18 and speed requirement in 2019 to use organic went
19 into place.

20 MEMBER PETREY: Right, do you think
21 that it'll be able to show not just growth in
22 maybe the industry, but growth like if more

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1 people are using organic, is the percentage
2 better?

3 Do you think that it'll be able to
4 show that, that they're relying on more organics,
5 not just that more is used, maybe there's more
6 business, you know, available and the percentage
7 is the same?

8 But do you think the data will be able
9 to show that there's been more reliance on
10 organic versus the natural flavoring?

11 MS. WYARD: We'll have to look at that
12 and see what the comparison would be because you
13 can see the actual, you know, growth in the
14 availability of organic flavors. And then,
15 there's the use, right?

16 And so, that's where, and I don't
17 know, Kyla might be able to jump in on this, but
18 you see with a lot of the comments that you'll
19 receive on sunset materials from certifiers, they
20 can, you know, use their systems to say, we have
21 X number clients that are using, you know,
22 percentage, et cetera, et cetera.

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1 So, you know, we're going to have to
2 be able to make sure that we collected that data
3 back in 2014 and have something to compare it to.

4 But, you know, Kyla, maybe you -- I'm
5 going to have to like bring the question back to
6 you, but in terms of what certifiers are capable
7 of doing in terms of, you know, monitoring and
8 measuring an increase in the use of organic
9 flavors.

10 It would be similar to measuring an
11 increase in the use of organic seed, right, over
12 time and see the sort of continuous improvement
13 is there.

14 Look at me, I'm asking questions.

15 MEMBER PETREY: Yes, I can see Kyla's
16 head going back and forth. I think I've got an
17 idea of what that is.

18 MEMBER SMITH: We're going to try to
19 do that, Logan. We're going to try to do that.

20 MS. WYARD: Okay, sure.

21 And then, sorry, just another one, so,
22 if we can eventually get to where flavors are

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1 organic, in your comments, you mentioned that
2 like flavor isolates are not going to be
3 organically produced or, you know, there's I
4 guess some other flavors.

5 Would you recommend those being
6 petitioned on there as synthetic sources that,
7 you know, kind of segregating the flavors out or
8 being able to break that down to where we can
9 really, I guess, shrink the flavor section if
10 we're able to get to the organic side?

11 MS. WYARD: I'd like to see a day
12 where we could reconvene the task force, kind of
13 similar to what we did and give another go at
14 trying to parse out and say, okay, here are all
15 these agricultural, truly, you know, simple,
16 agricultural flavors, the extracts, the essential
17 oils, and we're good.

18 We've got, you know, organic
19 availability.

20 But then, when it gets to these
21 isolates, maybe that, you know, we're not quite
22 there yet, but we can start to separate out those

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1 isolates and say, you know, these isolates here,
2 they're non-agricultural. Like they should
3 always be on 605, you're never going to be able
4 to get an organic form.

5 But some of these other isolates that
6 go through a number of steps, they're coming from
7 a natural, as long as it's an agricultural
8 source. Right?

9 They're going through multiple
10 mechanical, physical, fermentation, isolation,
11 you know, a little bit harder, but you could get
12 there.

13 So, I'd like to imagine that we're
14 going to have to do a kind of a categorization at
15 some point to be able figure out a way to say,
16 for these low hanging fruit, right, extracts, the
17 essentials oils, you have to use organic. And
18 then, we're still working on these others.

19 MEMBER PETREY: Right. And I'm sorry,
20 last question. I think you're the only flavor
21 commenter.

22 MS. WYARD: I love flavors.

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1 MEMBER PETREY: Do you see any
2 questions that we missed on the sunset that you
3 think would be beneficial for us to gather from
4 our stakeholders?

5 MS. WYARD: Gosh, I think that -- no,
6 I think those are actually the right appropriate
7 questions.

8 You know, I'd like to see industry
9 doing a better job of, you know, getting out
10 there with more information about the organic
11 flavors that they're -- that are available.

12 So, you know, for whatever that's
13 worth.

14 MEMBER PETREY: Okay, thank you so
15 much for your time, appreciate it.

16 CHAIR POWELL-PALM: Allison, please go
17 ahead.

18 MEMBER JOHNSON: Thanks, Gwendolyn.

19 It's really helpful to hear your
20 specific explanation about the resin structure.

21 And I think the question that I'm
22 wrestling with is, I'm convinced that the resin

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1 is not intended to have like a chemical
2 interaction with the handled product. I
3 understand that that's the recharge material.

4 What I do worry about is whether
5 there's some potential to choose a better
6 material for the resin and whether that's
7 something we can be incentivizing or otherwise
8 influencing through this decision.

9 So, I'm curious if you have much
10 knowledge about -- you mentioned a few different
11 compositions of resins -- if there are merits to
12 some over others as far as food safety or risk of
13 -- I think we're using -- various people are
14 using words in similar ways to mean different
15 things, but the analogous risk to some plastic
16 materials, whether it is actually a chemical
17 leaching or like over time a breakdown of a
18 material in a way that is not intended to be the
19 functional use of that material?

20 Curious if you can speak to any more
21 information you have about the resins and whether
22 there's some merit to scrutinizing them so that

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1 one might be chosen over another?

2 MS. WYARD: Well, I think, you know,
3 as I mentioned, they are -- most of them are
4 pretty much the same, right? The differences
5 comes down to, you know, how much cross-linking
6 takes place because that also determines how
7 porous the resins are.

8 And so, depending on the type of, you
9 know, liquid that you're working with, whether
10 that's water, whether it's something that more
11 thick like syrup.

12 But, you know, there's not a lot of
13 choice when it comes to just that basic
14 structure. Like I said, that basic structure,
15 it's a tough little bugger. It is totally
16 insoluble and really that gets to the
17 maintenance, the, you know, how these resins are
18 taken care of in storage, in handling, and then,
19 of course, in the processing.

20 And that's where, you know, we moved
21 to the, I think the recommendation where it does
22 the right job of, you know, this is something

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1 that is part of the inspection. This is part of
2 the certification process that's looking at
3 contamination prevention.

4 You know, we're moving now away from
5 whether something should be on the list or not to
6 discussion around plastic and leaching and
7 migration. Right? And I think that we're all in
8 agreement with environmental contamination and
9 the more we learn about PFAS that, you know, we
10 want to continue to do a better job, you know,
11 avoiding the types of plastics and materials that
12 are going to, you know, get into our food system
13 and impact our health.

14 I think that maintenance is absolutely
15 critical to when we talk about, you know,
16 degradation of the resins, nobody wants that.
17 Primarily, the processor doesn't want that
18 because the minute those resins start to degrade,
19 they start to become ineffective and it's an
20 extremely expensive process.

21 So, this is a whole process that's
22 about removing impurities, and the last thing

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1 anybody wants to do is introduce a new impurity.

2 They want this to be like, you know, clean, like
3 well working, perfect system.

4 And so, the health of that resin is
5 critical. Once they start to degrade, they don't
6 use them. And when they start to degrade, before
7 they start, you know, falling apart, you know, or
8 leaching or migrating into the product, they
9 start losing their effectiveness.

10 There's a bunch of signs that, you
11 know, you're going to -- you're not going to be
12 using that resin when it gets to the point where
13 it's, you know, starting to breakdown and
14 actually get into the product. That's just --
15 that doesn't happen.

16 So, what I will say, though, is that
17 the process for applying to get an approved food
18 contact substance goes through a very rigorous
19 review.

20 And FDA is asking for all sorts of
21 testing data and information to analyze exactly
22 what you're asking about. They have a

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1 requirement to submit all sorts of chemistry and
2 toxicological information to analyze what the
3 potential migration could be, might be, has been,
4 possibly could be again, on these resins.

5 And they have to meet various
6 parameters to ensure that these things aren't
7 going to migrate into the product.

8 And as I've gone through and I've
9 looked at all of the resins that have been
10 approved by FDA, consistently, in every single
11 case, each one says that there's no expectation
12 that these resins would get into the food
13 product.

14 They're looking more at how they're
15 disposing of the impurities, the arsenic that's
16 being taken out of the product. They're looking
17 at all other types of manufacturing
18 considerations of where environmental
19 contamination would occur.

20 But the levels, I think if you were to
21 test, it would be non-detectable. I mean, I
22 don't even know where you would go like, are you

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1 talking about zero tolerance or, you know, what
2 those detection levels would be? But I think
3 right now what we're finding in terms of the
4 research that's being done and what's being
5 submitted for those approvals is that it's
6 non-detect.

7 So, that is being done. I think
8 there's a lot that we need to -- we've got to
9 look to FDA and that 120-day approval process
10 that they go through with their panel of experts
11 to determine what the safety is of these resins.

12 CHAIR POWELL-PALM: Brian, please go
13 ahead.

14 MEMBER CALDWELL: Gwendolyn, thanks so
15 much for all your comments and I think this
16 really helps to clarify and elucidate some
17 things.

18 But I'm wondering if there -- if say,
19 90 percent of the resins are basically one
20 structural unit, one type of material, and
21 there's probably some, you know, a few more in
22 that last 10 percent, but it sounds like there's

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1 not really that many of them.

2 So, why not just put them right
3 through the sunset review process and if they're
4 real safe and everything, seems like they'd zip
5 through and be one of our no-brainers, and why
6 not just do that?

7 MS. WYARD: So, there's many, many
8 variations just in terms of the amount of
9 cross-linking that's done and the charge groups.
10 Right?

11 When I say, you know, they have a
12 functional group side, they're a cation or an
13 anion, you might have 20 different cation forms
14 and another 20.

15 So, it's not that there's just three
16 or four resins out there, it's that there are a
17 couple, you know, the primary structure that's
18 used, that backbone doesn't vary that much, the
19 backbone itself.

20 But then, you have lots and lots of
21 variations.

22 So, I think --

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1 MEMBER CALDWELL: Just question to
2 follow up on that, but I thought that the
3 variation would be the recharge materials, not
4 the actual, you know, background structure.

5 MS. WYARD: Well, the --

6 MEMBER CALDWELL: I mean, they're the
7 ones that have the anions and cations, the
8 recharge materials, not the styrene, you know,
9 material.

10 MS. WYARD: The functional group is a
11 charge, right, the functional group and it will
12 have -- they'll use different types of charges to
13 attract what they're after.

14 So, maybe they'll use an iron oxide
15 functional group that will attract arsenic. So,
16 the actual resin itself has a charge and then,
17 there is an ion, right? So, if it has a positive
18 charge, there'll be an ion like sodium chloride
19 will be the ion that's going to exchange with the
20 arsenic that's coming out of the product.

21 So, the resin itself has many, many
22 charges all over it that are either positive or

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1 negative and they designed those resins to be
2 able to attract the impurity that they're trying
3 to take out of the organic product.

4 So, the resin itself has a charge and
5 then, there's an ion that comes with it and you
6 have to recharge it, right, the recharge
7 materials, it comes with that ion and then you
8 need to reapply it because, after a while, I
9 mean, it's all gone. Right? It's lost, it all
10 exchanges into the organic product.

11 So, the functional site and the
12 charge, there's a lot of different types of
13 charges that they create there specific to the
14 impurities.

15 So, I think --

16 MEMBER CALDWELL: Okay, good --

17 MS. WYARD: -- we wouldn't want to put
18 them on the national list. We've done a thorough
19 review, right? I mean, we've got -- like the
20 amount -- from the technical review to the years
21 of discussing this, when we look at the
22 definition of a resin, we look at how it

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1 functions.

2 We look at the language in OFPA and I
3 would have to disagree with Sam Welsch that what
4 goes on to the national list would be an
5 ingredient or processing aid. And I do not think
6 that the resins meet the definition of an
7 ingredient or a processing aid.

8 So, if we put resins on to the
9 national list, then we're setting a precedent and
10 NOSB is signing up to be evaluating an putting
11 food contact substances, in general, on the
12 national list.

13 And so, I think we want to be really
14 clear about why we would put it on the national
15 list. And if so, what those implications would
16 be?

17 And so, we're really trying to draw
18 the line and say, we can do a thorough review
19 like we're doing now and that review is going to
20 continue at the certifier and inspector level.

21 But these little buggers, they don't
22 need to be on the national list according to the

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1 law.

2 MEMBER CALDWELL: Okay. So, it
3 sounds, from what you're saying, to me, that the
4 resins have -- besides the structural backbone
5 material, they have quite a few potentially
6 different other chemicals that are added to them
7 to allow them to be exchanging the proper anions
8 and cations and that kind of thing.

9 So, they actually -- they're actually
10 quite a few more of them than just the backbone
11 structure would sort of indicate.

12 MS. WYARD: Yes, correct, correct,
13 Brian.

14 MEMBER CALDWELL: Yes, okay.

15 MS. WYARD: The backbone structure,
16 but --

17 MEMBER CALDWELL: But just --

18 MS. WYARD: -- they're
19 covalently-bonded so, just to be more --

20 MEMBER CALDWELL: Yes, so, just to
21 take that one step further, though wouldn't that
22 -- I mean, if we just give a blanket --

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1 essentially a blanket approval to resins by not
2 reviewing them, you know, couldn't that be really
3 questionable?

4 Other materials that are added to
5 these backbone resin structures that we might not
6 want in there?

7 MS. WYARD: They are all going to need
8 to be approved through the food contact substance
9 approval process. And in order for a certifier
10 to allow the ion exchange and the media resins
11 and recharge materials, that would have to be
12 included in the organic system plan.

13 And then, Kyla would need to review
14 that organic systems plan. And they would look
15 to that food contact substance approval and say,
16 okay, this has been reviewed and approved by FDA.

17 FDA has looked at all of the
18 components of that resin and they've done their
19 testing looking at migration and potential harm,
20 safety evaluation.

21 So, it's not that the door is just
22 wide open, right? It's not like just any old

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1 resin can be used. It has to be approved by the
2 certifier and that's based on that food contact
3 substance application and approval process by
4 FDA.

5 And I think if you dig in and you
6 really look at all of the guidance that FDA has
7 for all of the information that they are asking
8 for or requiring when somebody applies for
9 approval of a food contact substance, it is
10 extensive.

11 And I would even say that it goes
12 beyond the information that we receive in
13 technical reviews and the type of review that
14 NOSB would carry out.

15 So, I think it's pretty impressive.
16 And could it be improved? Yes, and should we
17 always be looking for improvements to make sure
18 that we are reducing any potential exposure to
19 harmful substances? Yes.

20 We're not living in a perfect world,
21 but I think that this system that we're looking
22 at right now in its totality, especially with

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1 this recommendation, if we can get all the
2 certifiers on the same page with the same
3 approval process, we're going to be in really
4 good shape.

5 CHAIR POWELL-PALM: Kyla --

6 MEMBER CALDWELL: Thank you very much.

7 CHAIR POWELL-PALM: -- please go
8 ahead.

9 MEMBER SMITH: Yes, I was going to
10 circle back around to flavors.

11 I think you answered my question, I
12 just -- or the question I had, so I just wanted
13 to clarify.

14 The question I was thinking of was
15 based on all the different types of flavors that
16 are in the 101 that you submitted.

17 Is there a functional path forward for
18 like further annotating to get it like narrowed
19 down?

20 And what I heard you say was, yes,
21 perhaps there is. But that would take, perhaps,
22 reconvening the task force and more data

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1 collection and then, perhaps there could be some
2 further annotating or relisting in some form or
3 fashion to narrow the current listing of flavors.

4 Is that accurate?

5 MS. WYARD: I mean, I would like to
6 think so. If you recall, going years back when
7 NOSB first started grappling with this, they
8 said, gosh, we probably should have task force
9 that, you know, looks at all of these different
10 flavors and, you know, figures out how we can
11 separate out all of the different types and put
12 some on 605, some on 606.

13 And so, we did that, we being the
14 Organic Trade Association. We had an amazing
15 task force for two years and our recommendation
16 that we made to NOSB was to keep them all on 605
17 because, as we started to go through thousands of
18 flavors and do -- run them through the ag and
19 non-ag decision tree and parse them all out, it
20 was kind of a nightmare.

21 But I think that it's always good to
22 look at something again, particularly if we are

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1 finding that there are flavor categories that the
2 availability organic is there, right, there's no
3 need to even provide an option for commercial
4 availability, then we should look at a way to
5 somehow capture on the national list to say, if
6 you're using an agricultural essential oil or
7 extract, it must be organic so that we can, you
8 know, pull off the ones that we know for sure
9 have, you know, gotten over the finish line.

10 MEMBER SMITH: Thanks.

11 Yes, we were trying to tease that out
12 a little bit like with our question specific in
13 the TR. But it is a big topic.

14 So, again, I appreciate your efforts.

15 MS. WYARD: All right, well, you guys
16 have given me --

17 CHAIR POWELL-PALM: All right, thank
18 you, Gwendolyn.

19 MS. WYARD: All right, thanks so much
20 everyone. See you in Atlanta.

21 CHAIR POWELL-PALM: All right.

22 Next up, we have Angela Schriver, who

1 I think is going to be joining us by phone, and
2 then, Scott Myers and Brad Cessna.

3 Angela, if you are there, please go
4 ahead and hit star six and it should unmute you.

5 MS. SCHRIVER: Good?

6 CHAIR POWELL-PALM: Go ahead, yes.

7 MS. SCHRIVER: All right, Angela
8 Schriver from Schriver Organics, member of OEFFA
9 Grain Growers Chapter.

10 Yesterday, I heard a lot of talk on
11 what would be the strongest and fastest way to
12 drive organic demand. And that demand has
13 possibly become stagnant.

14 Now, I don't know what would increase
15 demand for organic products, but I do know what
16 would hurt demand and that would be a cared label
17 approach of organic, kind of sort of organic, and
18 not really organic, but we didn't want to be
19 exclusionary, all this in an effort to include
20 hydroponics under the USDA organic label.

21 One of the things we think of when we
22 hear organic is nutrient dense food. Why? What

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1 creates nutrient density?

2 Googling the phrase soil health and
3 nutrient density, you find soil health and
4 nutrient density, preliminary comparison from the
5 National Institute of Health whose findings
6 suggest soil health is an underappreciated
7 influence on nutrient density.

8 You also find nutrient density, know
9 the facts from Rodale that states plants get
10 their nutrients from the soil and that healthy,
11 nutritious foods have healthy soil, among many
12 other examples.

13 The common thread being soil,
14 specifically healthy soil.

15 The comparison for always between
16 regenerative farms, specifically that use cover
17 cropping and diverse crop rotation and
18 conventional farms that use synthetic fertilizer
19 and herbicides.

20 Discussing whether regen fix is a step
21 towards organic is not my discussion point, but
22 obviously, in these cases, the cover cropping and

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1 diverse crop rotation are a substantial component
2 of an organic system.

3 Instead, I want to focus on
4 conventional ag. The premise of conventional ag
5 is inserting fertilizer into a growing medium in
6 order to produce a crop, providing most, if not
7 all the nutrients a crop needs to grow. Sounds a
8 lot like hydroponics to me.

9 Not using synthetic fertilizer does
10 not make you organic.

11 The beauty of a healthy soil system is
12 the diverse microbial life that is acquired
13 through biodiversity.

14 I don't think discussing the delivery
15 system of nutrients in hydroponics will be able
16 to address the lack of microbial life there is
17 there that is inherently present in healthy soil
18 systems that is the hallmark of organic.

19 It is the specific healthy soil system
20 that NOP established and by requiring crop
21 rotations among the other pillars of soil health.

22 And going through the typical process

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1 of rule making will not hydroponics organic.

2 Additionally, organic production that
3 is soil based incorporates diversity and protects
4 the environment is exactly why organic is climate
5 smart.

6 And to utilize true organic
7 agriculture systems to fight climate change
8 should be met with immediate action. If you
9 don't immediately resolve the discrepancy between
10 true organic systems and hydroponics, you will
11 lose the opportunity to say organic is climate
12 smart. And missing that opportunity would leave
13 the term climate smart accessible for
14 conventional farming to highjack.

15 There is no getting creative in how we
16 look at hydroponics as it will never align with
17 organic standards.

18 I think the NOSB needs to put a hold
19 on certifying hydroponics until you decide if
20 NOSB wants to advance what we call organic if you
21 want to truly advance organic policy because they
22 are not the same thing.

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1 Thank you.

2 CHAIR POWELL-PALM: We appreciate your
3 comments.

4 Questions from the Board?

5 (No response.)

6 CHAIR POWELL-PALM: All right, thank
7 you.

8 Next up, we have Kim Bayer, and I
9 think I saw Kim on.

10 MS. BAYER: I am on, I'm just trying
11 to --

12 CHAIR POWELL-PALM: All right.

13 MS. BAYER: -- figure out the video.
14 I'm in my home office.

15 CHAIR POWELL-PALM: Excellent, I see
16 you, see you and hear you.

17 MS. BAYER: Not in the farm office.

18 CHAIR POWELL-PALM: Go ahead, all
19 right.

20 MS. BAYER: In my car.

21 So, my name is Kim Bayer from Slow
22 Farm. It's an organic -- it's my organic

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1 you-pick farm in Ann Arbor, Michigan.

2 And right now, we're working on
3 preparing our fields for planting, but having the
4 opportunity to say something in this forum about
5 what matters to organic farmers like me feels
6 like an opportunity that's important enough to
7 leave my farm fields at what's a critical time
8 for us.

9 So, there's a Paul Harvey quote that
10 says something like humanity, despite the
11 sophistication and many accomplishments, owes its
12 existence to a six-inch layer of topsoil and the
13 fact that it rains.

14 All the best farmers that I know and
15 the farmer that I aspire to be we're not crop
16 farmers, we're soil farmers.

17 I submitted to the difficult process
18 of becoming a certified organic farm because of
19 the guarantee provided to me and to my community
20 that our commitment is to caring for and
21 demonstrably improving the health of the soil.

22 Health of our soil is what everyone

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1 everywhere depends upon. So, farming inside of a
2 plastic buckets on top of plastic sheeting or in
3 some witches brew of chemical nutrients is not
4 organic farming. It's not developing the health
5 of the soil. And in fact, it's degrading the
6 health of the soil. That needs to stop.

7 I would ask that the NOSB remove the
8 organic label from that type of farming and,
9 instead, develop consistent measures for
10 identifying markers of soil health and milestones
11 for organic farmers to work toward in soil
12 health.

13 This would strengthen the integrity of
14 the organic label that has begun to erode under
15 the current conditions.

16 The other comment that I would like to
17 make in this forum is in regards to racial
18 equity. While antiracism and cultural
19 sensitivity training for NOSB members would be a
20 minimum starting point, and adding racial equity
21 as a work agenda item to committees is probably a
22 good idea.

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1 I would ask that in all of the work of
2 the NOSB, that a racial equity lenses is applied.

3 That means, in hiring and in
4 leadership, in policy, developing policy, and
5 committee inclusion, considering impacts, and in
6 language of publication and outreach, that the
7 NOSB is a leader in living and promoting racial
8 equity and works diligently to undo the shameful
9 history of systemic racism in USDA programs.

10 As a farmer who proudly supports what
11 the organic label stands for in this country, I
12 work every day to grow soil health and
13 biodiversity on my farm and to strengthen my
14 local food system and improve the health of my
15 community and future generations.

16 I want to know that the NOSB, my
17 organic certifier, the National Organic Program,
18 and the USDA are also making sure that we work
19 toward the best that we can aspire to and not the
20 least that we can get away with.

21 Thank you so much.

22 CHAIR POWELL-PALM: Thank you,

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1 especially for joining us from the farm. That's
2 one of the cool things about this tech. So,
3 thanks for taking time away, love it, love it.

4 You have a lot less snow than I do
5 today. So, I'm jealous that you're able to get
6 in the field. It is about six inches on the
7 ground this morning, so we are waiting to see.

8 MS. BAYER: It stopped here earlier.

9 CHAIR POWELL-PALM: Excellent.

10 Well, we have one question for you,
11 Nate Lewis, please go ahead.

12 MEMBER LEWIS: Thanks.

13 Yes, I acknowledge your working from
14 the farm office, I love that.

15 So, I work in the space of farmland
16 preservation and land access. And I appreciate
17 there's a diversity of opinions around
18 hydroponics and soil-less farming in its place or
19 not in organics.

20 And one of the problems I'm -- or one
21 of the issues I'm trying to wrestle with is we
22 all know that there is inequitable access to

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1 land. And trying to square a racial equity
2 approach and support for making organic inclusive
3 while also making land ownership or land access a
4 requirement, that's something I'm having a hard
5 time to square up.

6 And I'm curious if you can sort of
7 help share with me some of the thoughts you have
8 that?

9 MS. BAYER: I can see how you're like
10 -- seeing how those things come together in ways
11 that seem like they are against each other.

12 I guess I would say that I think that
13 they're pretty separate issues and that they need
14 to be solved separately.

15 I would say that in terms of land
16 access, that that is kind of a universal problem
17 everywhere among beginning farmers and especially
18 among farmers of color who have had their land
19 systemically taken from them.

20 And so, I guess I would like to see
21 not that those problems are conflated and put
22 together, but that they are each approached

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1 separately for the unique issues that there are
2 with both of them.

3 MEMBER LEWIS: Okay, thank you, I
4 appreciate it.

5 MS. BAYER: And I'd also like to say
6 that I really support what Angela had to say.

7 CHAIR POWELL-PALM: All right, we'll
8 we appreciate you taking the time to speak with
9 us today, thank you.

10 MS. BAYER: Thank you.

11 CHAIR POWELL-PALM: Next up, we have
12 Scott Myers followed by Brad Cessna and then,
13 Corey Struck.

14 Scott, please go ahead.

15 MR. MYERS: All right, hello, my name
16 is Scott Myers from Woodlyn Acres Farm here in
17 Dalton, Ohio. I certify my farm with OEFFA and
18 the Real Organic Project. I'm also a member of
19 and participate in their crop insurance work
20 group and I'm also a member of the Organic
21 Farmers Association where I serve on the policy
22 committee.

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1 My farm is a fourth generation family
2 farm raising organic grains and hay over 2,500
3 acres in northeastern Ohio.

4 I appreciate and thank you for the
5 opportunity to participate in this important
6 public process, although I would much rather be
7 in person speaking with you, this is the best
8 option for a farmer in the middle of the spring
9 season, as we just heard on the last one, too.

10 We're actually sunny and 80 degrees
11 outside. So, my employees are going hard today.

12 So, but anyways, I would like to start
13 out by talking about crop insurance related to
14 organic farming.

15 We use whole farm, multi-peril and the
16 pasture range land and forage policies to protect
17 our farm.

18 OEFFA has submitted some written
19 comments about our crop insurance view which I
20 fully support. I do want to emphasize that whole
21 farms still has many issues and hurdles to
22 overcome, including paperwork reduction and

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1 education of underwriters and agents.

2 But I do feel that this product has
3 the potential to be the best coverage for
4 diversified organic farms in the future.

5 Another question that always comes up
6 is about T yields and they have been also
7 discussed in respect to multi-peril products.
8 And this is an issue that not only affects
9 organic and transitioning farmers, but also all
10 new farmers in general, putting them at an
11 economic disadvantage to established farmers with
12 good APH histories.

13 So, moving on to another hot issue, as
14 an organic farmer, I'm appalled by the inclusion
15 of non-soil based systems in my industry.

16 What happened to the idea that soil is
17 the foundation for organic agriculture?

18 This is just simple common sense.
19 First, it's written in the organic regulations.

20 But second, and more importantly, soil
21 is the basis for organic farming. Soil microbes,
22 earthworms, cover crops, green manure crops,

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1 increasing soil health, all of these pertain to
2 soil and cannot be found in a hydroponic or
3 container system, but are necessary in an organic
4 system.

5 Hydroponic systems are a revolutionary
6 way of growing food in places that may not be
7 suitable for soil based food production.

8 And I do feel they have a place in
9 supplying food to consumers. But they are not
10 soil based and, therefore, they have no place in
11 the organic industry.

12 There is no reason that these systems
13 feel need to use the organic label other than
14 money. They should continue to sell their
15 hydroponic production as conventional and push
16 the benefits that they can bring in that area and
17 not try and confuse the consumers.

18 We simply need to enforce the rules we
19 already have in place on organic.

20 So, I ask that you please work to add
21 field and greenhouse container production back to
22 the OSB work agenda and lead our a community in a

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1 discussion on this important topic.

2 The future of organic integrity
3 depends on it.

4 I'd be happy to discuss any of these
5 issues further with you if I can be of any help.

6 And thank you for your time and service to the
7 organic community.

8 CHAIR POWELL-PALM: Well, thank you
9 for joining us today. We certainly have a
10 question for you.

11 Brian, please go ahead.

12 MEMBER CALDWELL: Yes, Scott, thanks
13 so much. I know it's a busy time.

14 I'm just -- my sort of bigger picture
15 type of question is how can we get more field
16 crop and grain farmers to get into organics?
17 Just very briefly, and you can't spend all day on
18 this, but just a few quick thoughts, please.

19 MR. MYERS: Yes, sure.

20 So, I'll use our farm as an example.
21 This is our seventh year certified organic. We
22 were a similar size, actually larger conventional

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1 operation before this.

2 And in our local community, we have a
3 lot of support for the organic. We sit in one of
4 the larger organic valley dairy areas. And so,
5 those dairies need feed and so, then they go out
6 to the other farmers and they've got to switch.

7 But the key that I've found for
8 switching is to have a good mentor. Other
9 organic farmers that you can look to to see how
10 they do it.

11 I'm very, very fortunate that I have
12 our seed salesman, actually, has been a mentor to
13 many different people in the area. And so, I
14 have that.

15 And I have an organic farmer that's
16 been organic since the >80s beside us. And we've
17 watched them and learned from them. So, if I
18 have a question, I just go across the road and
19 ask him.

20 So, it seems like once have a good
21 organic farmer established in this area -- in an
22 area, then it kind of grows.

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1 And we're finding that ourselves as we
2 have transitioned over to organic, people watch
3 us and we have more and more people that stop in
4 and start that switch over.

5 MEMBER CALDWELL: Thanks so much.

6 Yes, that's a great comment and we --
7 I've seen the same thing here in New York State
8 with Clawson and Mary Helm Martin who you may
9 know, I don't know.

10 But yes, appreciate that.

11 CHAIR POWELL-PALM: Amy, please go
12 ahead.

13 MEMBER BRUCH: Yes, thanks, Nate.

14 Thank you, Scott, so much for
15 attending our session today and all the work
16 you're doing in the organic community and your
17 work on the working group for crop insurance. We
18 really appreciated the detailed comments that
19 were also provided us on that work agenda item.

20 I wanted to ask two questions, crop
21 insurance is the category.

22 One is about, because you're a grain

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1 farmer, but you mentioned the comment about
2 diversified operations. And that, we see a lot
3 in the written comments.

4 And you mentioned that whole farm
5 works better for diversified operations.

6 Can you tell me why the revenue
7 protection and general federal crop doesn't work
8 for diversified producers?

9 MR. MYERS: So, we've had multi-peril
10 crop insurance on our farm since 1988, actually,
11 even when we were conventional. And so, we use
12 that very strongly and went through the
13 transition process with it.

14 One of the biggest problems is, when
15 we started -- when we became -- switched over to
16 organic, we do all our transitioning with hay, so
17 that is a non-crop that we have to worry about
18 with multi-peril.

19 But when we switched over organic, we
20 basically became a new farmer. And a new farmer
21 has to start with a yield that is given to them,
22 called a T yield. And that is basically based on

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1 a county yield.

2 And we actually met with RMA
3 yesterday, or the work group did, and I learned a
4 lot more about T yields and they're not very
5 interested in changing them, as I found out. But
6 they're not very up to date.

7 We were -- I think our T yield in our
8 county's like a 100 bushel acre, or APH, when we
9 were conventional was like 170 bushel acre. And
10 we consistently raise 150 to 200 bushel acre
11 organic corn. So, it doesn't offer much help.

12 So, that's why we look at whole farm,
13 whole farms revenue base. And like I said, there
14 still are some problems with whole farm, but it
15 allows us to guarantee that we're going to be
16 able to -- it doesn't matter what crops we raise,
17 but, you know, we get discount for the more crops
18 we raise.

19 And then, it also allows us to operate
20 another year. I mean, it says, okay, if we have,
21 you know, a million dollars worth of guaranteed
22 -- our revenue is what's expected, and our

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1 five-year historical revenue is \$900,000, we can
2 then ensure 85 percent of that if we want to.

3 So, that would allow us to make sure
4 that, hey, we know all our costs are covered, our
5 bank payments are made, and we will -- we live to
6 work another year basically.

7 And that's the ultimate goal of crop
8 insurance in my -- well, it's not trying to
9 profit off of things as some of these policies
10 look at and some of these -- especially
11 conventional farmers look at. Oh, we can make a
12 profit, we can guarantee a profit. That's not
13 what crop insurance should be.

14 MEMBER BRUCH: Yes, that's absolutely.

15 And thanks for highlighting about the T yields.
16 That's really important because basically the
17 difference in not -- or having that discrepancy
18 in your T yield and your actual production
19 history is essentially farmers are self-insuring
20 that gap.

21 So, I appreciate you highlighting
22 that.

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1 I wondered, in your county
2 specifically, are you facing that certain crops
3 you want to rotate into or not necessarily have
4 the capability of getting insured through federal
5 crops on your rotational small grains and some of
6 the different legumes? Are you experiencing that
7 challenge as well?

8 MR. MYERS: Yes, pretty much other
9 than corn, soybeans, and wheat, we are unable to
10 -- we're using federal crop to insure anything.

11 We raise ten different crops and we
12 have -- raise sunflowers for four years and we
13 could get a written agreement, but that is just
14 very, very complicated to get and not really
15 satisfactory on the farmer's end.

16 We also raise canola which is a newer
17 crop in this area and barley and, yes, like you
18 said, a lot of small grains.

19 So, and the hay we use, it's called
20 pasture, rangeland, and forage land, PRF policy,
21 that's actually worked very well for hay. We've
22 been in the hay business for 20 years and you

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1 originally use the non-insured crop program
2 through FSA for that.

3 And tried this PRF program and it is
4 worked better than I expected. It's one of the
5 better and simpler programs that I've ever used
6 with crop insurance.

7 MEMBER BRUCH: Yes, that is a really
8 good program. And I think we need to highlight
9 that one more.

10 Last question, sorry, I'm peppering
11 you with all these, this is really helpful for
12 your information.

13 You mentioned you met with RMA the
14 other day, talked about T yields. Do you have
15 any ideas how to convey some recommendations on
16 how T yields can be changed or modified?

17 MR. MYERS: So, yes, so we had a
18 really good discussion yesterday with the group
19 from RMA. And they pretty much told us that the
20 T yields are kind of off the table in some sense
21 now for changes because they have all this data
22 that backs up how they figure them and

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1 everything.

2 To be totally honest, though, I still
3 think they're flawed.

4 One thing, though, that we need to do
5 with T yields and we need to make sure organic
6 farmers and farmers -- all farmers need to return
7 the question sheets from NASS, National Ag
8 Statistics Service.

9 When I was, you know, 10, 15 years
10 ago, conventional farmer, we used to laugh at
11 those and throw in the trash because I'm like,
12 well, we don't want them.

13 But now that I see the value of those,
14 everybody needs -- because that's where they get
15 their information. That's where they get the T
16 yields from. It comes from that kind of
17 information.

18 I wish they would not -- they need to
19 use more information than that, in my book. I
20 think it would be a better way. You know, use
21 that information but then also use -- they have
22 crop insurance information usually for the

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1 county.

2 They -- a lot of times, they have
3 information to FSA. Anymore, we have to, you
4 know, we have to report a lot of yields to the
5 Farm Service Agency, and we're reporting there as
6 well.

7 So, I wish they would kind of use a
8 whole, you know, a lot more options there.

9 And I wish there was a way that we
10 could use our conventional T yield going in,
11 maybe like a percentage or something. I mean, I
12 don't expect to have 170 bushel T yield my first
13 year of organic. That's insane. Okay? I
14 realize that. I'm learning, I'm new to it.

15 But I also don't expect to have 100
16 bushel T yield.

17 And then, if you throw in the whole
18 transition yield thing in there which lays -- I'm
19 going to stay out of, but that's a whole other
20 crop insurance issue there. It just makes a big
21 issue.

22 The other problem with all of that is,

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1 is because we're organic and we have such a
2 long-term rotation, we have a seven year
3 rotation, sometimes ten year rotation.

4 APHs take five years of raising a crop
5 on a farm or on a unit, a crop unit that they
6 call, you have to have five years of yields to
7 have, you know, the APH off the T yield part.
8 And that's really hard to do when you have a
9 seven year rotation. That could be up to 35
10 years just to get my APH correct and get rid of
11 all my T yields.

12 So, that is a whole other issue.

13 MEMBER BRUCH: Yes, thank you so much,
14 very articulate, Scott. I appreciate it.

15 CHAIR POWELL-PALM: Kim, please go
16 ahead.

17 MEMBER HUSEMAN: Hi, Scott, thank you
18 so much for the information that you've given us
19 today.

20 I'm going to be very brief here and
21 just tell you how appreciative I am of you
22 stepping out of the comfort zone of some of the

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1 traditional grains and legumes and hays and
2 trying other products, too, even without some of
3 the support that I think is overwhelmingly needed
4 in this space.

5 Having farmers be willing to enter
6 into those arenas are greatly appreciated as
7 these products are definitely needed in this
8 space as we work through it on the policy side.

9 And just want to say good luck to you
10 and your planting season this year.

11 MR. MYERS: Thank you.

12 CHAIR POWELL-PALM: Carolyn, if you're
13 there?

14 MEMBER DIMITRI: Hi, I'm sorry about
15 that, someone was asking me a very important
16 question.

17 Scott, thank you so much for your
18 greatly detailed information on crop insurance.

19 And I'm especially interested in the
20 whole farm revenue crop insurance and wonder if
21 you can speculate as to why, even though this is
22 supposed to be the ideal instrument for organic

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1 farmers, like why is the usage just decreasing
2 year after year after year?

3 MR. MYERS: Well, that's a very good
4 question because actually, with my agent, I've
5 had the discussion and a couple days ago, we're
6 still going through the paperwork process and
7 trying to go back and forth with underwriting to
8 get this year's policy approved.

9 One issue why people don't do it is,
10 first of all, the agents don't push it because it
11 takes a lot of time on the agent's part and they
12 do not -- they make a lot more money selling
13 multi-peril year after year where it's just easy.

14 You send in your information and you're done.

15 This -- you almost have to have an
16 accounting degree to do some of this stuff. In
17 fact, we had a discussion, accounting -- I don't
18 have an accounting degree, but it's kind of my --
19 I love accounting and I love statistics.

20 And I actually had a little -- got
21 with the underwriter the other day and I'm like,
22 you guys aren't even using general accepted

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1 accounting practices in crop insurance.

2 So, that's an issue and it's a
3 paperwork thing. I mean, I am fortunate that I
4 have access to a lot of this paperwork. Some of
5 the things they ask for, even though they were
6 supposed to get rid of the expense requirement
7 and all that, I'm finding out that, even though
8 they did get rid of the expense requirement, they
9 are still allowed to ask for those which I got
10 asked for.

11 And when they want expenses on that
12 many different crops, on that many different
13 things, and proof of revenue and stuff, it can
14 get really daunting at times.

15 MEMBER DIMITRI: Nate, can I have a
16 follow up --

17 CHAIR POWELL-PALM: Yes, go ahead.

18 MEMBER DIMITRI: -- question?

19 Okay, Scott, so what do you see as
20 like -- what is like a reasonable way to reduce
21 that barrier? Is it -- like I never -- I hate
22 the phrase like educate the insurance agents.

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1 I mean, obviously, I think they're
2 pretty smart and if they wanted to learn how to
3 do it, they would be able to do it.

4 So, like what's the way forward here?
5 Or a way forward?

6 MR. MYERS: Yes, yes, you know, one
7 of them, and I had this discussion yesterday was,
8 I provide -- so, we have loans with Farm Credit
9 we use for our bank. And I have those loans
10 already. And at the end of the year, I provide
11 them balance sheet information, inventory
12 information, production, all this information and
13 that's exactly what they should be using for
14 whole farm.

15 But for some reason, instead of just
16 using that information, now they have to twist it
17 and turn it to fit into their stuff.

18 And it's like, guys, if I can, you
19 know, secure my farm loans and my bank's
20 comfortable with that using that, all of that
21 information, it should be allowed also at that --
22 not have to -- basically, I have to redo it all

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1 so it fits their set up.

2 So, that would make it a lot easier
3 because a lot of people have loans. People go to
4 their banks and do that stuff every year. That's
5 a required thing if you have a loan with a bank.

6 So, that would be one.

7 Another would be to look at the
8 paperwork reduction they did to the micro-farm,
9 part of it, to 35,000 and less. And there was a
10 -- when they made those changes, there's a lot
11 less paperwork.

12 I was shocked when I found out how
13 much less paperwork those people have, you know,
14 those applicants have to do.

15 And I'm really disappointed right now,
16 too, that a lot of the agents don't realize that
17 difference yet. That was -- yesterday, they told
18 us about their traveling road show or whatever
19 RMA did and I didn't even know about that.

20 And so, they talked about that and I
21 asked my agent had he heard about that and he
22 said, no. And they sell whole farm. And he's

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1 like, we didn't even know about that.

2 So, back to the education, I know
3 that's not perfect, but it seems like maybe
4 they're just preaching to the choir sometimes and
5 they're not going out here and getting to the
6 people they really need to be getting to as well.

7 But, yes, using documents we already
8 have, I think that's a big deal.

9 CHAIR POWELL-PALM: Amy, I'm going to
10 say, like really quick, please.

11 MEMBER DIMITRI: Oh, gosh, Amy, could
12 I ask one more really fast question?

13 CHAIR POWELL-PALM: Very fast, please.

14 MEMBER DIMITRI: All right.

15 This may be an academic question, but
16 like couldn't we just get rid of all crop
17 insurance and just use whole farm for everyone?

18 MR. MYERS: That is, to be totally
19 honest, I am all for that. I think whole farm is
20 the perfect crop insurance. It fits everybody.
21 And I think that's where all the money should be
22 spent, all the subsidies should be spent.

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1 Somebody with 10, 20 crops, you know,
2 some of these vegetable crops have 30, 40, 50
3 crops, they're -- the chances of that paying out
4 are so slim, they should be getting it for almost
5 nothing because it's just keeping -- the goal is,
6 if they have a total disaster then, yes, they're
7 going to be able to live to fight another year.

8 So, yes.

9 MEMBER DIMITRI: Thank you, thank you.

10 CHAIR POWELL-PALM: Amy, please go
11 ahead.

12 MEMBER BRUCH: Just a quick question,
13 yes or no on whole farm, when you are
14 implementing whole farm, or the history of it,
15 were you expanding your operation during that
16 insurance policy? Yes or no?

17 MR. MYERS: Yes, yes, we actually had
18 whole farm six or seven years ago and went
19 through that and that's why we quit whole farm
20 for a while because it didn't work like it
21 should.

22 So, that is another issue when you're

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1 expanding or taking on crops that are higher
2 value, even if you're not expanding acreage wise,
3 but expanding financially, I guess I would say.

4 CHAIR POWELL-PALM: Scott, you rock.
5 Thank you for taking so much time of your day to
6 speak with us and providing so much information.
7 Really appreciate you.

8 MR. MYERS: Thank you guys very much.

9 CHAIR POWELL-PALM: All right, is Brad
10 Cessna on the line? Don't think we saw you. If
11 you're here, please just go ahead and unmute and
12 let us know.

13 (No response.)

14 CHAIR POWELL-PALM: All right,
15 otherwise, we're going to go to Corey Struck
16 followed by Russell Hamlin and then, Steve Ela.

17 Corey, if you're there, please go
18 ahead.

19 MR. STRUCK: Hello, good afternoon.

20 My name's Corey Struck. I operate
21 Flying S Farms located in Broadlands, Illinois.

22 I'm currently beginning my second year

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1 of transition and I'm an OEFFA member and I'm
2 participating in their crop insurance and
3 research working groups.

4 I work together with my family to grow
5 crops on 450 acres here.

6 I'm here today to comment on three
7 topics, crop insurance, farmer access to NOSB
8 meetings, and geotagging.

9 The biggest one is crop insurance.
10 So, right now, current constructs are scaled
11 based on acres which gives larger safety nets for
12 larger farmers.

13 They incentivize the shorter cropping
14 cycles with less cash crops and APH rules are
15 less effective with longer cropping rotations
16 under these constructs.

17 And the large portion problem with
18 them when it applies to organics is that if you
19 do not have a history, you get 65 percent of your
20 conventional counted T yields right off the bat,
21 kind of no matter what.

22 So, recommendations, one

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1 recommendation is to have a graduated subsidy
2 where a large producer can actually become
3 unsubsidized by buying so much insurance and not
4 taking as much of the risk out on their own.

5 Add provisions where if you don't have
6 -- for our climate, a small grain or something
7 that is out of your normal season crop to add
8 diversity, you're not eligible for subsidies.

9 Also, re-evaluating only getting 65
10 percent of your county T yields, as we progress
11 down the organic pathway, we're seeing the yield
12 gap between organic and conventional closing.
13 And not necessarily the rules as they apply to
14 subsidies closing that gap at the same rate.

15 Also, finding a way to speed up APH
16 building and then enterprising by practice for
17 farmers who want to keep both organic and
18 non-organic operations.

19 For farmer access to NOSB meetings,
20 you guys are holding your meetings at pretty busy
21 times for farmers who are kind of the base of the
22 organic system, especially for smaller operations

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1 that can afford less time away during planting
2 and harvest seasons.

3 And my recommendation would be that
4 you potentially add extra listening sessions in
5 addition to your regular meetings if it -- when
6 it's too cumbersome to move them.

7 And finally, geotagging, my
8 recommendation is that FSA maps already have to
9 be geotagged or they couldn't mark them out in
10 our GIS format. So, don't put that on the farmer
11 to go do that, but try and make that relationship
12 with FSA happen.

13 And also, to make sure that it is
14 mandatory and enforced for all imports that come
15 into the country where we would actually see
16 benefit from that.

17 Thank you for your time and your
18 service to the organic community.

19 Do you have any questions for me?

20 CHAIR POWELL-PALM: We do, questions
21 from Dilip and then Nate.

22 Please go ahead.

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1 MEMBER NANDWANI: Hi, thank you for
2 your comments.

3 And you had mentioned a lot of good
4 recommendations.

5 I'm just wondering, and you mentioned
6 that you are in second year of transitional
7 phase.

8 So, I'm more on the production side.
9 So, can you tell me what one or two challenges in
10 terms of product you face or being a transitional
11 grower, what can you suggest or have one or two
12 recommendations for NOSB to look into to help
13 transitional growers?

14 And you know, that last year, USDA has
15 released a lot of funding for transitional
16 growers. So, I'm looking into that aspect and
17 asking you.

18 Thank you for your comments, again.

19 MR. STRUCK: Okay, so, as far as I
20 know, the only piece of that pie that I would
21 have access to as a transitional grower is TOGA,
22 which is also crop insurance subsidies. And that

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1 was 10 percent of what I could do.

2 So, my state actually has a program
3 where you get \$5 per acre if you plant cover
4 crops, right, which is integral to at least my
5 fertility management and also my weed management.

6 And that \$5 is substantially more, on
7 the order of three to four times more than
8 anything I would be eligible for under TOGA.

9 So, for me, picking a practice that
10 helps me get to where I want to go, actually
11 helps me better than the larger TOGA funds.

12 And the only other thing that I really
13 know about these funds is they were put out there
14 in \$300 million is a good sum, but they didn't
15 necessarily have an action plan behind them of
16 how to get them implemented and into peoples'
17 hands which I think is definitely something that
18 needs to be changed with how our -- well, with
19 how we dole out money at a governmental level and
20 any sort of process.

21 But that's -- does that answer your --
22 I got one recommendation. Does that answer your

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1 question, though, sir?

2 MEMBER NANDWANI: Yes, you did, I
3 understand that.

4 Thank you.

5 CHAIR POWELL-PALM: Nate, please go
6 ahead.

7 MEMBER LEWIS: Yes, appreciate you
8 bringing up APH and I'm curious if your committee
9 talked about including yields during transition
10 years? I know many folks transition with hay, so
11 it's not always -- works there.

12 But there are some folks who choose to
13 transition with cash crops.

14 And whether you've discussed or had
15 any reaction from RMA about using yields obtained
16 during transition years that later establish an
17 organic APH or at least make an argument that you
18 shouldn't be subject to that 65 percent discount?

19 MR. STRUCK: so, I have not engaged
20 with RMA or anybody specifically from RMA about
21 those specific points.

22 MEMBER LEWIS: Okay, yes, I was

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1 curious. In your committee you were talking
2 about like different options on APH saying
3 whether that transition year yield could be of
4 value?

5 MR. STRUCK: I mean, yes and no,
6 right? So, organic's a system that only gets
7 better over time as long as you're adhering to
8 the principles. Right?

9 So, you're transitional years are
10 going to be your lowest. And honestly, my first
11 year of transition, so -- and that's cutting
12 everything off cold turkey and my nutrient plan
13 is pretty low nitrogen. Like I didn't go out and
14 dump four tons of manure out on my fields or
15 anything like that.

16 And my yields were still where they
17 were expected to be, which is pretty amazing.
18 So, especially going through the D-1 drought in
19 our little area as well.

20 Like it's, I don't know, I think that
21 correlating your percentage of T yield and making
22 that movable as to what you're actually seeing in

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1 data as opposed to what we saw in data whenever
2 they made that rule, which was probably prior to
3 2018, right, would be more helpful.

4 MEMBER LEWIS: Thank you.

5 CHAIR POWELL-PALM: I just want to
6 thank you so much for joining us today. And I
7 want to especially highlight, thank you for
8 coming up with solutions, well considered,
9 actionable solutions and not just raising
10 problems in your comments.

11 So, really appreciate you taking the
12 time from your farm to join us today.

13 Thank you.

14 MR. STRUCK: Thank you.

15 CHAIR POWELL-PALM: Next up, we have
16 Russell Hamlin followed by Steve Ela and then,
17 Ginny Olson.

18 MR. HAMLIN: All right, can you hear
19 me, Nate?

20 CHAIR POWELL-PALM: We can, please go
21 ahead.

22 DR. HAMLIN: Hey, I want to thank you

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1 and the NOSB for the opportunity to speak today.

2 My name is Dr. Russell Hamlin. I'm
3 the vice president of farming for Grimmway Farms
4 in Bakersfield, California.

5 I'm also the chair of the
6 International Fresh Product Association's
7 Organics Committee.

8 And my comments today will be on
9 behalf of the IFPA. I'll be making a few
10 statements about climate smart agriculture and
11 the sunset items that are under review.

12 With respect to your climate smart
13 discussion, the IFPA believes that organic crop
14 production is inherently climate smart and that
15 certified organic producers should automatically
16 be eligible for all climate smart funding
17 opportunities administered by the USDA.

18 With respect to a few of the sunset
19 items, the IFPA believes that all of the
20 following materials should continue to be allowed
21 for use in organic farming, plastic mulch covers,
22 elemental sulfur, sulfurous acid, lime sulfur,

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1 liquid fish products, potassium chloride, and
2 aqueous potassium silicate.

3 Plastic mulch covers are essential for
4 many organic farmers across the country for weed
5 control. Without them, their weeding costs will
6 skyrocket and the overall success on -- with
7 organic farming will decrease.

8 If we're serious about helping farmers
9 transition from conventional to organic farming,
10 allowing them to use plastic mulches is one of
11 the ways that we can help.

12 It's also a harsh reality that if we
13 take away plastic mulch covers in organic
14 farming, many people will go out of business.

15 Potassium chloride is an important
16 low-cost organic fertilizer that supplies two
17 needed essential elements for plant growth,
18 potassium and chloride.

19 I would urge the NOSB not to oppose
20 the use of chloride in organic farming. It is
21 essential for the evolution of oxygen in plants
22 and is, therefore, responsible for our ability to

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1 breathe.

2 Elemental sulfur, lime sulfur, and
3 aqueous potassium silicate are all important for
4 disease and insect control in organic farming.

5 Elemental sulfur and potassium
6 silicate, in particular, are used extensively by
7 organic vegetable producers to control diseases
8 like downy mildew.

9 Lime sulfur is used extensively by
10 organic tree, vine, and small fruit crops in
11 order to combat overwintering fungal diseases.

12 But elemental sulfur is of particular
13 importance because it also is one of the few
14 materials that can be used in organic farming to
15 lower soil pH. It can also be used in sulfur
16 burners to create sulfurous acid to lower
17 irrigation water pH. And both of these can be
18 essential for maintaining proper plant and soil
19 health.

20 Lastly, I want to comment on liquid
21 fish products. They are important components of
22 many organic fertility plans. They are

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1 particularly important to those farmers that use
2 drip irrigation and need liquid fertilizers to
3 inject for crop nutrition.

4 That's the end of my comments. I'll
5 be glad to answer any questions that you have.

6 CHAIR POWELL-PALM: All right, we
7 appreciate your comments.

8 Wood has a question for you.

9 MEMBER TURNER: Thanks, Dr. Hamlin, I
10 appreciate the comments.

11 I'll ask a question I asked a large
12 grower yesterday as well, can you tell me about
13 IFPA's engagement and also your company's
14 engagement and kind of solutions for plastic
15 mulch recovery and what you're hearing from the
16 ground in terms of the ability to get that
17 material off the ground? How it's functioning
18 sort of in a live environment and sort of what
19 they -- what kind of pathway you're seeing for
20 better recovery of that material?

21 DR. HAMLIN: Well, I mean, it's true
22 that, you know, I'll speak from the Grimmway

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1 perspective. I don't know that the IFPA has
2 specifically discussed that topic.

3 But you absolutely see more equipment
4 that is being used to help retrieve that
5 material. Anybody that's used plastic
6 understands that it can be a difficult thing to
7 get it all up out of the field.

8 But that's what I would say is that
9 the equipment used for getting it out of the
10 field is more developed and you tend to have a
11 better success getting it out if you use better
12 equipment.

13 I don't know if that's a great answer,
14 but that's the one that I've got.

15 CHAIR POWELL-PALM: Franklin, please
16 go ahead.

17 MEMBER QUARCOO: Yes, I know you said
18 that there are climates -- some farmers who go
19 out of business without the plastics.

20 Do you have some concerns down the
21 line when it comes to plastics and if you have an
22 ideal situation of what the future should look

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1 like? What should be going and what should we do
2 about plastics?

3 DR. HAMLIN: Well, I stand by my
4 comment that some people would go out of business
5 without the plastics. That's the first thing
6 that probably needs to be said.

7 The reason it has to do with the
8 tremendous costs associated with weed control.
9 And so, I think that plastic mulch covers need to
10 continue to be used in organic farming.

11 I think that the point that, you know,
12 you can leave plastic behind and that is a
13 problem is valid. It needs to be worked on.

14 You know, I'm not sure if, you know,
15 what the future could be for biodegradable
16 plastic mulches that may not leave a residue for
17 long periods of time. I'm not sure if they're
18 even allowed for use in organic agriculture. But
19 I've seen them in conventional agriculture.

20 And so, possibly coming up with
21 something that's as effective as a plastic mulch
22 cover but has the ability to biodegrade would be

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1 something that would be good.

2 But I think that the plastic mulches
3 are essential. Not everybody -- you can lay that
4 plastic mulch for \$300 to \$400 an acre and it can
5 cost \$3,000 to \$4,000 an acre to weed that land.

6 And so, it is a tremendous barrier, particularly
7 to people who are trying to transition.

8 And I would strongly urge that we keep
9 it.

10 CHAIR POWELL-PALM: Nate, please go
11 ahead.

12 MEMBER LEWIS: Sorry, finding my mute
13 button there.

14 I'm just -- a quick question, how
15 often are you hearing from producers that are
16 using liquid fish products and liquid seaweed
17 extracts in combination for a drip program? Is
18 that a common combination or are they one or the
19 other? Or where's the potassium coming from on
20 those kind of?

21 DR. HAMLIN: Yes, I would think that,
22 you know, we don't particularly use a lot of drip

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1 irrigation at Grimmway. A lot of people that do
2 will place the potassium under the plastic as a
3 pre-plant and they can put it down as a hot mix
4 or a bed mix.

5 And so, they're typically getting up
6 front.

7 You may also be able to take the
8 potassium chloride and melt it down a little bit
9 and get a dilute solution of potassium that could
10 then be injected through the drip.

11 But for sure, the fish products are
12 absolutely depended on by people who are drip
13 irrigating organic vegetables. But it's not a
14 tremendous source of potassium, as you alluded
15 to.

16 MEMBER LEWIS: Okay, thank you.

17 DR. HAMLIN: Yes.

18 CHAIR POWELL-PALM: We really
19 appreciate your comments today.

20 DR. HAMLIN: Thank you.

21 CHAIR POWELL-PALM: Next up, we're
22 going to have Steve Ela followed by Ginny Olson

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1 and then, Jefferson Dean.

2 Steve, please go ahead.

3 MR. ELA: All right, can you hear me,
4 Nate?

5 CHAIR POWELL-PALM: We can, thank you.

6 MR. ELA: All right, good.

7 Well, howdy, everybody, here we go for
8 another round. It's great to see all your faces.

9 My name is Steve Ela. I'm both a
10 grower and representative of the National Organic
11 Coalition. My position with NOC is to work
12 directly with the NOSB on behalf of our members.

13 And I want to reiterate that NOC is a
14 consensus organization. Our comments to you are
15 the results of a 14 member process of shared
16 ideas.

17 Today, I want to cover three topics,
18 ion exchange filtration, surprise, the range of
19 topics that are presented by stakeholders to the
20 NOSB, and organic is climate smart and the
21 related discussion on a universal OSP.

22 Food contact materials are inherently

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1 designed to be inert with regards to their
2 interaction with an organic food.

3 On the contrary, ion exchange resins
4 are fundamentally designed to work in conjunction
5 with recharge materials to alter the chemical
6 makeup of the product being filtered.

7 They are ionically charged and they
8 are not inert. And so, I would contend that that
9 puts them in a different category from food
10 contact substances.

11 Without significant testing, the
12 organic community has no idea whether there is
13 chemical leakage from resins into a product or
14 not.

15 Many resins might be perfectly fine
16 but we do not know that. We continue to find
17 that even minute quantities of certain materials
18 can be detrimental to human health.

19 The recent EPA limitation on PFAS
20 chemicals in drinking water is a case in point.
21 And according to the TR perfluorinated compounds
22 are used in some resins.

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1 Moving on, I'd like to address why we
2 -- NOC gives a broad range of comments to the
3 NOSB. NOC believes it's important for the NOSB
4 to be a venue for stakeholder engagement with
5 both the NOSB and the NOP.

6 While comments may address issues
7 outside the immediate topics of discussion before
8 the NOSB, they have relevance for past and future
9 NOSB work. These comments range from
10 informational background that gives Board Members
11 information about the broader organic landscape
12 to suggestions for future work agenda items, to
13 references to past decisions that have not been
14 acted upon.

15 We hope that Members will utilize the
16 stakeholder knowledge of past NOSB actions and
17 decisions and recognize that the NOSB is a
18 primary public forum for organic stakeholders to
19 give input to the NOP and the USDA.

20 You are an important conduit for this
21 wonderful community and help shape our own
22 future.

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1 As has already been noted, NOC concurs
2 with other that the proposal that organic is
3 climate smart references soil growing systems.

4 We also ask that the call for
5 universal OSP be separated from the climate smart
6 discussion.

7 While we can see value and a common
8 framework for the OSP, it's important to make
9 sure that all OSPs get to the heart of why a
10 producer is doing something not just what they
11 are doing.

12 An OSP must be rich with knowledge and
13 information and justifications for practices.

14 Furthermore, universal OSP can work to
15 force certifiers to certify practices that are
16 outside their comfort zone.

17 I don't have time right now to give
18 comments on the equity discussions about in
19 person oral comments, but I'd be happy to address
20 some of that if we have a chance.

21 With this, I'd like to -- as a member
22 of the National Organic Coalition, I'd like to

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1 finish with a knock-knock joke.

2 So, Nate, knock-knock.

3 CHAIR POWELL-PALM: Who's there?

4 MR. ELA: Ion.

5 CHAIR POWELL-PALM: Ion who?

6 MR. ELA: I and others don't want you
7 to change the transparency and everyone knowing
8 the materials used in organic processes for the
9 filtration of only certifiers and handles having
10 that information.

11 Let stakeholders be able to evaluate
12 materials themselves.

13 CHAIR POWELL-PALM: Well done.

14 Any questions for Steve?

15 Kyla and then Dilip.

16 MEMBER SMITH: The FDA websites are
17 public. So, is that information being behind a
18 firewall to certifiers when that is a public
19 database available to everybody?

20 MR. ELA: Yes, it is public, but the
21 problem is, is how do we know what of those many
22 materials are actually being used?

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1 It's the same problem with the inerts.

2 How many inerts are in the, you know, the public
3 database? Hundreds.

4 And organic, you know, is only used in
5 some. And so, for an organic stakeholder to go
6 to the USDA website and realize that an organic
7 handler is using a specific materials is almost
8 impossible.

9 So, what we're really would like to
10 see is have transparency and have a list, you
11 know, even if you -- if you don't list the
12 resins, at least let us know what they are so we
13 can have a chance to evaluate them and give our
14 input rather than having that be behind some kind
15 of firewall.

16 CHAIR POWELL-PALM: Amy, please go
17 ahead?

18 MEMBER BRUCH: Steve, hi, welcome.
19 Thank you for joining us today.

20 I believe you're the last NOC
21 representative that's speaking and in oral
22 comments. So, you get the brunt of my two

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1 questions here just so I can better understand
2 NOC's written comments and their opinion.

3 So, I know it's kind of an aggregated
4 format, but your name is signed to these. So, I
5 hope that you will know these answers.

6 The first one's about potassium
7 sorbate and I was just curious, NOC's position
8 with the -- was that there was limited efficacy
9 data.

10 And some of the industry standards
11 that were used in the petition to do some of the
12 research and analysis were not necessarily what
13 NOC claimed were general industry standards.

14 So, when I look back at some of the
15 testing that was done on the products, a couple
16 active ingredients that I found was wetttable
17 sulfur and also -- or sulfur that was wetttable
18 and then potassium, aqueous potassium silicate.

19 Are there other products that we --
20 that should have been used then from NOC's
21 opinion there?

22 MR. ELA: Yes, that's a great

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1 question, Amy.

2 And one of the issues we have, well, a
3 couple issues is, one, is the technical report
4 wasn't actually publically released until pretty
5 late in the comment process.

6 So, I'll be honest, we did not have a
7 chance to read that and fully evaluate it. So,
8 there may be information in the TR that is not
9 part of our comments. And so, that's one reason
10 we actually asked for the discussion to be
11 continued so we can read that extensive TR.

12 But in the petition itself, at least
13 one of the products, and I can speak both as a
14 grower and for NOC comments, one of those
15 products is not a product I would use on my farm
16 anyhow.

17 So, it's, you know, it may be an
18 industry standard because it's out there and
19 listed for use, but it's not one I would choose
20 to use, in part, because of efficacy issues.

21 So, I guess we'd like to see, and it
22 may be in the TR, I honestly don't know, we'd

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1 like to see more efficacy data to show it as
2 actually essential.

3 Sulfur is a big one, of course.
4 Cooper is another one, aqueous potassium
5 silicate, and then, we use -- there are some
6 other biologicals that are useful.

7 But really, sulfur is a big one for us
8 with respect to powdery mildew.

9 CHAIR POWELL-PALM: Allison?

10 (Simultaneous Speaking.)

11 CHAIR POWELL-PALM: Sorry, were you
12 done?

13 MEMBER BRUCH: Oh, I had a second one,
14 but Allison, take over.

15 CHAIR POWELL-PALM: Oh no, go ahead,
16 no, no, no, go ahead, finish yours, Amy, and
17 then, we'll move on. I just heard a pregnant
18 pause, so I want to keep us moving.

19 MEMBER BRUCH: Okay, anyway,
20 consistent location or consistent location
21 information that we're trying to get some
22 additional opinions on, NOC had mentioned that

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1 for ten years, they've ran into significant
2 roadblocks just being able to geolocate some
3 fields, and this was from the dairy perspective.

4 So, I wanted to really parcel out that
5 information a lot more. It talked about that
6 dairy farmers end up changing or adding to their
7 field list frequently, if they leased fields, and
8 it's just really hard to track where these fields
9 are at.

10 And I was just wondering, I mean, I'm
11 not a dairy farmer myself, but on my OSP, I have
12 to be able to define of my leased land, have to
13 be able to articulate where it is.

14 And then, there's field history and a
15 long list of questions that I have to answer.

16 So, I was just wondering if there was
17 challenges also from a certifying point of view
18 to get the field level information for previous
19 field use and things like that, if the location
20 data was truly a challenge?

21 MR. ELA: And, thank you, Amy, with
22 respect to that particular reference, that was in

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1 the plain community where the use of technology
2 is low or even frowned upon.

3 So, that change of fields, especially
4 previous field history if somebody -- because of
5 religious beliefs or whatever, somebody doesn't
6 believe in using technology and it's hard to give
7 GPS coordinates for a field that wasn't required
8 to have that before.

9 I also think that, you know, the NOC
10 comments really -- the problem we had was to just
11 geolocate a field, if it's larger, isn't that
12 hard. But when you get down to specialty crop
13 growers, on my 100-acre farm, I have 40 different
14 blocks that I manage.

15 And so, to geolocate each one, and
16 they change, and I'm a perennial fruit grower,
17 not an annual fruit person, it gets really hard
18 to micro manage that.

19 So, I think we're just asking for some
20 scale issues, some risk issues. But, you know,
21 in general, yes, we need to know where the fields
22 are, if that can be done. But let's not get too

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1 down in the weeds on it, and especially with
2 religious communities.

3 I think OEFFA brought up the issue of
4 having inspectors that are from the plain
5 community that also may not believe in technology
6 and that, you know, that limits the use of those
7 inspectors if they're being asked to try and
8 geolocate fields.

9 So, it's not that we're completely
10 against it, it's just that there are some devil
11 in the details of how to implement and whether
12 it's looking at a farm or on a per crop basis or
13 a per variety basis of how far down in the --
14 well, not in the weeds you go, but in the crops
15 you go.

16 MEMBER BRUCH: And just to clarify,
17 it's not on a per farm or a per crop basis. So,
18 the geolocation should never move of that farm,
19 essentially.

20 MR. ELA: Yes, we just want a
21 clarification to make sure that we didn't get
22 down into an area that was just going to be

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1 onerous for the certifier and for the grower
2 themselves.

3 MEMBER BRUCH: Okay, thank you, Steve,
4 I really appreciate it.

5 MR. ELA: Thank you.

6 CHAIR POWELL-PALM: Allison, please go
7 ahead.

8 MEMBER JOHNSON: Thanks for your
9 comments, Steve.

10 I have two questions for you, so
11 first, on ion exchange. You can probably hear
12 from my questions, the thing that I've been
13 grappling with is a concern that it'd be good to
14 have more information about these resins, but as
15 a practical matter, don't want to open the door
16 to scrutinizing every substance that comes into
17 contact with a product if it's not intended to
18 have a functional effect in the product that it's
19 being used with.

20 And so, it sounds like NOC is drawing
21 a distinction with the resins because there is a
22 charge to them.

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1 And I'm curious if you are aware of
2 any other processing equipment or materials where
3 that might be a similar distinction. It's not a
4 way that I had thought about it until you said
5 that. So, I appreciated the comment and would
6 like to think through it a little bit more.

7 MR. ELA: Yes, sure.

8 I mean, I think, you know, for me, and
9 you know, we're a handler as well on our own
10 operations and NOC members are as well, is that,
11 you know, food contact substance generally is
12 supposed to have the very, quote, unquote, inert
13 in terms of its interaction with that whatever
14 organic product's going through it.

15 And inherently, an ion exchange resin
16 is supposed to have contact with that food so
17 that the ions can be exchanged.

18 And so, to me, that puts it in a
19 fundamentally different category.

20 The other thing is, and this is where
21 we disagree with some of Gwen's comments,
22 respectfully, because Gwen knows her stuff very

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1 well, but our members found that -- and we put
2 this in our comments last fall -- that the review
3 process for a food contact substance really is
4 kind of at the manufacturers discretion.

5 And so, they could ask for something
6 to be listed as a food contact substance and
7 there wasn't all that much rigorous testing.

8 The testing is done, you know, with
9 some of the secondary food contact substances and
10 some of these other issues. But we just felt
11 like there should be more transparency.

12 You know, there's a lot of
13 stakeholders out there that are really good
14 chemists and really knowledgeable on this. If
15 they know what the materials are, they can look
16 at it and they may be perfectly fine, but to
17 leave the barn door wide open and say we can use
18 any resin without knowledge, you know, and to
19 Kyla's question, you know, maybe 15 are used,
20 maybe 30 are used, maybe 50 are used, but we just
21 don't know which ones are going into organic
22 products.

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1 And the same thing would be the
2 problem with packaging materials. Nobody thought
3 bisphenol A was going to be a problem. That was
4 approved by FDA.

5 So, the organic community has a long
6 history of being more restrictive than FDA
7 practices and this is one where we feel that's
8 important as well.

9 MEMBER JOHNSON: That's all, thank
10 you.

11 If there's no questions, can I --

12 CHAIR POWELL-PALM: Oh yes, go ahead,
13 go ahead, yes.

14 MEMBER JOHNSON: Thanks.

15 Alice mentioned yesterday that you may
16 be able to speak more to the questions that were
17 raised around this balance between access through
18 virtual public comments and the costs of
19 traveling to NOSB meetings in person and the sort
20 of access and privilege that may come with having
21 the resources to be able to do that.

22 And I was curious if you could speak

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1 to that today?

2 MR. ELA: Yes, certainly.

3 And I think, you know, one of NOC's
4 goals is to create access in any way possible for
5 people to participate with the Board.

6 And so, for some people it works well
7 as a webinar. Some people prefer in person
8 comments.

9 So, let's, you know, to us, it's
10 having access in many different venues.

11 I heard last -- on Tuesday, you know,
12 the \$2,000 attendance for a meeting, you know,
13 kind of being thrown around, that's not
14 necessarily true. We had -- NOC offers
15 scholarships for people to come to the in person
16 meetings.

17 We had one person ask for \$90 to be
18 able to attend the in person meeting and that was
19 going to make the difference between them coming
20 and not. So, it's not \$2,000 necessarily, it
21 depends how you want to do it.

22 I also would say that some people --

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1 there's a very real difference between giving a
2 comment in person and even by webinar. And it's
3 kind of like voting, you know, you can vote in
4 person, you can vote by mail. One person wants
5 to do another one, one wants to do the other.

6 And when you're in front of the Board
7 and you -- and giving those comments, it's a very
8 visceral back and forth.

9 And I -- and we've seen people get
10 hooked into that and saying, wow, what a powerful
11 process to talk to the National Organic Standards
12 Board and it keeps them involved in the future.
13 And so, we feel that's very important.

14 And the other thing I'm just going to
15 say is that you don't know what you don't know.
16 This Board has not done in person oral comments.

17 Kyla has, Nate Lewis has been
18 involved. But you know, give it a try for a
19 couple times and see.

20 But I really have enough faith in you
21 as Board Members and I have faith in the Board I
22 was on that, you know, you're all smart people

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1 and the undue influence, I think you see through
2 that pretty quickly.

3 You have the ability to sift and
4 filter, you know, comments and who's wanting one
5 thing or another. But having that richness of
6 the in person experience, it's just it's really
7 powerful.

8 CHAIR POWELL-PALM: Nate, please go
9 ahead.

10 MEMBER LEWIS: Well, thanks for the
11 compliment, Steve. I don't know if I'm
12 necessarily a smart person, but I'll take it.

13 So, I just want to keep honing in the
14 ion exchange resins and their proper place in the
15 listing.

16 So, you know, it is my opinion that
17 they are neither a processing aid nor an
18 ingredient. And those are the two slots that we
19 have for items on the national list.

20 And so, while I totally appreciate the
21 need for transparency, that's what industry's
22 founded on. And I take you at your word that

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1 there are consumers out there who care which type
2 of resin is in the ion exchange column that's
3 filtering their juice or what have you.

4 I'm not convinced that the national
5 list as it currently stands is the best tool for
6 delivering that transparency. And I think it
7 opens up a bigger issue on plastics, cutting
8 boards, all the other food contact surfaces and
9 substances that we do have in our process food
10 industry.

11 But that's what I'm trying to wrestle
12 with and I'm curious your thought on like what is
13 the best way to provide that transparency since
14 the tool we have, the national list, doesn't
15 really seem to fit the nature of the substance
16 resins at this point. At least that's my opinion
17 and I'm curious your reaction to that?

18 MR. ELA: Yes, I mean, we've gone
19 round and round and when I was on the Board as
20 well, secondary through contact substance, food,
21 you know, or secondary food additive, food
22 contact substance.

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1 You know, the NOP went to FDA and
2 asked them to clarify that. And they basically
3 said, we really can't. They gave a very nebulous
4 answer.

5 And to me, that nebulous answer back
6 from FDA was the key. They don't have a good
7 classification for these. It depends on what
8 somebody wants to ask for.

9 We already list charcoal. We already
10 list some of these other physical filtration
11 devices. So, it doesn't seem to me to be that
12 out of line to say that this -- that these
13 actually should be listed.

14 I truly feel they are fundamentally
15 different than just a straight food contact
16 substance because they are designed to be
17 interactive with the product. They are designed
18 to have that, you know, that ion exchange
19 surface. And that is very different than what a
20 normal food contact surface is.

21 So, you know, it's a gray area,
22 there's no doubt. And the three and a half or

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1 four years of deliberations have very much
2 exposed that it's not a slam dunk.

3 So, I -- because of that, I tend to
4 fall on the side of transparency. And you know,
5 let stakeholders be educated. Let them give
6 feedback.

7 But without knowledge, you're putting
8 all the onus on the stakeholders to try and
9 figure out what resins are being used and if
10 there might be a problem after they're being
11 used.

12 And once they're being used, it's
13 almost impossible to get rid of them. So, we'd
14 rather have there be an up front process in the
15 evaluation.

16 MEMBER LEWIS: Thanks for clarifying
17 that opinion, I appreciate it.

18 CHAIR POWELL-PALM: Kyla, please go
19 ahead.

20 MEMBER SMITH: What's the difference
21 on the national list of any material and whether
22 or not it's being used? No one knows. The

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1 certifier does and the inspector knows, but the
2 public does not know what specific materials
3 you're using on your farm.

4 They can look at the list and see
5 everything and they can look at the food -- the
6 FDA food contact substance database and see all
7 of the things that are allowed.

8 That's -- they would have the same
9 visibility on whether or not they are listed on
10 the FDA list versus the national list.

11 So, what's the difference?

12 MR. ELA: So, I can only use things
13 that are on the national list on my farm if I'm
14 going to use a synthetic.

15 So, you do -- you narrow down the
16 number of things that are possible very quickly
17 there.

18 In terms -- and again, I mean, I said
19 why I feel that they are different and why NOC
20 members feel that these are different than actual
21 food contact substances. And you can buy that
22 agreement or not.

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1 But I think they are fundamentally
2 different because they do interact with the food
3 product.

4 So, I guess it does, you know, the
5 national list does narrow things down for people.

6 It does limit the number of things that are both
7 used and that the stakeholder evaluates versus
8 going to, you know, and FDA list that is -- I
9 don't know how many substances are on that and I
10 have no way to parse that out.

11 So, I mean, on IOSP, you know, I have
12 to justify when I'm going to use something and
13 it's -- I think it's pretty transparent.

14 I may not be answering your question
15 quite the way you're asking it, but I'm trying.

16 MEMBER SMITH: Yes, I mean, the same
17 would be true to of an operating using a resin.
18 They would have to justify it and then the
19 certifier would be evaluating whether or not it
20 was on this closed list of an FDA -- within an
21 FDA database.

22 And then, I had another question.

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1 MR. ELA: I'm just trying to narrow
2 down the number of things that people can
3 evaluate and having knowledge of what is actually
4 being used.

5 MEMBER SMITH: Oh, the other thing I
6 was just going to clarify is that in the FDA
7 response back, they had advised us to use our own
8 definitions and that's what the proposal is
9 doing.

10 Thanks.

11 MR. ELA: Yes, and respectfully, our
12 members disagree with that. And so, you know,
13 and it, you know, it's obviously a gray area and
14 it's obviously been a long debate.

15 So, you know, we're going to fall on
16 the side of transparency.

17 CHAIR POWELL-PALM: We have another
18 question for you from Kim.

19 MEMBER HUSEMAN: Hi, Steve, just a
20 quick question, I'm going to shift gears
21 completely here.

22 We've heard a lot of comments back and

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1 forth about how -- what platforms to use for
2 public comment and what is fair, what is
3 equitable.

4 And I've heard a few people within NOC
5 say that there's scholarships that are offered.

6 But I'm just curious, are the
7 scholarships offered to anybody or just NOC
8 members?

9 MR. ELA: Anybody, yes, they are not
10 limited to NOC members. Since NOC membership is
11 -- are organizations and are affiliates, not
12 individual people, and those scholarships are for
13 local farmers to be able to attend those
14 meetings. So, it's an open ended process.

15 And you know, I'm just going to say, I
16 have to say it because the NOSB is such a cool
17 venue for organic stakeholders to have input and
18 it's one of the more notable boards of USDA
19 because of that.

20 And having a room full of people there
21 really brings home to USDA what you guys are
22 doing and the stakeholder input.

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1 And having in person public comments
2 fills that room up and that may not be the only
3 reason, but it gives you guys an ability to do
4 things that you might not otherwise have. And I
5 think that's just really important.

6 It's a very visceral demonstration of
7 stakeholder involvement. And the groups that are
8 there, you know, I represent NOC and other
9 people, OTA, other OFA, all these other groups.

10 They are bringing voices of farmers
11 and consumers to that table in that room.

12 And so, you know, I push back on the
13 influence peddling of that. I think it's much
14 more dynamic and much more open than that.

15 MEMBER HUSEMAN: Thanks, Steve.

16 CHAIR POWELL-PALM: Any other
17 questions for Steve?

18 (No response.)

19 CHAIR POWELL-PALM: All right, we
20 appreciate your time.

21 MR. ELA: Look forward to seeing you
22 all next week. Take care.

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1 CHAIR POWELL-PALM: Take care.

2 Next up, we have Ginny Olson followed
3 by Jefferson Dean and then, Justin Raikes.

4 And after Justin, we're going to take
5 a break, folks.

6 MS. OLSON: I have a quick question,
7 do I move the slide then or does somebody move it
8 for me?

9 CHAIR POWELL-PALM: Somebody will move
10 it for you, just say next slide when you're
11 ready.

12 MS. OLSON: Great, okay. And then --
13 okay.

14 So, hello, my name is Ginny Olson and
15 I'm a crop insurance agent. I've been selling
16 crop insurance for over 20 years.

17 Next slide, please?

18 Okay, so transitioning to organic is a
19 huge financial risk, especially if it's a new
20 grower.

21 So, typically, a farmer is assigned a
22 county T yield and the conventional T yields are

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1 quite higher than organic. And so, in my slide
2 here, you'll see that conventional corn has 194
3 bushel T yield, whereas transition corn has a 136
4 bushel.

5 Next to the county T yield, there's
6 also the values of the crop. So, you can see how
7 much lower the transition is valued at.

8 Why this is significant is that
9 lenders look at this value to determine if they
10 will give an operating loan to the farmer so that
11 he can transition to organic.

12 Next slide, please?

13 Actually, sorry, can I back up one?

14 One of the possible solutions for this
15 would be to provide the producer with the option
16 to buy up their transition or organic T yield.

17 So, take their historical conventional
18 yields and combine it with the county T yields
19 and give the option to buy up their T yield.

20 Next slide?

21 Claims, the big thing with claims is
22 that organic claims are worked the same way as

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1 conventional claims are, which means quality can
2 be vastly different.

3 So, if there is no yield loss, but the
4 organic buyer deems the organic grain has damage
5 and won't purchase it, the farmer is forced to
6 sell the organic food grade as feed grade, which
7 is a huge loss for them.

8 And so, what I'm recommending is that,
9 instead of using conventional guidelines to work
10 organic claims, why not create quality adjustment
11 factors to reflect more organically.

12 Or look at the price contract to
13 determine what the quality should be and then
14 work the organic claims off that.

15 Next slide, please?

16 This one, enterprise units, this is
17 huge. What we really need is enterprise units by
18 planting practice. So, we need EU by
19 conventional, EU by transition, and EU by
20 organic.

21 That way, the farmers can keep all of
22 their acres on one policy and not have to take

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1 out two different policies.

2 Next slide, please?

3 The NOP guidelines do not match RMAs.

4 This is very frustrating for farmers. So, for
5 example, this fall, if a farmer is considered
6 transition right now, and this fall, he'll be
7 organic, I have to insure him as transition and
8 he can sell the crop as organic this fall.

9 I can't insure him as organic until
10 next year.

11 The other thing is, is the crop
12 insurance rules do not match USDA's but NOPs, so
13 we --

14 CHAIR POWELL-PALM: Go ahead and
15 finish.

16 MS. OLSON: Okay, thank you.

17 So, the farmers, I've asked the
18 farmers to submit their certificates by July 15th
19 and they oftentimes do not get them until the
20 fall.

21 Crop insurance rules require that you
22 have that contract in place before you file a

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1 claim. So, if it's a fall claim, no big deal.
2 But if it's prevent plant, replant, or if they
3 want to destroy their crop, they have to have
4 that certificate in hand.

5 And my recommendation is could we like
6 consolidate? Could RMA and NOP get together and
7 consolidate the rules?

8 Thank you.

9 CHAIR POWELL-PALM: Thank you.

10 Oh, I'm taking those slides and
11 reviewing them three more times, that was great.

12 Really appreciate you coming to speak with us.

13 Kim has a question for you.

14 MEMBER HUSEMAN: Hi, Ginny, thank you
15 so much for the slides that you've presented and
16 also the solutions that you suggested. I think
17 that's very helpful.

18 My question is around quality. And
19 so, if I used a conventional product versus an
20 organic product and we're trying to determine
21 quality, can you expand a little bit more what
22 you were -- what you mean by the varying degrees

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1 and how they should be not equitable between
2 conventional and organic?

3 MS. OLSON: Sure.

4 So, I'll use corn because that's
5 probably the easiest one, or well, okay, all
6 crops are easy when it comes to organics.

7 The test weight is a huge, huge -- I
8 see a huge difference in test weight. And then,
9 I also see a huge difference in just like the
10 kernel or whatever they consider as damage.

11 What would be accepted as conventional
12 is not necessarily accepted as organic.

13 And so --

14 MEMBER HUSEMAN: So, are you saying
15 that organic has stricter test weight and the
16 damaged kernel or is it feed grade versus food
17 grade quality?

18 MS. OLSON: The feed and food is the
19 big one. So, Amy can help me answer this because
20 now I should have your example up. That happened
21 to us a couple years ago.

22 But the food and feed grade, that's a

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1 huge thing. I guess where it's frustrating for
2 me is that we're stuck on the fact that, okay,
3 you've got the yield out there. So, go sell it.

4 You know, so a conventional corn
5 grower can sell it, you know, for ethanol. But
6 does an organic corn grower really want to sell
7 it as ethanol? But they're probably going to
8 have to because it was reduced down.

9 The buyer, you know, the buyer won't
10 accept it.

11 MEMBER HUSEMAN: Right --

12 MS. OLSON: And so, the farmer --

13 CHAIR POWELL-PALM: Could I offer one
14 example possibly something from my field to crops
15 to see if it lines up with what you're saying?

16 If I have a contact for 13 percent
17 protein organic wheat, but then, I have to -- for
18 some reason, I get a lot of moisture and that
19 protein content goes down, it only hits 9 percent
20 which is not really going to make food grade in
21 most applications for baking.

22 It'll go into the feed market and

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1 there may not even be a feed market for organic
2 available to me.

3 So, we have a gap of insurance where
4 we don't have products that really cover us given
5 all of the scenarios that may happen in a given
6 season.

7 MS. OLSON: Absolutely, absolutely.
8 Because when they're working the claim, they're
9 looking at the quality, right, to determine if
10 your yield is going to be decreased.

11 And so, they can apply the same
12 conventional quality factors to it and your yield
13 might decrease a little, but it doesn't take into
14 account what happens to you when you try to sell
15 it.

16 MEMBER HUSEMAN: Okay.

17 Yes, so, and I can be -- I mean, on
18 board with it would take it out of, I'll say,
19 organic status from a selling perspective.

20 But let's take like aflatoxin, for
21 example, you know, if the rules are -- I can see
22 a -- if the rules are the same for conventional

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1 as they are organic and it falls outside of that
2 spectrum, from a quality perspective, I struggle
3 with redefining the rules just for organic
4 because quality can impact regardless if it's
5 organic or conventional.

6 If it has a 50-pound test weight, it
7 becomes a problem in a feed formula, I'm see that
8 with aflatoxin or if it's going to be used for
9 milling wheat or if it's going to be used for
10 feed wheat.

11 So, I just wanted to -- I see where
12 you're coming from and some of the perspectives
13 you have as far as it would fall out of organic
14 status based off of a quality or if it's just --

15 MS. OLSON: You know, I'm sorry, I'm
16 interrupting, but you know what? I don't know if
17 that -- I guess I go back to the days like way
18 back when I used to insure sugar beets and
19 potatoes and, you know, I do canning crops,
20 right? We have process for contracts. The
21 adjusters have to refer to those.

22 So, what I'm saying is, could -- would

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1 RMA entertain looking at the contract?

2 So, if a farmer has a contract and it
3 outlines what's expected of them to deliver, you
4 know, could we play within that guideline? Not
5 necessarily reinvent the wheel, I'm not saying
6 that. I'm just saying, hey, there might be a
7 simplistic solution here.

8 MEMBER HUSEMAN: Awesome.

9 Your information's been very valuable
10 today and I really appreciate you coming on and
11 taking the time to spend with us.

12 So, thank you.

13 MS. OLSON: Yes, thank you.

14 CHAIR POWELL-PALM: One quick question
15 for you, Ginny.

16 In this scenario that Kim was
17 exploring with you, in a big tent sense, it
18 doesn't have to just be organic. We could have
19 this contract addendum for quality B conventional
20 as well.

21 If you lose the opportunity to sell
22 food grade conventional, you're going to lose

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1 value even in conventional or organics.

2 So, kind of, it can be anything for
3 anybody, right? It doesn't have to just be
4 organic. Would you agree with that?

5 MS. OLSON: Depending upon the crop,
6 yes.

7 CHAIR POWELL-PALM: Okay, yes, yes.

8 All right, we really, again,
9 appreciate your information and expertise today.
10 Thank you.

11 MS. OLSON: Thank you, have a good
12 one.

13 CHAIR POWELL-PALM: Next up, we have
14 Jefferson Dean followed by Justin Raikes and then
15 we are going to break.

16 After the break, we're going to have
17 Alexis Dragovich, Harriet Behar, and then, Bryce
18 Irlbeck.

19 So, Jefferson, please go ahead.

20 MR. DEAN: Hello, I'm Jefferson Dean.
21 I'm an organic grain farmer. I farm with my
22 son, Timberlane Organic Farms.

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1 I've been certified 30 years now and
2 I'm certified through OFA. And I'm also active
3 with OFA and the OFA Organic Grain Growers
4 Chapter.

5 First of all, I'd like to thank all
6 the Board Members for their service in NOSB.
7 It's -- I'm sure it's a lot of work and not a lot
8 of reward. So, I appreciate that.

9 Unfortunately, I think your
10 predecessors kind of did you a disservice by not
11 addressing a lot of issues early on.

12 One of the issues is these meetings
13 and the time frame for them. You know, they set
14 this up a long time ago to have these meetings in
15 the spring and the fall and most of us farmers
16 are busy.

17 And it's very aggravating to us to
18 take off time, you know, it's a beautiful, sunny
19 day here and I should be out on the tractor right
20 now. And here I am, you know, figuring out what
21 I'm going to say and how I'm going to say it, and
22 you know, participating.

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1 And I appreciate participating. In
2 fact, I -- my first time speaking to an NOSB was
3 through a NOC scholarship in Colorado a few years
4 ago. So, you know --

5 And I believe the in person meetings
6 are very important and can't stress that enough.

7 So, I would like to see some kind of a
8 change in how farmers can participate in the
9 meetings. I'm sure a lot of farmers out there
10 right now that would love to have their input.
11 And they just can't. They're just too busy.

12 You know, this time of year, we do the
13 same thing in the fall all over again.

14 And I've been talking about this issue
15 for quite a while.

16 I think Corey Struck's idea of having
17 a winter listening session is a great idea. It's
18 a great step and maybe you guys can take that and
19 run with it.

20 Maybe if you had more farmer
21 intervention in the beginning, and I'm not saying
22 you Board Members, because this goes way back,

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1 maybe we wouldn't have this issue with the
2 hydroponics being certified when they don't deal
3 with soil.

4 You know, and right in the organic
5 regulations, it says we're required to have soil
6 and build soil and have crop rotation and
7 everything we need to have healthy soil and
8 healthy crops so we have healthy people from
9 organic food.

10 And here, you know, we're certifying
11 hydroponic operations that don't have soil. It
12 doesn't make any sense.

13 Maybe, you know, we needed more farmer
14 input back then, I don't know.

15 You know, it took ten years for, you
16 know, to write the regulations. You know, it
17 took a long time and they purposefully made a few
18 exceptions for crops without soil, some seedlings
19 and stuff.

20 They did not make any exception for
21 hydroponics. You know, that was on purpose.
22 It's ten years of everybody talking about it. So

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1 --

2 CHAIR POWELL-PALM: We appreciate your
3 comments.

4 Any questions for Jefferson?

5 (No response.)

6 CHAIR POWELL-PALM: I just have one
7 quick question for you, Jefferson. We've heard
8 very consistent messaging from NOC and from OFA,
9 I think both of whom are kind of aligned in this
10 messaging.

11 We have a very finite amount of time
12 to fix a lot of problems in the world as like a
13 species. We've got a lot of things staring us
14 down.

15 How do we not lose the forest for the
16 trees, taking time to comment about structure? I
17 liken it to, how do we go into a building and
18 solve the world's problems rather than looking
19 around saying we don't like the color of the
20 paint inside?

21 And so, when folks are coming to bring
22 us ideas, and this is something I request to

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1 everyone, bring us your big ideas. I think, you
2 know, you have brought this up many times, but we
3 didn't get the chance to hear, what is actually
4 harming your farm?

5 You've kind of taken on the wedge
6 issues like hydroponics, but what's actually a
7 challenge on your farm as a grain producer in the
8 Mid-Atlantic Region? What's causing you pain and
9 what can we do about it?

10 And so, I would love to have you and
11 all the farmers that you come with send us these
12 ideas. I love the idea of a listening session.
13 I think it's great. But what would you say
14 during that listening session?

15 I think we talk constantly about how
16 do we get more farmers' voice, but we don't
17 necessarily hear from farmers those really well-
18 articulated solutions from what they'd like us to
19 do. What is our mandate? And send us forward.
20 So, the more we can get that, the more we can do
21 with it.

22 MR. DEAN: One of the things I would

1 like to say, the only thing that we have as
2 organic producers is our integrity. And when we
3 have things certified that are not organic, the
4 rest of the world points it out.

5 That's the first thing that goes to,
6 they say, oh, these guys are using this, they're
7 doing that and try to shoot down our integrity.
8 And that's all we have. And that's what we rely
9 on.

10 That's all the industry has. And if
11 that is hurt by certifying things that aren't
12 organic, then it hurts us. It hurts the whole
13 industry.

14 So, yes, I know it's a wedge issue,
15 but it's very important that we uphold the
16 integrity of organic so that we can continue as
17 an industry and continue to sell our crops.

18 Because if we can't sell our crops,
19 you know, with the organic label, then we won't
20 be organic farmers any more.

21 CHAIR POWELL-PALM: Have you heard or
22 have you experienced any loss as a grain farmer

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1 or any conventional farmers to hydroponics? And
2 have you experienced any customers coming to you
3 saying that they feel like they've lost integrity
4 due to hydroponics being certified?

5 And if you do, I would love a summary
6 of those descriptions.

7 MR. DEAN: I can't speak to that
8 personally right now. I have had instances with
9 consumers in talking about that and other -- many
10 times, other grain producers pointing out all the
11 kinds of little intricacies like hydroponics, you
12 know, many times.

13 And a lot of times, it's like, well,
14 there's no sense in transitioning, you know, my
15 fields because it's not really organic anyway.
16 Look at all the stuff they allow, that type of
17 thing.

18 CHAIR POWELL-PALM: All right, well,
19 we always appreciate your comments. Thank you
20 for making the time. I hear it's a sunny day in
21 Ohio, so thank you for stepping away from the
22 field.

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1 MR. DEAN: Beautiful weather, thank
2 you.

3 CHAIR POWELL-PALM: Yes, all right, be
4 well, thank you.

5 Next up, we have Justin Raikes, and
6 then we're going to take a break.

7 After Justin, we have Alexis
8 Dragovich.

9 Justin, please go ahead.

10 MR. RAIKES: All right, how about now?

11 CHAIR POWELL-PALM: Yes.

12 MR. RAIKES: Perfect, thanks. Well,
13 hey, thank you to the NOSB Board. I know that,
14 yes, this is a big time commitment.

15 Justin Raikes from Ashland, Nebraska.

16 You guys, you know, make possible what we do, so
17 appreciate all that.

18 We're a fifth generation grain farm on
19 2,500 acres going into year five of organic. We
20 produce corn, soybeans, alfalfa, rye, triticale
21 and buckwheat, some seeds, some other forages,
22 and we raise some conventional cattle as well.

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1 You know, we owe our continued
2 existence and success to the organic program and
3 really become the leaders in its fundamental
4 principles. So, again, just want to say thank
5 you to all of you.

6 We also want to continue to grow in
7 this program, both on the livestock side and with
8 further product areas.

9 Two areas, and I'll try to brief, I
10 know I'm the last one before our break, the first
11 one, we strongly, strongly encourage the Board to
12 continue to work towards, you know, parity and
13 enforcement on the import side. That is an area
14 of direct harm to us.

15 We are 100 percent supporters of
16 geotagging. You know, agree with previous
17 comments made on this. It's an issue of
18 integrity, which is really fundamental to
19 everything that we're doing here.

20 We can't have a system where we're
21 staring down the barrel of going to prison for
22 fraud if we cheat or do something like that. And

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1 there is, you know, absolutely no corresponding
2 penalty of any kind to any importer who's
3 actively doing the same thing.

4 So, we are all in favor of parity in
5 the standards and enforcement in any and all ways
6 possible. You know, geotagging, like I said, a
7 100 percent in favor of.

8 And then, you know, any other ideas to
9 add information to the certificate that the Board
10 thinks will work.

11 There's -- I'll cut my comments on
12 this really short, there's been a lot of good
13 discussion on crop insurance, really agree with
14 several of the last speakers.

15 The percent of APH approach, I think
16 is -- that's a good idea. And if there'd been a,
17 you know, I think Ginny had a bunch of great
18 suggestions. Just want to continue to encourage
19 you guys to keep working in that area.

20 You know, there was a little bit of
21 discussion about what it would take to bring more
22 producers in. And honestly, I think the crop

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1 insurance thing is kind of a big deal on that.

2 You know, there's probably a lot of
3 issues that would prevent Midwest grain people
4 from continuing to come in.

5 You know, the risk management thing is
6 a big deal. They're going to be staring down the
7 barrel of, you know, looking at, you know, a
8 really strong APH they've spent 20-plus years
9 building and then have to throw that in the
10 garbage to start over and do organic.

11 So, again, appreciate you guys,
12 everything you do. And I'll cut it there.

13 CHAIR POWELL-PALM: And we appreciate
14 you. Thank you so much for joining us today.

15 Questions from the Board?

16 Amy, please go ahead.

17 MEMBER BRUCH: Yes, thank you, Nate,
18 and thanks, Justin, for joining us here today.
19 Appreciate your comments, I really take them to
20 heart.

21 The one question I do have for you on
22 the risk management, you mentioned the incredible

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1 amount of diversity that you have in your fields.

2 I was just curious, are you able to
3 get crop insurance for all of those rotational
4 crops outside of corn and soybeans, organic crop
5 insurance?

6 CHAIR POWELL-PALM: Oh, you are muted,
7 Justin.

8 MR. RAIKES: Here go, sorry.

9 Yes, no we are not, Amy.

10 MEMBER BRUCH: And then, on your corn
11 and soybeans, and I know past speakers have
12 talked about this, but the yields then which you
13 have, is it the price that's a problem with the
14 crop insurance on corn -- organic corn and soy or
15 is it the actual level of coverage?

16 MR. RAIKES: I would say it's the
17 level of coverage. Yes, I think the T yield hit
18 that you take is significant. And then, you
19 know, you're ability to carry forward any, you
20 know, any previous history at all.

21 I mean, the complete restart, I think,
22 is a real challenge. And what it has done is

1 forced a self-selecting group of people who are,
2 you know, very risk on and how they look at life
3 maybe and how they look at their operations, and
4 say, you know, let's screw it, we'll just throw
5 all that in the trash and give this a shot and
6 take what comes.

7 And so, you know, if we want to expand
8 beyond that, I think that the reality is the, you
9 know, the APH thing is a big deal.

10 MEMBER BRUCH: Thank you, Justin.

11 CHAIR POWELL-PALM: We really
12 appreciate you joining us today, Justin. Thank
13 you for your comments.

14 All right, folks, let's take a break.

15 We'll come back in ten minutes. So, ten minutes
16 to the next hour, hope you get some water and
17 we'll see you here in just a bit.

18 After the break, we're going to have
19 Alexis Dragovich, Harriet Behar, and Bryce
20 Irlbeck.

21 All right, see you in a bit.

22 (Whereupon, the above-entitled matter

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1 went off the record at 2:40 p.m. and resumed at
2 2:50 p.m.)

3 CHAIR POWELL-PALM: Alrighty, Alexis,
4 when you are ready, the floor is yours. Please
5 go ahead and state your name and affiliation, and
6 can't wait to hear your comments.

7 MS. DRAGOVICH: Hi, I'm Alexis
8 Dragovich. I'm with Mud Run Farm, and I'm also
9 an OFA member. I'm from Northeast Ohio, and I'm
10 a second-generation farmer and I co-manage a
11 certified organic farm with my dad.

12 Since 2007, we have been certified for
13 vegetables, row crops and chicken eggs, and in
14 2020 we obtained the certified Hamlin certificate
15 when we started an on-farm flour mill.

16 We sell direct to consumers via
17 farmer's markets and independent grocers.

18 As you can imagine and everyone has
19 been talking about, this is a really busy time
20 for us and other farmers, and to be honest, I
21 almost failed on presenting any comments here
22 today, because it's currently 77 degrees, sunny

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1 and dry outside, and I'm still a little out of
2 breath because I ran up here, because I almost
3 bailed again because this session is running 90
4 minutes behind. But I'm here, I'm a little out
5 of breath, and am okay.

6 But I decided against it because there
7 are some things that I care about, first of those
8 being farmers access to these types of
9 conversations.

10 Spring and fall are less than ideal
11 when you are competing with the weather and have
12 short windows to get things done, as well as
13 sprinkling my passion and attention elsewhere, as
14 I'm thinking about all that needs to be
15 accomplished.

16 And not offer a November through March
17 calendar, which could offer more inclusivity.

18 The next item I'd like to speak to is
19 that of crop insurance.

20 Now, our farm does not use crop
21 insurance. On our farm we instead focus on
22 diversity. We don't have any one main cash crop,

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1 which actually makes things a lot harder.

2 Different crops mean different
3 planting and harvest times, different planting
4 and harvest equipment, and it would be nice if
5 there was crop insurance that was available for
6 farms our size, so that we can utilize the safety
7 net that works.

8 And my final comment is on that of
9 hydroponics being certified organic. I was
10 recently asked to be on a panel where we
11 discussed things that the NOP has gotten right,
12 and things that may have been wrong.

13 And the number one thing that was
14 mentioned as what were right were the standards,
15 the rules for all of us to follow.

16 And they are the same rules, no matter
17 what you grow, or the size of the operation.

18 What are the standards for
19 hydroponics? How can they comply with Citation
20 205-203, soil fertility, and crop nutrition
21 management, and how can they maintain or improve
22 soil organic matter when they have none.

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1 On our farm, soil health and land
2 stewardship offers a great sense of pride for us
3 and something we work at everyday.

4 And as a consumer, when I buy
5 something with the organic label, I assume that
6 they were grown outside. And when I learned that
7 they are actually grown in containers or in a
8 building, it feels a little bit like a trick. My
9 dad actually calls these CAFO lots for plants.

10 So, to us organics is all about the
11 soil. And I think hydroponics does have a place
12 in agriculture. I just don't think that place is
13 in organics.

14 So, thank you for your time and your
15 service to this Board.

16 CHAIR POWELL-PALM: And gosh dang,
17 thank you for running of the hills to talk to us.
18 That's great. I mean, that is huge.

19 MS. DRAGOVICH: Okay, so my face is
20 all red and --

21 CHAIR POWELL-PALM: That's a moniker
22 of pride. Nice work. Thank you for being able

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1 to make it over.

2 Are there questions from the Board for
3 Alexis? I just have a quick question for you,
4 Alexis.

5 How does information flow to you from
6 OFA? So, we had an exhaustive analysis done on
7 the timing of the meeting, and unfortunately, it
8 came to, for a lot of reasons -- given it being a
9 national board and many other factors -- we
10 landed on the only times that work are this
11 April/October, which sets for all of us who are
12 in the upper two-thirds of the country. But it's
13 just sort of how it is.

14 Has OFA not explained that to you? Or
15 what are you missing on that? I love the idea
16 that all of you have said about the third listing
17 session, but we did so much work -- it took a lot
18 of Board time -- to do that analysis at the
19 request of OFA farmers.

20 And it seems like that may not have
21 made it back to you. I was just wondering if
22 you've heard about that analysis?

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1 MS. DRAGOVICH: Yeah, OFA does great
2 giving us information. It still doesn't work
3 though. I mean, it's still planting season.

4 CHAIR POWELL-PALM: Mm-hmm, mm-hmm.
5 Would you rather me to take a week away -- well
6 actually, I have a theoretical for you.

7 If we had the in-person during April,
8 is it easier for you to get here on Zoom, or
9 would you be able to take a week away, if April
10 and October are immovable?

11 MS. DRAGOVICH: Would I be able to
12 take a week away in October, or in April? I
13 mean, I don't know.

14 CHAIR POWELL-PALM: Okay.

15 MS. DRAGOVICH: Perhaps, probably not.
16 I mean, if this April's like this April.

17 CHAIR POWELL-PALM: Yeah. And so, do
18 you feel like if your comment is heard now, along
19 with everybody else's, virtually, that it's fair
20 to all farmers, to some farmers who can get away,
21 come and have their voices elevated by them
22 giving in-person comments, given the timing of

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1 this meeting?

2 MS. DRAGOVICH: I think of all the
3 people that we're missing, that could be here if
4 it wasn't in April.

5 CHAIR POWELL-PALM: So, just virtual
6 versus in-person, if April's not up for debate.
7 Well, do you feel like it's a point of equity to
8 make it so that everybody can run in from their
9 farms, call in from the tractor, and let their
10 voice be heard?

11 MS. DRAGOVICH: Yes, I think that's
12 important.

13 CHAIR POWELL-PALM: Okay, we really
14 appreciate your time today. Thank you so much.

15 MS. DRAGOVICH: Thank you.

16 CHAIR POWELL-PALM: All right, next up
17 we have Harriet Behar, followed by Bryce Irlbeck,
18 and then Linley Dixon. Harriet?

19 MS. BEHAR: Can you hear me? Yes, I'm
20 off mute.

21 CHAIR POWELL-PALM: Yes, please go
22 ahead.

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1 MS. BEHAR: Okay. Hello, my name is
2 Harriet Behar, and I'm affiliated with the
3 Organic Farmer's Association and the National
4 Organic Coalition.

5 I'm a past chair of the NOSB, a
6 long-time organic inspector advocate, and an
7 organic farmer in Southwest Wisconsin, who just
8 ran up from the greenhouse.

9 The petitioning process for
10 ingredients listed on 205-606 needs to be
11 improved.

12 The NOSB and the public should not
13 have to spend their time reviewing an
14 agricultural ingredient for 606 without a clear
15 presentation by the petitioner, of what are the
16 barriers to overcome other organic production for
17 that ingredient, and what has been done by the
18 petitioner to overcome those barriers, before
19 they feel they should be listed as not
20 commercially available.

21 In my written comments, I refer to NOP
22 Guidance 3011, which should be improved to

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1 include additional questions that must be
2 answered in a petition.

3 Is there a need to pre-contract with
4 organic growers? Do minimum runs at
5 manufacturing facilities affect the availability?
6 And what has been done to overcome this?

7 If the quality of the organic product
8 is an issue, what is being done to work with
9 suppliers to meet their product specifications?

10 These are just examples of what the
11 petitioner should do, and not wait for the NOSB
12 review of a petition, and then these questions
13 are asked.

14 This improvement is needed to free up
15 NOSB and NOP to deal with more complicated
16 issues.

17 While more tools in the toolbox are
18 seen sometimes as positive by many producers, I
19 would like to challenge that assumption.

20 Unless the tools are systems-based
21 approaches, and not just input substitution
22 between non-organic and organic production, our

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1 regulation requires cultural, mechanical, and
2 biological activities be performed before the use
3 of approved synthetics.

4 Organic agriculture respects and
5 emulates natural systems, rather than
6 manipulating the web of life.

7 Diverse crop rotations, improvement of
8 the ecology, and biodiversity on the farm, all
9 contribute to long-term success that I have seen
10 and experienced on mature organic farms, instead
11 of the destructive, toxic materials and GMOs used
12 on most non-organics farms.

13 Reliance on an ever-increasing list of
14 approved synthetics in organic discourages
15 research and experimentation into the
16 systems-based approaches that we need for
17 long-term productivity.

18 I am not against all synthetics, but I
19 encourage the NOSB to prioritize promotion of
20 organic systems over materials, when you are
21 reviewing.

22 Organic agriculture offers the wrong

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1 solutions to many of our environmental woes.
2 Continuous improvement is needed within the NOP
3 regulations, to remove the incentive to destroy
4 native ecosystems to more quickly access the
5 organic market.

6 Inappropriate organic hydroponic
7 systems, including the thousands of acres
8 containers to produce perennial crops, needs to
9 be added to the work agenda, using the ways of
10 how they meet the band-aid of soil and
11 biodiversity improvement, and not just that they
12 use approved materials. Thank you.

13 CHAIR POWELL-PALM: We appreciate your
14 comments. Any questions for Harriet from the
15 Board? All right, Amy. Oh, sorry, not Amy.
16 Mindee, please go ahead.

17 MEMBER JEFFERY: Thank you for your
18 comments, Harriet. Do you think that updating
19 the petition template would be the best way to
20 address your suggestion?

21 MS. BEHAR: Yes.

22 MEMBER JEFFERY: Thank you.

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1 MS. BEHAR: And that it be returned to
2 the petitioner if they haven't answered the
3 questions.

4 CHAIR POWELL-PALM: All right, thank
5 you, Harriet. We appreciate you.

6 MS. BEHAR: Back to the greenhouse.

7 CHAIR POWELL-PALM: All righty. Next
8 up we have Bryce Irlbeck, followed by Linley
9 Dixon, and then Tim Cada. Bryce, the floor is
10 yours.

11 MR. IRLBECK: Thank you. My name is
12 Bryce Irlbeck and I'm owner of AgriSecure, data
13 apply and farm management. I've worked with
14 farmers across the U.S. when we're getting
15 certification, and also an organic farmer in Iowa
16 and Nebraska.

17 I would first like to thank everybody
18 on the Board for holding these comments and
19 having them online, because the accessibility, as
20 a farmer, is great. I don't have time to travel
21 and do this, so I want to say thank you for doing
22 this.

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1 And I could get onboard with changing
2 time, but everybody's busy year-round, so you can
3 change time a million times and not make
4 everybody happy, but the accessibility has been
5 great.

6 But today I want to talk about two
7 things: strengthening the organic enforcements,
8 and the foreign imports and the GO reference to
9 those foreign imports.

10 And so, the first item is
11 strengthening organic enforcement, and I believe
12 we are headed in the right direction. We just
13 need to move faster than we are right now.

14 And the way we're moving, and more
15 paperwork, more documentation, that seems to not
16 be working, in terms of from the American
17 farmers' side and the import side.

18 So, I think there's other ways to do
19 that, and we'll get to it later in the
20 presentation. And if we do not move quickly, I
21 have a fear. I work with farmers, and we are
22 seeing a severe reduction of organic acres coming

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1 down the pipeline, and I think that we'll
2 continue to see that if we don't get this
3 straightened out.

4 And just to put this in perspective,
5 this morning I had had a higher bid on non-GMO
6 soybeans and organic soybeans. And this is an
7 economic type of situation.

8 The second part of this is GO
9 referencing. I think it's just a small start,
10 but I highly agree with it. I think it's a good
11 thing to have and have as an organic producer,
12 and as an organic certifier, to mark those fields
13 and know where they are.

14 My next comments are going to be a bit
15 facetious, but just kind of the overall thought
16 process of what we're thinking about with
17 stronger enforcement of organic.

18 But I'd like to have GO reference
19 fields, because I'd like to go meet the producers
20 that are producing for half the cost of what we
21 can in the United States in some of these
22 countries.

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1 I'd like to learn their economic ways,
2 their technology and their expertise, that we
3 just don't have in the United States because we
4 can't produce them that cheap.

5 Again, I think we look at this as a
6 picture. And I will read three countries that
7 we're importing from right now: Togo, Africa;
8 Ghana, Africa; and Tanzania, Africa, which is my
9 favorite because I farm there and been there. I
10 have a 12,000-acre rice farm there.

11 And just in order, Togo, 23.8 percent
12 malnutrition; Ghana, 24.2; Tanzania, 34 percent
13 malnutrition.

14 We are importing food from those
15 nations that can't feed themselves. So, morally
16 and socially, if we don't think it's fraudulent,
17 then we are doing the right thing as organic
18 producers, importers, in the whole system.

19 So, I will stop there. Again, I hope
20 the higher picture is to look at this as the
21 totality, and think about it.

22 CHAIR POWELL-PALM: We really

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1 appreciate your comments and, again, as a farmer
2 taking the time out of your busy schedule. I
3 realize you probably have many other things to
4 be, other places to be, and thank you for joining
5 us. Questions for Bryce from the Board.

6 I have a quick question for you,
7 Bryce. When we talk about the sort of the
8 ethical obligation of possibly being a net
9 importer of grain from food-insecure countries to
10 feed our organic livestock, or our other
11 ingredient industries, it seems like that's going
12 to fall outside the scope of standards, which is
13 what this Board is in charge of.

14 How do we start to think bigger than
15 just this Board, as far as building coalitions to
16 put pressure on the right agencies, the right
17 aspects of USDA, and just the organic community
18 in general, to start tackling issues that are as
19 big as this?

20 MR. IRLBECK: Yeah, so I think there's
21 multiple ways to do that. But as farmers, it's
22 starting to make people aware. And farmers are

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1 at the point where we are going to take it on
2 ourselves to make people aware of what's going
3 on.

4 And I think it's a social issue that
5 drives down from the brands on down, that people
6 are purchasing organic for the right reasons --
7 and I think they do -- but I don't think the
8 brands would be happy to know where it's coming
9 from and what we're doing in the importation of
10 that from these third-world countries.

11 And so, I think it's a three-pronged
12 approach, with brands, the farmers, and the
13 regulatory people.

14 CHAIR POWELL-PALM: Really appreciate
15 that.

16 MR. IRLBECK: These people in Tanzania
17 and Togo -- I name a few of them, but there's a
18 lot. There's a lot of countries like this. They
19 aren't making more money because they're getting
20 organic. It's not helping them out.

21 I've lived there and seen it. It is a
22 handful of people getting rich moving products an

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1 ocean. And I'm not going to say whether they're
2 organic or not. We can all make up our minds on
3 that.

4 CHAIR POWELL-PALM: Amy has a question
5 for you.

6 MEMBER BRUCH: Bryce, hi. Thanks for
7 your time today. I just had a quick question.
8 You had a lot that you conveyed to us. I
9 appreciate your comments.

10 I wanted to ask about farmer retention
11 you mentioned. I know you interact with a lot of
12 producers, and you mentioned that we're losing
13 acres.

14 Can you quantify that a little bit
15 better for the Board?

16 MR. IRLBECK: Yes. So, I would say in
17 our network, which is pretty large producers that
18 spent a lot of money to get into it. It's ten to
19 twenty percent of the acres.

20 And I would say on our own farm, we've
21 already probably taken out ten percent of the
22 acres. It just doesn't make sense -- not

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1 economically, and not socially -- to do it for
2 what we're doing. So, I'd say it's anywhere in
3 between the ten to twenty percent.

4 CHAIR POWELL-PALM: Franklin has a
5 question for you.

6 MEMBER QUARCOO: Yes, in some of the
7 countries that you mentioned, one of the main
8 things is that labor is a lot cheaper. Are there
9 other reasons that you think makes the prices
10 more competitive, apart from labor?

11 MR. IRLBECK: Yes, so I completely
12 understand the labor is cheaper. And then we
13 cheapen up the product.

14 There's other things that are more
15 expensive in those countries as well -- getting
16 seed and fertilizer and technology, and all that
17 stuff.

18 So, I think it's offsetting. And so,
19 it's not clear to me why they can produce a lot
20 cheaper. And in talking into some of those
21 countries, I wonder if they're actually getting
22 more for their grain organically than what we're

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1 seeing.

2 So, I don't have a clear answer on why
3 it is cheaper.

4 MEMBER QUARCOO: Thank you.

5 MR. IRLBECK: Yep.

6 CHAIR POWELL-PALM: Other questions
7 for Bryce. Bryce, just as a farmer, what do you
8 see as one of the biggest opportunities to drive
9 demand and expand the organic marketplace?

10 MR. IRLBECK: Stability. Instability.

11 And it comes from chickens to dairies, to making
12 milkshakes. Stability drives business.

13 And whether you have \$40 soybeans, and
14 then you go down to \$20 soybeans, and it really
15 drives the stability if people do not make -- and
16 actually pull out of it, because the natural
17 human reaction is, when it's unstable, you don't
18 do it.

19 And so, it's along the entire chain.
20 And that's not to say we can't import stuff. I
21 think \$20 soybeans are not profitable in the U.S.
22 vast majority of operations. \$25 to \$35 works in

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1 a lot of operations. It works with dairies, it
2 works with chickens, it works with -- and that's
3 probably where they should be, if you let the
4 natural markets forces react to it.

5 And so we see these wild things from
6 \$20 to \$40. They'll go back up to \$40 sometimes
7 when they shut down those routes that they've
8 popped up after India.

9 And so, you're going to see these
10 instability swings, and you're going to see
11 people not invest into the marketplace.

12 CHAIR POWELL-PALM: Huge. Thank you
13 for that. Kim has a question for you.

14 MEMBER HUSEMAN: Yeah, just a quick
15 follow-up question. And, Bryce, I really
16 appreciate you coming on as a farmer today and
17 speaking to us. Continue to grow those crops,
18 please.

19 My question is, is it a target dollar
20 figure that's creating the increase or decrease
21 of acres, or is it relational to the other
22 opportunity costs? And how can we attack back,

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1 if that's possible?

2 MR. IRLBECK: Yeah, so it's always in
3 relation to other opportunity costs. If I can
4 grow non-GMO soybeans, and spend half of my
5 personal time -- actually, probably 80 percent
6 less than my time -- doing that at a higher
7 dollar figure, in America we're going to do that.
8 And that's just the capitalist way.

9 And so, it's priced in its
10 relationship to what are the other opportunities
11 in the growth. And so, I think it's both of
12 those.

13 MEMBER HUSEMAN: Would it be helpful
14 to have more marketing tools that would be
15 aligned at a percentage above conventional? Do
16 you think that would give some stability to the
17 market?

18 MR. IRLBECK: I wouldn't be in favor
19 of that. I'm in favor of free markets. And it's
20 just if we enforce the rules that we have, free
21 market would play.

22 And we can still import. I'm not

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1 saying that those countries are in, some people
2 are doing it right and some people are doing it
3 wrong.

4 It's just when you dump more soybeans
5 in the U.S. market than you can actually handle,
6 you drop these prices down. And some of them
7 aren't organic.

8 I'm not going to reference the
9 percentage, but we get dumped on, and now organic
10 is very difficult to make work on a farm, in
11 terms of soybeans.

12 MEMBER HUSEMAN: Thanks.

13 CHAIR POWELL-PALM: Carolyn has a
14 question for you.

15 MR. IRLBECK: I think you might be on
16 mute. There you go.

17 MEMBER DIMITRI: I've got it. Thank
18 you, Bryce. I don't actually have a question.
19 It's more of a comment. It seems like these
20 issues that you raise have been embedded in our
21 truth system for so long, and I think that's kind
22 of where the original farm bill came in, trying

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1 to help support farm viability and farm -- just
2 like the existence of farms.

3 And as you were talking, I was
4 thinking, maybe one thing that we -- like, I
5 don't think this is anything any one of us can do
6 anything about.

7 But it's like that tradeoff between
8 having a resilient food system, versus one that
9 sort of responds really quickly to changes in
10 prices.

11 So, I think because we have this very
12 natural response to price changes, which
13 obviously they make sense, what we have at the
14 end is so much less resiliency in our food
15 system.

16 And, I mean, I think it's a huge
17 social problem. And I personally don't have any
18 of the answers for this. But I appreciate you
19 bringing up the topic.

20 MR. IRLBECK: It's not an easy one, I
21 can tell you that.

22 CHAIR POWELL-PALM: But raising it is

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1 so important. So, I really appreciate you
2 bringing it to us. I think this is one of those
3 issues that it doesn't happen overnight, but it
4 does give us something to chew on.

5 If and when -- and this goes to all
6 farmers and everybody on the call -- if and when
7 you come up with solutions, send them to us.
8 Like, we want your solutions, and we want to be
9 able to try to do things with them.

10 So, we really appreciate the time, and
11 the time it's taken to consider this and so
12 clearly articulate the problem, Bryce. Really
13 appreciate it.

14 MR. IRLBECK: Thank you. I appreciate
15 every one.

16 CHAIR POWELL-PALM: All right, take
17 care.

18 Next up we have Linley Dixon, followed
19 by Tim Cada, and then Steve Spreinkel.
20 Linley, the floor is yours.

21 MS. DIXON: Perfect timing, speaking
22 of solutions. My name is Linley Dixon. I'm the

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1 co-director of the Real Organic Project. I own
2 an organic vegetable farm in Southwest Colorado,
3 specializing in soil-grown tomatoes, greens,
4 cucumbers, peppers, berries, and herbs.

5 These are the most profitable crops
6 for a diversified vegetable farm. They're also
7 the same crops whose markets are being flooded
8 with hydroponics certified as organic.

9 I'd be happy to talk about the
10 economic impact in the Q&A.

11 The Real Organic Project was formed to
12 provide greater transparency and integrity to the
13 organic label. It was formed because right now
14 we don't know if our organic blueberries come
15 from operations that raise their container six
16 inches above the land, on plastic stands, so they
17 can spray prohibited herbicides immediately
18 before getting certified.

19 These are the industry workarounds to
20 the rules. And this is the insanity that results
21 from certifying operations that don't foster
22 healthy soils.

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1 Real Organic was formed because when
2 we buy organic milk, we don't know if it's coming
3 from the ever-expanding CAFOs in the arid West.

4 Consumers want to support organic
5 dairy without also depleting their aquifers.
6 Consumers want to support organic dairies that
7 don't get drought exemptions for the DMI grazing
8 requirements year-after-year.

9 As wonderful as reform of the NOP
10 would be, it's Real Organic Project's immediate
11 goal to ensure that people can identify the food
12 that they actually want to buy.

13 We've approved over 1,000 farms to our
14 add-on standards. That number will continue to
15 grow.

16 Our certified farmers include many
17 farmer NOSB members, many organic pioneers, and
18 new organic farmers, across the country.

19 Our soil health standards require what
20 is actually written in the law. If you read
21 OFPA, you know that organic is so much more than
22 food produced with inputs from the national list,

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1 which is more and more what it's becoming.

2 We simply need better enforcement of
3 OFPA from the NOP, and we need enforcement from
4 the NOP on certifiers.

5 There are certifiers that would never
6 approve the CAFO dairies that are certified by
7 the Texas Department of Agriculture, organic
8 certifiers, Oregon Tilth.

9 There are certifiers that would never
10 certify disposable plastic container farms.

11 Instead of enforcing the law, the NOP
12 is citing certifiers for refusing to certify
13 these operations.

14 Remember, OFPA calls for the
15 establishment of an NOSB not only to approve
16 substances for the national list, but also to,
17 quote, provide recommendations to the secretary
18 regarding implementation of the act. Things have
19 not gone well for a long time, and the community
20 is skeptical about the future.

21 We're at a critical moment in organic.
22 Farmers who can afford to, are walking away.

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1 But we're here. Real Organic has not
2 walked away. Many of our farms depend on the
3 organic seal, even though it no longer represents
4 the way they farm.

5 CHAIR POWELL-PALM: Any questions for
6 Linley? Allison, please go ahead.

7 MEMBER JOHNSON: Thanks so much for
8 your comments, Linley. I'm in the, I guess,
9 fortunate position of having joined the Board
10 after this issue came up previously. So, I'm a
11 new face in kind of uplinks. I've been following
12 along, but don't have a position formed yet.

13 And you touched on one of the issues
14 that I think is really important, and that I'm
15 weighing as I'm listening to everyone today and
16 on Tuesday, and looking through red lines.

17 And that is the issue of pesticide
18 use. So, I care about organic for many reasons,
19 but very high on the list is reducing use of
20 pesticides.

21 And I'm curious what you think how the
22 tradeoffs play out. If we're worried about

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1 applying an herbicide before a hydroponic
2 operation is set up, but then that operation
3 cannot use pesticides to produce the products
4 that it sells, if we take away the option of
5 being certified organic, will they use those
6 pesticides?

7 Are we losing an opportunity to at
8 least reduce pesticide use, even if we're not
9 maximizing the full potential of organic benefits
10 in that operation?

11 MS. DIXON: No, there's a lot there.
12 There's something that we've noticed, and that a
13 little slogan that we say, which is, allowing a
14 cheaper form of production actually ends up
15 mandating it.

16 It doesn't create a bigger tent. It
17 actually puts a lot of farmers out of business,
18 and especially if it's not an organic production
19 practice by law. We've seen it with CAFO poultry
20 porches. It's very hard to find a pasture-raised
21 organic egg out there.

22 So, you have this concept of

1 continuous improvement. If organic doesn't do
2 it, another label will come out. There's lots of
3 labels on the marketplace right now.

4 There's no reason why a hydroponic
5 nose spray, or approved spray label, can't come
6 out that differentiates themselves. It's simply
7 not an organic way of producing food, and
8 allowing it is mandating it.

9 So, to watch all of these organic
10 farmers go out of business who are -- it takes
11 money.

12 All we think about is how to foster
13 our soils, the fertility in our soils, in an
14 environmentally sustainable way.

15 Especially, we all got into this for
16 principles, so talk about organic really being
17 relevant and growing into the future.

18 Our last person who testified said it
19 was stability. I believe it's integrity and
20 continuing to improve in the face of climate
21 change.

22 In the face of training aquifers,

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1 organic needs to stay relevant. So, I don't
2 believe it's going to result -- we also mentioned
3 that they spray herbicides before putting the
4 pots up. And also, they're spraying pesticides
5 to transition greenhouses.

6 They take them out of organic
7 production, can spray anything they want, and
8 then put it back in.

9 So, it's just insane that this is not
10 an organic system. It's definitely the result of
11 no rules around how do we even have oversight
12 over hydroponic systems? I'll stop there.

13 CHAIR POWELL-PALM: Brian has a
14 question for you.

15 MEMBER CALDWELL: Thanks, Linley.
16 Just wondering, I'd like to hear some of the
17 specifics about impacts of hydroponic producers
18 on your operation.

19 MS. DIXON: My operation in
20 particular, so we compete, we wholesale cherry
21 tomatoes, and so we compete in the marketplace
22 for shelf space there.

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1 We definitely have not -- we had a
2 boom right after COVID hit, and put in another
3 greenhouse. And we have had trouble wholesaling
4 those since COVID went away.

5 There are these weird spikes -- talk
6 about resilience -- where all of a sudden the
7 stores can't get cherry tomatoes, for some
8 reason, from somewhere else.

9 And there's this huge demand for them
10 and they give us a call. But we actually --
11 we're not going to expand our operation right
12 now. Our markets are really, really tight, and
13 they come and go.

14 We heard from another farmer that's
15 part of the Real Organic Project, that sells
16 cherry tomato pints twelve per flat or something,
17 I'm not exactly sure how she phrased it.

18 But for twelve cherry tomato pints, it
19 was \$15 for those twelve pints. And she can't
20 let it go below \$15, in order to make it work,
21 and it's now coming in below \$15.

22 So, it's definitely impacting

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1 soil-grown cherry tomatoes across the country.
2 But we can actually start asking a lot more of
3 that data before the fall, if you'd like, of our
4 farmers.

5 MEMBER CALDWELL: Great, thank you.

6 CHAIR POWELL-PALM: Any other
7 questions for Linley? I have a good question for
8 you, Linley.

9 We're thinking about the next version
10 of organics. And I knew the Board getting 2.0,
11 3.0, that's all already been taken sort of
12 another name for it.

13 But realizing that standards aren't
14 going to save us, standards are going to be a
15 nice way for us to catalyze and organize.

16 But when we look at every conventional
17 dairy that's gone out of business in Wisconsin,
18 in Montana -- we used to have 1,300 areas in my
19 valley, we have four now -- and there's bigger
20 market issues that are plaguing us.

21 And it seems intellectually dishonest
22 in our community to not tackle those, similar to

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1 how -- and I don't know if this is a stretch --
2 saying to a worker, you should just get more
3 education if you want to raise your wages,
4 versus, you should just unionize, and then you'll
5 be able to have some bargaining power.

6 At what point do we embrace collective
7 action as a means to build selling power for
8 farmers, versus throwing stones at each other and
9 saying that some of us aren't as good as others?

10 And I think you can kind of bucket it
11 as scale, right? Big vs. little, and little
12 needs to get together. Needs to get together to
13 be able to form some market power.

14 And so, how do we build that market
15 power, and how do we build coalitions that says,
16 we've got standards as one bucket, but -- and I'm
17 here to tell you, not that hard to meet the
18 30-day grazing rule. It's just not. It's pretty
19 low.

20 So, lots of dairies could do it.
21 Really big dairies. But is that the question?
22 Or is the question, even if they can meet it, we

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1 still deserve to have small dairies in business.

2 We still deserve to have family farms.

3 Actually, the reality for a lot of American
4 communities.

5 So, how do we expand our tent to make
6 it so that we are working with coalitions who are
7 thinking about organizing farmers, unionizing
8 farmers, building market power, in addition to
9 being organic?

10 MS. DIXON: Nate, that was a lot to
11 respond to. I had many thoughts as you were
12 speaking. Let's see what I can make of them all.

13 You brought up dairies. I guarantee
14 you if we would get rid of those CAFOs in Texas
15 and my home state of Colorado, we would see a lot
16 more of those small dairy farms in Wisconsin.
17 Mark Kastel gave very good data on that. So,
18 it's important --

19 (Simultaneous speaking.)

20 CHAIR POWELL-PALM: If I may, that
21 doesn't answer my question, and just for time.
22 So, say those folks are out. You're still going

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1 to run into that we have very few options to keep
2 small farms going.

3 Even there's no cheating in
4 conventional. Everyone's got the same rules and
5 the bigs still win. So, big is going to win if
6 not given some sort of organizing.

7 So, how do we bring in that organizing
8 component into our movement, to say that organic
9 and organizing go together? There is a marriage
10 there.

11 MS. DIXON: Yeah, I think Real Organic
12 Project is doing that, so it's a great question.
13 Maybe that's why you're asking me.

14 I think continuous improvement has
15 always been part of the organic movement, and the
16 NOSB was created to actually implement that
17 continuous improvement from the organic
18 stakeholders.

19 And when that started to go away when
20 we actually saw it getting worse and the system
21 not working, the organic farmers came together
22 and said, okay, well, we could do this as a

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1 standalone.

2 Many people wanted that, much like
3 when OFPA was first formed, many people wanted to
4 do this without the government. But we said, no,
5 this is something that we need to do in order to
6 get help from the government.

7 You've touched on a lot of things. I
8 understand that capitalism is a problem. I'm not
9 going to take down capitalism.

10 CHAIR POWELL-PALM: Never mind
11 capitalism, but I just -- how do we -- I haven't
12 heard Real Organic --

13 (Simultaneous speaking.)

14 MS. DIXON: You know, I think it's --
15 you spoke quite a bit, so I'll go ahead and
16 respond.

17 CHAIR POWELL-PALM: I haven't heard
18 Real Organic Project give a solution to how we
19 organize, other than just the standards. Is
20 there a way we go beyond the standards, instead
21 of saying, organizing is tough. Forming co-ops,
22 forming unions, tough.

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1 MS. DIXON: Well, I actually think we
2 do organize beyond the standards. We put on all
3 these symposia, and produce a lot of videos to
4 educate the world about what organic means and
5 the principles, and we form alliances around the
6 world.

7 So, I think that was very much a part
8 of the organic movement. I think we need to
9 continue doing it. And I think when we started
10 to lose that, the Real Organic Project formed.

11 So, we do do a lot more than just
12 standards. We do a lot of educational and
13 bringing the community together.

14 CHAIR POWELL-PALM: We appreciate your
15 time today. Thank you. Next up we have Tim
16 Cada, followed by Steve Spreinkel if you're on,
17 and then Meggan Hain. Tim, if you're there, the
18 floor is yours.

19 MR. CADA: Just listening to the last
20 gal talk, integrity is 95 percent of organics.
21 Anyway, my name is Tim Cada.

22 (Audio interference.)

1 CHAIR POWELL-PALM: Oh, we're losing
2 you, Tim.

3 MR. CADA: Oh, can you hear me now?

4 CHAIR POWELL-PALM: We can. You're
5 very quiet. If it's --

6 (Audio interference.)

7 MR. CADA: If I could get off this
8 speaker, I would. But I don't know how to do
9 that.

10 CHAIR POWELL-PALM: All good. Go
11 ahead, go ahead.

12 MR. CADA: Okay. My name is Tim Cada.
13 My wife Kris and I converted our farm to 100
14 percent organic in 1994. Our youngest son Matt
15 has jumped onboard as of four years ago.

16 Today, we farm around 500 acres, and
17 ranch a bit more. We're certified by OneCert and
18 Real Organic.

19 I would like to talk crop insurance.

20 Dairy, wind and hail insurance, as we
21 have those issues here in Northeast Nebraska,
22 dairy PRF for rainfall, our dry land farmers, and

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1 the only way we know to insure our alfalfa and
2 pastures, dairy Federal Crop.

3 Federal Crop will cover our soybeans
4 just fine. If we have a low yield, they write
5 the check.

6 We insure our winter wheat with
7 Federal Crop. Our yield has a lot of history.
8 We cannot insure our spring wheat.

9 (Audio interference.)

10 -- food grain corn, primarily yellow,
11 mostly blue the last few years.

12 Inter-production or revenue. I'm
13 finding out, as (audio interference), those will
14 not help us if we have an aflatoxin or a
15 vomitoxin, or other disease problem.

16 Corn is corn in the Federal Crop
17 Insurance's eyes. If we have a toxin problem,
18 our corn is more or less unsellable. Contracts
19 pricing does not help us.

20 Take a really bad year for our farm,
21 therefore, we take whole farm income as well.
22 It's pretty pricey, but it's our insurance

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1 against our insurance.

2 Federal Crop does not help our
3 contract pricing because of their conventional
4 mentality. We pay their premium, but could be
5 really hit hard if our crops meets their
6 standards, and only their standards, not the
7 food-grade buyer standards.

8 Now taken Federal Crop since 1982,
9 organic started at the same rate as our federal
10 crop did. Eventually, they added five percent
11 for a few years, and now there's Federal Crop for
12 organic. It's just not complete, in my opinion.
13 It doesn't cover me good.

14 Organic and conventional both can have
15 quality problems. Bryce was talking before --
16 and I don't know Bryce -- conventional problems
17 usually aren't that big of a deal, because it
18 might be a dollar or two difference in price
19 between conventional and conventional food-grade,
20 while organic can be up to 50 percent or more in
21 price differential.

22 And if I'm counting on the organic

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1 price and I have to sell it as conventional, that
2 really, really hurts. Therefore, we go back to
3 PRF insurance.

4 Last thing I'd like to say is blue
5 corn is not considered corn by the USDA.

6 (Audio interference.)

7 Thank you for your time, you guys.

8 CHAIR POWELL-PALM: Thank you. And
9 thank you so much for making it work. We really
10 appreciate it. I think I caught most of
11 everything, so if anyone has any questions, we
12 can confirm with Jim, but Mindee, if you want to
13 go and ask him a question, please go right ahead.

14 MEMBER JEFFERY: Yeah, Tim, thank you
15 for your comment. I caught you at the part where
16 you said, the last thing I'd like to say is blue
17 corn is not considered corn by the USDA. And
18 then I couldn't hear what you said after that.
19 Would you mind reiterating?

20 MR. CADA: Red corn is corn. I think
21 they consider blue corn an ornamental. There's a
22 fair amount of people in Nebraska that grow blue

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1 corn for correct specialty grades, and he ships
2 it all around the world. It shouldn't be treated
3 any differently.

4 MEMBER JEFFERY: Got it. Thank you so
5 much, Tim.

6 MR. CADA: Yeah. Is this better?

7 CHAIR POWELL-PALM: This is so much
8 better. Oh, gosh.

9 MR. CADA: I am so sorry, you guys.
10 I'm not a genius on my phone yet.

11 CHAIR POWELL-PALM: Not a worry. I
12 think we mostly got it. Does anyone have any
13 other questions while we've got a good signal
14 from Tim? Oh, Nate Lewis has a question for you.
15 Go ahead, Nate.

16 MEMBER LEWIS: Yeah, hi. Quickly,
17 sorry, couldn't get my hand up quickly.

18 Tim, in the blue corn insurance case
19 you said, have you all pursued a contract price
20 addendum approach to that?

21 MR. CADA: I did. I get contract
22 pricing every year. But if I would have an

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1 aflatoxin in my corn and my buyer will not take
2 it, it doesn't meet his quality, what am I going
3 to do with, give or take, let's say 10,000
4 bushels of blue corn?

5 I can go to my local feed yard, I can
6 find an organic dairy someplace to buy it, but if
7 they're going to buy my blue corn, I'm going to
8 sell it at a really bad discount, because they
9 know that I'm having problems moving my corn.

10 (Simultaneous speaking.)

11 Federal Crop, they will not pay my
12 full contract. Well, they may pay the full
13 contract price, but their standards are
14 different.

15 You have the corn. That's all that we
16 care. If you're going to key 100 bushel and
17 acres, you can leave your 100 bushel and acres.
18 They do not care about the quality.

19 CHAIR POWELL-PALM: Right. Kim has a
20 question for you.

21 MEMBER HUSEMAN: Thanks, Tim. I just
22 want to clarify this point. So, from a quality

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1 standpoint, let's use aflatoxin as an example.

2 Do you have the same quality standard
3 for conventional aflatoxin as you do organic
4 aflatoxin, I guess is what I'm trying to ask. Is
5 there a --

6 MR. CADA: I believe we do.

7 MEMBER HUSEMAN: Okay.

8 MR. CADA: It's a very low number.

9 MEMBER HUSEMAN: Right. Because I
10 know, like, in dairy there's only so much that
11 can be accepted, because humans consume milk, and
12 every species, there's just a certain amount that
13 can be accepted, regardless if it's blue, white,
14 red, yellow, number two, wheat food, I mean,
15 there's standards, right?

16 Okay, and so from a quality
17 standpoint, do you see discrepancies -- you said
18 that you can, like, lose up to 50 percent of the
19 value of your organic grain. Is that because
20 you're selling it as conventional? Or is that
21 because the quality scale is different for
22 organic than it is for conventional?

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1 MR. CADA: Quality scale is a little
2 bit different for organic. I mean, your buyer
3 has such lines that you have to reach and meet.
4 You know, fifty-six pound minimum corn.

5 But I can ask neighbors -- ten, eleven
6 years ago, we had really bad aflatoxin
7 everywhere. My buyer took his corn, and we were
8 80 or 86 parts-per-million. There was a lot of
9 that.

10 A lot of it's overlooked. I was lucky
11 that year it didn't go for food-grade. Wasn't
12 contracted that way.

13 Okay, what happened the next year is
14 the blue corn or the white corn, my buyer
15 wouldn't have taken it. Then it has to go for
16 feed. I have to go farther for my market, so my
17 shipping is going to cost me more.

18 And like I say, the dairy probably
19 won't take the blue corn unless they're desperate
20 and they know that there's an issue because I'm
21 selling it for feed. So, we'll give you \$5 for
22 it instead of \$10.

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1 MEMBER HUSEMAN: Thank you for
2 clarifying that, Tim. And good luck with
3 planting this year. And I hope that everything
4 goes very well with your crops.

5 MR. CADA: I hope it rains this year.
6 Thank you.

7 CHAIR POWELL-PALM: All right, Tim, we
8 appreciate you taking the time to talk to us
9 today. Thank you. Next up we have Meggan Hain,
10 followed by Joel Kurtz, and then Robert Rankin.

11 DR. HAIN: Perfect. Thank you very
12 much. So, my name's Dr. Meggan Hain. I'm
13 actually one of the veterinarians, and the animal
14 care specialist at Organic Valley, where I'm
15 responsible for upholding our animal health and
16 welfare on our 1,700 organic certified livestock
17 farms, in 32 states.

18 And it's in that capacity that I'm
19 coming to talk about livestock sunsets that are
20 under review by the NOSB.

21 Of the items that are under review,
22 there's two that I wanted to address. First was

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1 aspirin, which, along with other pain
2 medications, current approve the use of organic
3 as essential for controlling pain and preventing
4 suffering. And I think maybe we should even
5 consider adding additional pain control options.

6 The second item is vaccinations. So,
7 as the NOSB reviews the continued use of
8 vaccinations, I ask that they keep two key things
9 in mind.

10 First, that vaccinations are still one
11 of the safest and best tools for preventing
12 disease and suffering, and then secondly, that
13 there's never a good reason for allowing animals
14 to suffer and die from something that's
15 preventable.

16 So, many of our organic producers are
17 already confused about vaccinations, so they
18 don't know that vaccinations are actually allowed
19 under organics right now. Many of them don't
20 know what vaccinations are best for their herds,
21 let alone having an understanding as to determine
22 what the vaccine manufacturing methods are, and

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1 whether they'd be allowed.

2 So, we already see too many herds that
3 lose large numbers of animals from outbreaks,
4 from things that could be prevented. And I
5 really worry that if we put additional
6 restrictions on, that we could see more.

7 So, on the question of excluded
8 methods and active ingredients, or inactive
9 ingredients, I feel that there is a concern
10 related to these in releasing or decreasing their
11 options that are available for farmers, if we do
12 put restrictions in there.

13 By restricting excluded methods or
14 ingredients, we could push farmers to have less
15 options. By pushing for natural methods, we're
16 also pushing towards things that are potentially
17 less effective, or could be more reactive.

18 So, all vaccinations on the market
19 right now go through extensive testing, to ensure
20 that they're safe and effective. And it is
21 actually this extensive testing that also makes
22 it difficult for us to change the vaccine

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1 markets.

2 So, I think by trying to push, like we
3 did for the seed standard, and that for
4 additional options, we're not going to change the
5 market there.

6 It is also putting certifiers, if we
7 put in restrictions, in a difficult position,
8 because they don't necessarily know the methods
9 of vaccine-making. And as a veterinarian, I also
10 think we shouldn't put them in that position,
11 because they're not in a position to prescribe or
12 determine what's right for animal health.

13 Other international organic standards
14 do not restrict excluded methods for
15 vaccinations, because they recognize the
16 importance of having effective vaccines.

17 As the NOSB reviews the vaccine use
18 and guidance, I'd like to ask them to not make it
19 more difficult than that for us and our farmers
20 to prevent diseases.

21 So, thank you very much.

22 CHAIR POWELL-PALM: Thank you for your

1 comments. Questions for Dr. Hain.

2 Just a quick question for you. You
3 were saying that producers are confused. How can
4 NOSB, and I'd say even NOP, do a better of job of
5 explaining vaccines?

6 Just as a quick anecdote, I think the
7 first time that I was asked about my organic
8 status as a 13-year-old at the Kennedy Fair, my
9 provider said, that just being you're too lazy to
10 vaccine, Nate. Is that what organic is? And the
11 fact that possibly organic farmers might be not
12 so clear either, how can we do better? What
13 messaging can we use to make sure that the
14 toolbox is known to farmers?

15 DR. HAIN: Certainly. And I think a
16 lot of that falls on sort of our side. And for
17 folks that are working within the organic
18 industry and advising organic farmers, we can
19 come out and say, right, this is what's allowed
20 and not allowed.

21 What I'm asking from the NOSB is that
22 we don't make it more complicated. As farmers,

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1 as you guys all know, have a very limited
2 capacity, and it's one thing to say, yes, this is
3 allowed, or, no, it's not. It gets more
4 difficult when you say, well, this is allowed,
5 but not these methods.

6 So, I think we can do the education
7 part. I'm just asking we don't make it more
8 complicated.

9 CHAIR POWELL-PALM: All right,
10 question for you from Kim.

11 MEMBER HUSEMAN: Yeah, I'm actually
12 going to break the rules here for just a second,
13 Meggan. It's really not a question, but it's
14 more of a shout-out.

15 I think having the voice of the
16 veterinarian community is very valuable to us on
17 the Board, and we don't get enough of that.

18 So, I appreciate you taking the time
19 today to come and speak to us, and take your
20 comments very wholeheartedly, and put weight into
21 those. So, thank you very much for doing that
22 today.

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1 DR. HAIN: I appreciate it. And we're
2 doing everything we can to increase the organic
3 knowledge across the veterinary industry as well,
4 with sort of lectures at vet schools, and then
5 veterinary organizations.

6 CHAIR POWELL-PALM: Well, we really
7 appreciate your time today. Thank you so much
8 for your presentation.

9 DR. HAIN: Thank you.

10 CHAIR POWELL-PALM: Take care. Next
11 up we have Joel Kurtz, followed by Robert Rankin,
12 and then James Swartzentruber. Joel, if you're
13 there -- not popping up yet. Oh, yes, go ahead.

14 MR. KURTZ: Can you hear me now?

15 CHAIR POWELL-PALM: Yep, yep.

16 MR. KURTZ: Good. I'm concerned about
17 my tablet, so I'm trying to do it by phone, if
18 this works.

19 Anyway, Joel Kurtz is an agronomist at
20 Maysville Elevator in sunny Ohio today. I'm also
21 a contract inspector in the Plain community for
22 OEFFA. I was a vegetable farmer and had a CSA in

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1 the past.

2 Two comments I would like to share on.

3 Number one is on consistent location
4 identification. Although I understand the logic
5 behind utilizing technology and using GPS data
6 for consistency of certifiers, requiring GPS for
7 individual field would create a burden to the
8 producer, inspector, and certifier, and may be
9 enough to encourage producers to find alternative
10 non-certified markets because of increased cost
11 and labor to meet this requirement.

12 For example, can producers change
13 their field layouts -- we've heard about this
14 before too -- based on crops grown each year?

15 Many farmers may have, like, five to
16 twenty different fields that will change in field
17 size area, an area based on what crop is being
18 grown each year.

19 So, if the center point of each field
20 would need updating each year, along with the
21 acreage, someone would need to step into the
22 center of each field each year to update the

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1 changes, which would create another layer of time
2 consumption.

3 This is being done already on the
4 updated maps sent to the certifier with renewal
5 applications.

6 A single address, GPS location for the
7 farm, with foyer maps, is what OFPA requires. I
8 find that worked very well when I did the
9 inspections, to find the farm and to find fields.

10 The next comment is on the
11 hydroponics. Nutrition from microbial
12 metabolites in soil is a big difference from
13 ionic nutrition and hydroponics.

14 In light of nutritional integrity tied
15 to organic production, I do not believe that
16 hydroponics has a place in certified organic
17 production.

18 In light of sustainability, if we
19 continue to improve plants' immune function and
20 nutritional integrity through soil health, this
21 will allow crops within extreme weather to do
22 much better.

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1 For example, many organic-influenced
2 cells are high in aluminum, which is creating
3 toxicity that prevents immune function and
4 nutrient density in plants.

5 From a biological perspective, it
6 would be evident that the microbiological content
7 would be completely different in soil-grown crops
8 compared to hydroponically grown crops.

9 Evidence would suggest that this has
10 health implications. For example, food
11 sensitivities and immune function, etc.

12 I thank the NOSB for the hard work
13 they're doing and all the time they spend working
14 these things out. Thank you.

15 CHAIR POWELL-PALM: Thank you. We
16 really appreciate your comments. Any questions
17 for Joel? Oh, go ahead, Amy.

18 MEMBER BRUCH: Okay, Nate, that's
19 fine. I'll go after you for once.

20 CHAIR POWELL-PALM: Just a quick
21 question for you, Joel. I think we would be very
22 interested in getting the language right in this

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1 discussion document.

2 I think the word fields might be
3 confusing. Would it be better if you use the
4 word parcel? What we're saying, it's a legal
5 entity, a legally defined boundary.

6 And you might subdivide it in many
7 different ways in a given year, but you're not
8 going to move on to your neighbor's side of the
9 fence. Is that a better word to use, so that we
10 kind of clear up this confusion?

11 Because you would have to conduct a
12 subdivision with legal review to change the unit
13 that we're describing in this paper. Would
14 parcel make more sense?

15 MR. KURTZ: Exactly. I think it
16 would. And I had a little bit of a question of
17 that in my mind myself. So, the farm, from my
18 perspective, is when we go out and inspect a
19 farm, the farm has a physical address, a street
20 address.

21 So, I use a GPS to find that street
22 address. When I get there, there's the

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1 application and OST already has a map of the
2 fields for that farm.

3 So, one individual GPS location for
4 that farm or parcel could very well be possible.

5 What I understood before, was that
6 each individual field will need GPS coordinates
7 to be able to be found. But I understand that
8 this language is here. Thank you.

9 CHAIR POWELL-PALM: Super appreciate
10 the clarification. We can definitely update
11 that. I think, hearing from many, many folks
12 this week, I think, wow, what the difference a
13 word can make.

14 One more question for you -- and mad
15 respect -- as a fellow inspector, that we don't
16 want to overburden the process. Got a lot of
17 work to do, it's a busy season every year.

18 So, when we're thinking about the
19 value of being able to find these fields, and not
20 -- at least around much of the country -- fields
21 don't have addresses. This seemed to be a point
22 of confusion for OFPA in the early part of our

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1 discussion on Tuesday.

2 Fields don't have addresses. Houses
3 have addresses. And most farm fields don't have
4 houses, depending on where you're at in the
5 country and your scale.

6 If I have 40 different fields, right
7 now, as an inspector, I'm sort of reliant on the
8 honesty of the producer to show me where that
9 field is, relatively, especially with hand-drawn
10 maps.

11 If we just have a drop pin, much like
12 you would use to find the houses on your
13 inspection, a drop pin for GEO location, on every
14 legal parcel, does that seem like a fair
15 expectation for standardizing the data gathered
16 on where these fields are that are being
17 certified.

18 MR. KURTZ: If those fields are away
19 from the central location, from the main farm --
20 let's say that the field or the parcel is not
21 combined, or not joined to the main central farm
22 -- then yes, I can understand them having a pin

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1 for that location. Exactly.

2 CHAIR POWELL-PALM: Super. We're
3 going to update that as well. I love this
4 clarification. Thank you so much for bearing
5 with me. Amy has a question for you, and then
6 Jerry.

7 MEMBER BRUCH: Yeah, Joel, thank you
8 so much for your time today calling in. And I'm
9 glad that we worked through some of those
10 clarifications.

11 So, thanks for working with Nate on
12 that as well.

13 Joel, I wanted to ask you a question
14 with members that have no access to technology,
15 or low access to technology.

16 Is it common -- we've heard a couple
17 of commenters mention the concept of legal
18 address, so the township range section.

19 Or, also, there was another idea in
20 written comments about using an assessor's parcel
21 number (the APN) that you would work with at the
22 county assessor's office.

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1 Are either of those two ideas
2 workable, Joel?

3 MR. KURTZ: They certainly are. Ever
4 property has a parcel number. Absolutely.

5 MEMBER BRUCH: Awesome. Thank you. I
6 appreciate your time.

7 MR. KURTZ: You're welcome.

8 CHAIR POWELL-PALM: Joel, I'm just
9 going to jump in one more time, Jerry, real
10 quick.

11 Joel, how do we get better at
12 organizing folks to come, when there's these very
13 little things.

14 Like, the fact that I feel like
15 there's been a placeholder for lack of
16 technology. Sort of confusing, that folks in the
17 Plain community still buy property. They still
18 have these, deeds still have legal descriptions.

19 And so, I feel like it was a little
20 bit of an underselling of -- there's a certain
21 baseline that we all operate with. And how can
22 we get better just kind of, like, speeding this

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1 process up?

2 I feel like we're taken a lot of time
3 when it was a one-word question. And hearing
4 from you, this is actually going to work just
5 fine. Any suggestions for how we can improve the
6 process?

7 MR. KURTZ: I'm almost having to think
8 to answer that one. But as far as improving the
9 process, when somebody hears something from a
10 regulatory agency, they're always thinking of the
11 devil in the details. Right? Things behind the
12 words that are being said.

13 So, I think maybe bringing out
14 real-life examples how farms and situations may
15 help. That's what drew our conversation here to
16 what we're talking about was, actual,
17 on-the-ground, real-life situations.

18 I was telling you from my perspective
19 how I look at it when we go to the farm, and that
20 brought the thought up in your mind of
21 wood-knocking about the language issue here,
22 whatever.

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1 So, I think bringing people together
2 with actual scenarios of how this would work,
3 when I read the paper here and the information on
4 GEO location, it looked like a very complicated
5 process that is being built, that will just
6 simply be too much of a burden for people.

7 That's what it looked like when I read
8 the information. It did not necessarily have
9 on-the-ground, real-world example in there, of
10 what people are looking at. If that helps.

11 CHAIR POWELL-PALM: Absolutely that
12 helps. We can give you some examples, no
13 problem. Thank you. Thank you so much for that.
14 Jerry's got a question for you.

15 MEMBER D'AMORE: Yeah, hi Joel. I
16 hear you very well now. It was sort of hard to
17 hard to hear you when I was phoning in, on what I
18 found to be very interesting, which is, I think,
19 a comparison between hydroponics and organic on
20 the end product, in terms of nutritional value.

21 And if I heard that right, I don't
22 want the explanation now. I would just love to

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1 have a way of getting the information to this
2 team through Michelle, if that's possible.

3 MR. KURTZ: Getting that information
4 to this team? Exactly.

5 So, the real information would come
6 from testing. Correct? So, nutritional testing,
7 if we're going to show data of microbial
8 populations, we will have to go to the people who
9 are doing that testing, to get the data.

10 Personally, I don't have that in hand
11 now to give it to you. But it is being done, it
12 is being tested, it can be tested, and so that
13 information can be made available. I just don't
14 have it in front of me, or the contact
15 information.

16 MEMBER D'AMORE: Sure, sure. And I'm
17 not asking for it. But I guess that now, my
18 follow-on question is, is there someplace that I
19 should be calling, rather than having you chase
20 it down?

21 MR. KURTZ: Exactly. Start with
22 Bionutrient Food Association.

1 MEMBER D'AMORE: Thank you. Okay,
2 perfect. I said Nate, thanks.

3 CHAIR POWELL-PALM: All right, thank
4 you, Jerry. Any other questions for Joel?

5 Joel, this has not been the first time
6 that you have been a wealth of information. So,
7 really appreciate you joining us and providing so
8 much insight. And thank you for your
9 contributions.

10 MR. KURTZ: You're welcome. I should
11 just mention that I was riding around. I do
12 grounding work so I was driving around, meeting
13 farmers today in between these meetings. It was
14 not a day to interrupt the farmer. Sunny in
15 Ohio. But we got it done. Thank you.

16 CHAIR POWELL-PALM: We hear you. It's
17 the magic of the phone. All right, thank you,
18 sir.

19 Next up we have Robert Rankin,
20 followed by James Swartzentruber, and then,
21 folks, we're going to break. So, Robert, if
22 you're there, the floor is yours.

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1 MR. RANKIN: I'm here. Good
2 afternoon, thank you. Robert Rankin, Executive
3 Director, International Food Additives Council.

4 I first want to thank NOP staff for
5 rearranging my talk from Tuesday to today, based
6 on a last-minute conflict.

7 IFAC is an association representing
8 manufacturers and end-users of food ingredients,
9 including a number of substances permitted for
10 use in organic handling.

11 As such, we strongly support the
12 relisting of gellan gum and potassium chloride at
13 205-605A, alginates, glycerides, mono- and
14 di-phosphoric acid and xanthan gum at 205-605B,
15 as well as gums, water-extracted-only, arabic,
16 guar, locust bean and carob bean, and lecithin
17 de-oiled at 205-606.

18 These ingredients are safe used in
19 alignment with organic principles, and are
20 essential to organic food crunching.

21 Gellan gum remains essential, based on
22 its unique properties, to formulate products

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1 across a wide range of applications, and because
2 there is no commercially available source of
3 organic gellan gum.

4 Potassium chloride is an important
5 tool, introducing the sodium content of foods,
6 and also will help to support U.S. policies
7 around sodium reduction.

8 Alginates are a versatile ingredient
9 that provide unique stabilizing and thickening
10 properties.

11 In response to handling subcommittee
12 questions, IFAC expects there will be increased
13 organic community interest in sodium alginate in
14 particular, based on its use in meat alternative
15 products.

16 Mono- and diglycerides remain an
17 important ingredient for the drum-drying of food.

18 We are not aware of any alternatives for this
19 application.

20 The use of phosphoric acid in various
21 sanitizers and hard-surface cleaning applications
22 remains essential, due to its functionality,

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1 versatility, and food safety properties.

2 Xanthan gum has unique properties,
3 including cold water solubility, viscosities,
4 suspension, mouth-feel, and syneresis control,
5 that continue to make it an essential ingredient.

6 Water-extracted gums, including gum
7 arabic, guar gum and locust bean gum/carob bean
8 gum, all have unique properties that make them
9 essential. There are no commercially available
10 organic forms of these gums.

11 De-oiled lecithin also remains
12 essential for organic food production, while
13 organic sunflower and canola oil are used to
14 produce the oil lecithin. Supplies of these oils
15 are limited, due to origination challenges.

16 In addition, by rule, only non-GM soy
17 can be used as a source of de-oil lecithin in
18 organic foods.

19 Thank you for your attention. That's
20 all I got.

21 CHAIR POWELL-PALM: All right, we
22 appreciate you. Any questions for Robert? All

1 right, Robert, thank you for your time.

2 MR. RANKIN: Thanks, everyone.

3 CHAIR POWELL-PALM: Take care. Next
4 up we have James Swartzentruber. Is James there?
5 All right.

6 MR. SWARTZENTRUBER: Can you hear me?
7 There we go.

8 CHAIR POWELL-PALM: Yes, we can.
9 Please go ahead.

10 MR. SWARTZENTRUBER: So, thank you for
11 the opportunity to speak today. My name is James
12 Swartzentruber. I work for Green Field Farms.
13 We're a farmer-owned cooperative that markets
14 organic vegetables for our members.

15 And I'd like to comment about the
16 discussion on the geolocations. I had some notes
17 and some thoughts on this.

18 But in the past hour, there have been
19 some good conversation that's changed some, based
20 on the conversation we've had. So, I'll go
21 through, I had some notes, but I also have some
22 other comments to add to previous conversations.

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1 So, like a lot of other small
2 cooperatives, our farmers are certified organic.

3 They have small acreage, two to fifteen acres of
4 farmland.

5 We're located here in Wayne County,
6 Ohio, and like a lot of the surrounding states,
7 there's a lot of plain people -- Amish people,
8 conservative Mennonite people, farm with horses,
9 and we generally don't use technology -- cell
10 phones, computers, Internet, GPS.

11 Here at the co-op office, we obviously
12 do. You see me here, right?

13 But on the farms that's not used, up
14 until now. It's relatively easy to comply on the
15 farms using horses to farm, horse-drawn farm
16 equipment, pen-and-paper for recordkeeping, and
17 that's been very, very vital for us to continue
18 farming in our communities.

19 We did see some issues with the GPS
20 coordinates. We had a very good discussion here
21 with Joel Kurtz. I know Joel, I appreciate Joel
22 very much. He's just a couple of miles across

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1 the road here.

2 The obvious issue in the Plain
3 communities. So, obviously here in Wayne County,
4 Ohio, is probably the largest Plain community,
5 but Pennsylvania, Indiana, Wisconsin, there's a
6 lot of communities throughout the United States.

7 Just simply, as simple as it may
8 should to just drop a pen in the center of the
9 parcel, or the field, or whatever, that would be
10 an issue.

11 Just simply, how do you do that if you
12 don't have the technology available to do it?

13 There's obviously the potential
14 workaround. So, maybe the auditor or the
15 certifier would do it. And then we need to
16 managing a database.

17 So, there would definitely be a
18 concern about, is adding cost for the organic
19 farmer to their organic certification, would have
20 to pay for that management, or additional tying
21 it? The certifiers are already very busy, some
22 of them almost to the point of being overwhelmed,

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1 and the timely audits and timely certifications
2 are obviously very important for the organic
3 community.

4 If there was a technological
5 requirement to maintain organic certification,
6 there would be a huge percentage of the Plain
7 community that could not certify.

8 And I see I'm out of time. So, I'll
9 divert to questions. I'll just say I agree with
10 what Joel and our conversation was on using
11 partials.

12 I don't know how it is across the
13 United States, but in Ohio every parcel has a
14 parcel number. That's the simple part.

15 The more complicated thing I see is
16 what if I farm half my parcel, and my neighbor
17 rents the other half and farms that? And then
18 you need to somehow manage that. Right?

19 That's where it becomes complicated,
20 though I do see that being a very real -- and
21 that happens. I mean, it happened within our
22 co-op members.

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1 To farmer members that live
2 side-by-side, this one has ten children, this one
3 has two. The two-children guy has more land than
4 the ten-children guy, so guess who benefits from
5 that? They work together.

6 (Simultaneous speaking.)

7 CHAIR POWELL-PALM: Yes. And we so
8 appreciate that point. Just to clarify, there is
9 no technological requirements for certification
10 for farmers. That has nothing to do with what it
11 is. We worry that that has been conflated in
12 this discussion.

13 As an inspector, it'll take me less
14 than 30 seconds to drop a pin on your farm, as
15 it'll take every single -- or for getting
16 inspected with a smartphone.

17 And for those without a smartphone,
18 we'll figure it out. Amy, please go ahead.

19 MEMBER BRUCH: Yes. James, thank you
20 so much for joining us today and bringing us the
21 point of view. I really appreciate it, and I'm
22 glad we were able to clarify some points that

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1 were confusing.

2 We actually were going to use the word
3 parcel, and we thought that would be more
4 questioned than the words that we chose. But
5 we'll do their job in the future. That was great
6 feedback with Joel to get some more concrete
7 examples.

8 And I just wanted to make sure, it
9 sounded like you agreed with what Joel said, but
10 on the parcel, or -- is it the township range
11 section? Is that common information as well? Or
12 is a parcel number, is that more leveraged?

13 MR. SWARTZENTRUBER: The county parcel
14 numbers is the public information in Ohio.

15 MEMBER BRUCH: Okay.

16 MR. SWARTZENTRUBER: Around here. I
17 don't know about the rest of the country, but
18 around here that's easy public information, the
19 parcel number. You go on our county auditor's
20 website and you can find it if you know my name
21 and the street I live on. That's easy.

22 MEMBER BRUCH: Okay. Thank you again.

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1 I appreciate it. Thanks for the points about
2 parcel splitting, and that was helpful to hear
3 that as well.

4 MR. SWARTZENTRUBER: Definitely.
5 Thanks.

6 CHAIR POWELL-PALM: All right. Well,
7 we really appreciate you taking the time to be
8 with us today, James, and for the comments. So,
9 thank you very much.

10 MR. SWARTZENTRUBER: Absolutely.
11 Thank you.

12 CHAIR POWELL-PALM: Thank you. With
13 that, folks, we are going to take a ten-minute
14 break. We'll be back eleven after the hour.
15 We're going to start after the break with Kelly
16 Skoda, followed by Aaron Zimmerman, and then
17 Michael Hansen. So, see you all in ten minutes.

18 (Whereupon, the above-entitled matter
19 went off the record at 4:01 p.m. and resumed at
20 4:11 p.m.)

21 CHAIR POWELL-PALM: All right, folks,
22 we are back. First up is going to be Kelly

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1 Skoda, followed by Aaron Zimmerman, and then
2 Michael Hansen.

3 Kelly, the floor is yours.

4 MS. SKODA: Can you hear me now?

5 CHAIR POWELL-PALM: We can, yes.

6 MS. SKODA: Good afternoon. I'm Kelly
7 Skoda, a certification specialist at CROPP
8 Cooperative. Thank you for the opportunity to
9 speak today.

10 My comments are regarding sub-sets of
11 handling substances on the national list,
12 specifically gellan gum, and flavors at 605, and
13 water-extracted gums, and de-oiled lecithin at
14 606.

15 CROPP strived to use certified organic
16 ingredients whenever possible to produce the
17 highest quality products, and to meet consumer
18 expectations for such, and crop limit fees for
19 national list substances when possible.

20 However, gellan gum is one of these
21 listed substances that is an important ingredient
22 for us. It is used to maintain suspension and

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1 creaminess, and it delivers more desirable
2 viscosity and stability over other gums.

3 Gellan gum is used in Organic Valley
4 heavy whipping cream, flavored creamers,
5 chocolate milk, and seasonal egg nog, all of
6 which are award winning and popular retail items.

7 Our sweet cream and French vanilla creamers were
8 recently awarded 2023 Product of the Year, USA,
9 conducted by Kantar, the largest consumer-voted
10 awards program highlighting product innovation
11 and excellence.

12 At the 101st Los Angeles International
13 dairy competition last week, heavy whipping
14 cream, flavored creamers, and chocolate milk all
15 received gold medals. Chocolate milk also
16 received silver medal for best of class. The
17 annual sales impact of these products with 2023
18 projections is over \$13 million retail units with
19 \$15 million in revenue.

20 The removal of gellan gum would have a
21 significant impact on our business and our
22 product line. We are unaware of any

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1 environmental or health concerns with gellan gum.

2 We are also unaware of organic available
3 options. However, when available, we would run
4 trials in our product formulas. At this time we
5 support the continued listing of gellan gum.

6 Regarding flavors, we currently use
7 organic flavors in formulas and do not have
8 challenges sourcing these. However, if
9 developing new products, and an organic flavor
10 option is not available, we would use an approved
11 non-organic flavor while working with vendors to
12 develop an organic version. We support the
13 continued listing of non-organic flavors to
14 address organic unavailability.

15 Moving to water extracted gums, we use
16 two of these, guar gum and locust bean gum, in
17 Organic Valley egg bites and cottage cheese.
18 However, we use organic versions of these gums.
19 While we have been able to source organic guar
20 gum and locust bean gums without issue, we
21 continue to evaluate availability and have not
22 yet determined whether to support re-listing or

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1 removal of these gums. I look forward to our
2 comments in the fall.

3 Lastly, de-oiled lecithin, CROPP uses
4 organic sunflower lecithin and aglomeration of
5 whey protein concentrate to increase solubility
6 and product performance. The lecithin we
7 purchase primarily comes from organic sunflowers
8 grown in Ukraine. We did have supply chain
9 challenges when the war began, however these
10 challenges have since been alleviated.

11 The price of organic sunflower
12 lecithin is drastically more expensive now, but
13 availability has not been a concern. We will
14 continue to evaluate availability and submit
15 additional comments at the fall meeting. Thank
16 you again for the opportunity to speak today.

17 CHAIR POWELL-PALM: We appreciate your
18 comments. Questions for Kelly? Amy, please go
19 ahead, followed by Kim.

20 MEMBER BRUCH: Kelly, hi. Thanks for
21 your time today. I have kind of a broad-based
22 question for you, because the world of dairy

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1 really impacts us grain farmers. And you kind of
2 you kind of were quantifying a little bit of the
3 dairy industry in how, you know, if gums weren't
4 available as a national list item, that would
5 impact your industry.

6 But those numbers, you know, year to
7 year are we growing market share in organic
8 dairy, or what does that look like. Can you
9 speak to that?

10 MS. SKODA: I can maybe speak to that,
11 and maybe I can get you back some better answers.

12 So in 2014 we had similar comments. During that
13 time, we also had additional products that we
14 have since discontinued. So compared to the 2014
15 numbers we gave, it's actually a little bit
16 less.

17 But I would say that we would like to
18 see our market share growing. And these products
19 that we -- like heavy whipping cream has been a
20 really stable product for us for many years and
21 is one of our most popular retail items.

22 And I think we innovate, you know, we

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1 continue to innovate. And so I think it's hard
2 to say, but I can definitely try to, you know,
3 bring you a better answer either next week or in
4 a different way.

5 MEMBER BRUCH: Oh, I would really
6 appreciate that. I'm sorry to put you on the
7 spot with a question in a different area. I
8 appreciate it, thank you.

9 MS. SKODA: Uh-huh.

10 CHAIR POWELL-PALM: Kim has a question
11 for you.

12 MEMBER HUSEMAN: Hi, Kelly, I really
13 appreciate you spending time with us today and
14 your comments, both written and orally. On the
15 topic of lecithin, have you tried to use, in your
16 guy's production, other oil/seed origins, so
17 either canola or soybean, or has it been very
18 specific to sunflower?

19 MS. SKODA: That is another question
20 that I could give you a definite answer, but what
21 I believe is that we used to use sunflower, or
22 sorry, soy lecithin. But since the industry, in

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1 some regard, is trying to get away from that
2 because of allergies, I realize there are also
3 sunflower allergies, but I think more prominently
4 there are soy allergies for folks.

5 So, yeah, again, I can get you a
6 better answer on what we've tried as I consult
7 with our product development team.

8 MEMBER HUSEMAN: Thank you.

9 MS. SKODA: Yeah.

10 CHAIR POWELL-PALM: Franklin has a
11 question for you.

12 MEMBER QUARCOO: Yes, in your written
13 comment you noted that there is a discrepancy in
14 the way phosphoric acid is listed as a cleaning
15 agent, as a sanitizer. Can you throw more light
16 on that end, ma'am? What you are suggesting --

17 MS. SKODA: Yeah.

18 MEMBER QUARCOO: -- as the best way to
19 move forward?

20 MS. SKODA: Yeah, we actually reached
21 out to Kyla about his earlier this week just to
22 get further clarity. And I think that we were

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1 unaware if certifiers are reviewing these
2 products consistently.

3 And one of our questions was
4 specifically to how phosphoric acid is listed as
5 a cleaner on the national list. And, you know,
6 it's specified as a cleaner, and why not list it
7 as a sanitizer instead?

8 And so our understanding is, because
9 it's on the national list, it should be used as,
10 or it should be available and allowed as a last
11 step product. But it opens the door for
12 interpretation and confusion when it says
13 cleaner.

14 And because phosphoric acid has both
15 cleaning applications and sanitizer applications
16 on some product labels, so it can be used as
17 both. And so our questions were really to the
18 Board on is there inconsistency in review in the
19 industry, and is that why these questions are
20 being asked if the annotation should be amended
21 to provide more clarity. So I think we would
22 like to see it's an annotation, provide more

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1 clarity if there is confusion in the industry.

2 CHAIR POWELL-PALM: Jerry has a
3 question for you.

4 MEMBER D'AMORE: Thank you, Nate.
5 Kelly, thank you for your comments. During your
6 quick rundown on lecithin, I lost my way a little
7 bit. So if you take Ukraine out of your supply,
8 are you willing today to say that there is a, you
9 know, a predictable, stable, availability of
10 accessible supply?

11 How do you feel about that, also
12 taking cost out of the equation too? Take the
13 Ukraine out and take cost out. Can one expect to
14 have a reliable source of supply?

15 MS. SKODA: I'm not sure. I think
16 that a lot of sunflowers are grown in Ukraine or
17 in other parts of Europe. And I'm not sure what
18 domestic, you know, supply is like. So again,
19 we can look into that. We are continuing to
20 assess availability, and we've got, you know, a
21 whole team dedicated to sourcing ingredients and
22 looking at different vendors.

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1 MEMBER D'AMORE: Without leaving the
2 witness here, so at this point would you be
3 willing to say, hey, we're not robust about
4 telling the world that we have a reliable source
5 of supply?

6 MS. SKODA: Probably today, yes.

7 MEMBER D'AMORE: Okay, thank you so
8 much, do appreciate it.

9 MS. SKODA: Uh-huh.

10 CHAIR POWELL-PALM: Other questions
11 for Kelly?

12 All right, we really appreciate your
13 time today, Kelly. Thank you.

14 MS. SKODA: Thank you.

15 CHAIR POWELL-PALM: Next up we have
16 Aaron Zimmerman followed by Michael Hanson, and
17 then Megan Vaith.

18 MR. ZIMMERMAN: All right, you got me?

19 CHAIR POWELL-PALM: All right, we've
20 got you. Please go ahead.

21 MR. ZIMMERMAN: All right, thank you.

22 Hi, everybody, thanks for listening to all of us

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1 today. I know this is a very big undertaking
2 with all these voices you've got to hear.

3 I really don't have too much to say.
4 I just wanted to talk about two things primarily,
5 crop insurance and, I guess, well, let's just
6 start there.

7 You know, we have about 2,500 acres in
8 northeast Nebraska of certified, irrigated
9 organic. We're about five years into it. I've
10 been around chemicals my whole life, and I got to
11 tell you, I'm never going back. This is a very,
12 very exciting market.

13 But as far as the crop insurance goes,
14 the little bit that I've seen that seems kind of
15 strange to me is basically how it's calculated
16 and, well, with the yield and what not. And I
17 get the fact that it's a different practice.

18 So obviously you get X yield when
19 you're doing it conventionally, and now when you
20 go into organics it's different. I get that. So
21 I have a standard, I mean, you would have to have
22 the, you know, go off the county T yield which is

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1 usually kind of crummy. I don't like or really
2 understand why you do it that way.

3 When I do get through transitioning or
4 become certified, I got to start back over with
5 the county T yield again. So that's kind of a
6 bummer, so it'd be nice if we can change that.

7 And then I guess, you know,
8 enforcement and accountability, and I think you
9 -- I was looking at the list here. There's a guy
10 named Craig that's going to be speaking here
11 later that has some really neat slides that I
12 happened to get me eyes on.

13 And, I mean, I'm just a farmer from
14 northeast Nebraska, I really don't know what's
15 going on in the world, especially now that I'm in
16 a new market, right. So when I started seeing
17 how the grain flows across the globe it's just --
18 I was actually mad. Like, how are these
19 countries that B- they just want food, even if
20 it's out of a garbage can. You know, they don't
21 even really care what it is. How are these guys
22 growing organic food and sending it over to us?

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1 And I saw first hand what that does
2 for a market. Because last summer we had, you
3 know, 30-some, \$40 soybeans. And all of a
4 sudden, this market gets opened back up and it's,
5 wham, we're back down in the lower 20s. That's a
6 huge revenue fluctuation for me.

7 So think about -- And I think somebody
8 was talking about, you know, consistency in a
9 market. That's when something's crazy, and you
10 can't get a bead on it, you know, for me as a
11 producer I'm, like, okay, am I going to grow
12 soybeans? I don't know if I want to. I think
13 I'm going to grow something else, because I don't
14 know if I can trust this market to actually be
15 there when I come time to harvest it. So I guess
16 that's my comment on that.

17 I wish I had a solution of how to, you
18 know, deal with imports and have that
19 accountability that I used hold. Now I'm just a
20 small farmer from Nebraska. So that's really all
21 I got, guys.

22 I appreciate it. If you have any

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1 questions, I'll try my best to answer them.

2 CHAIR POWELL-PALM: Well again, thank
3 you so much for joining us today. Questions for
4 -- oh, Amy's got a question for you.

5 MEMBER BRUCH: Aaron, thank you for
6 joining us today. We really appreciate your
7 comments on two really big, important issues.

8 I just wanted to ask you, you mention
9 some of the challenges with the soybean market.
10 And then we talked about crop insurance. So
11 bringing those two together, what crop would you
12 rotate into if you don't have soybeans? And
13 would that, you know, for a legume, per se, in
14 your county, and then would that have an
15 insurable attribute under the Federal Crop
16 Program?

17 MR. ZIMMERMAN: Well, see, that's it.
18 I'm glad you kind of refreshed my memory.
19 Because that's the only thing I'm learning, is
20 here in Nebraska, I don't know, I can't speak for
21 other states, but pretty much if you want
22 insurance it's corn and soybeans.

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1 And with organics, I mean, corn and
2 soybeans are just a drop in the bucket for what
3 we can all grow. And so for us, where we would
4 like to have grown a lot of soybeans this year,
5 we've instead, we're going to try and do a double
6 crop thing where we planted yellow peas. We just
7 got done doing that a couple of weeks ago.

8 We're going to stake those out and if,
9 you know, weather allows and everything looks
10 right, we're going to follow it up with
11 buckwheat. But, you know, neither of those crops
12 are insurable. So I'm assuming a lot of risk,
13 whereas I wouldn't have if I could have just done
14 soybeans.

15 MEMBER BRUCH: Thank you for bringing
16 up that point. I appreciate it.

17 CHAIR POWELL-PALM: Kim has a question
18 for you.

19 MEMBER HUSEMAN: Hi, Aaron. Outside
20 of crop insurance, what other risk management
21 tools do you have?

22 MR. ZIMMERMAN: Ha, ha. You know,

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1 anymore I don't rely too heavily on crop
2 insurance. I think we just tried to do things
3 the right way, you know, financially the right
4 way, and trying not to live day to day, borrowing
5 money at the bank. You know, I think that's the
6 best thing, to systematically chip away so you
7 really don't have much of an operating line of
8 credit.

9 And so you can't afford to take risks,
10 risks with other crops. That's probably the
11 biggest thing. That's why it's really important
12 to have these premiums in place for the organics,
13 because there is a lot of risk. And you don't
14 have much coverage with insurance, so it needs to
15 be worth something to justify it.

16 MEMBER HUSEMAN: Right. Yeah, the
17 volatility in the space is very significant,
18 whether you're a producer, an end-user, a feeder
19 of the animals, a consumer, et cetera. And I'm
20 curious the other ways to close the gaps with a
21 lot of the price volatility. So it's the reason
22 why I asked the question. So thank you very

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1 much.

2 CHAIR POWELL-PALM: Other questions
3 for Aaron?

4 Not wholly related to your comments,
5 Aaron, but possibly tangential, could you speak a
6 little bit to how is organic perceived in your
7 banking community? When you're working with
8 lenders, how hard is it to explain what organic
9 is and if it's a good or risky bet?

10 MR. ZIMMERMAN: You know, I'm glad you
11 brought that up. Because I think I've been
12 pretty fortunate where I work with bankers that
13 are pretty open minded. I actually kind of got
14 pushed into this sector by my banker, because he
15 had been seeing what some of the other producers
16 were, you know, obviously they see the numbers
17 on the back end, right. And they're, like you
18 really need to look into this.

19 And it's been something I've been
20 thinking about for many years, because I've been
21 eating organically myself. And then I see myself
22 going out and spraying chemicals on other

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1 people's food. It just doesn't make sense.

2 So they finally gave me the nudge, and
3 they actually worked with me. I think we did
4 interest only payments for the transition years,
5 so that kind of helped, you know, bridge that gap
6 because it is -- But you need to have that
7 barrier to entry because, well, A, it makes sure
8 the people that are in it are serious, and
9 they're not going to just going to bounce in and
10 out, you know, which way ever the wind blows.

11 So no, that actually worked out really
12 well. And I think, by and large, I think
13 bankers, they see that that's kind of the future.

14 And so I think, in my opinion, they're
15 supportive.

16 CHAIR POWELL-PALM: Awesome. That's
17 great to hear. I really appreciate that insight,
18 yeah. As much as we can, I mean, we have a lot
19 of work ahead of us trying to figure out how to
20 catalyze more folks into organic.

21 But these boring pieces that are not
22 wedge issues, this might be what actually

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1 catalyze us getting into organic. And so things
2 like banking, insurance, not super-sexy, but very
3 important, so thank you for your insight on that.

4 All right, appreciate your comments today.

5 MR. ZIMMERMAN: Thank you.

6 CHAIR POWELL-PALM: Next up -- thank
7 you, we have Michael Hansen, followed by Megan
8 Vaith, and then Byron Wiemer. Michael, please go
9 ahead.

10 MR. HANSEN: Hello, I'm Michael
11 Hansen, senior scientist for Consumer Reports, an
12 independent non-profit organization that works
13 side by side with consumers to create a fair,
14 safer, and healthier marketplace.

15 I will speak on the excluded materials
16 document on the four techniques. First,
17 eco-tilling is not an excluded method, since no
18 mutagens are used. Tilling where the mutagen is
19 environmental stress is also not an excluded
20 method since such stresses are naturally
21 occurring.

22 Tilling where chemicals or irradiation

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1 are used as a mutagenic compound should then be
2 considered as an excluded method, since they
3 violate the first criterion for determining if a
4 method should be excluded since it could be
5 argues that chemicals and irradiation would not
6 respect the genome is indivisible.

7 Second, for double haploids there are
8 in vivo and in vitro methods. For the in vivo
9 methods, particularly the use of haploid inductor
10 or inducing lines, those could be considered not
11 to be using an exclusion method as long as none
12 of the ingredients used in the in vivo methods
13 are produced using modern biotechnology or are
14 unapproved synthetic chemicals.

15 For the in vivo methods that use
16 irradiated pollen, we consider the use of
17 irradiation would violate the first criterion.

18 If any of the inputs used in the in
19 vitro double haploid system are produced using
20 modern biotechnology, then those inputs would
21 make the system an excluded technology. If the
22 synthetic phytohormones or colchicine are not

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1 produced using modern biotechnology, then those
2 synthetic chemicals would have to be permitted to
3 be used before this in vitro technology could be
4 considered not an excluded method.

5 Third, induced mutagenesis where the
6 mutagen is a chemical or irradiation should join
7 in vitro method -- should join in vitro nucleic
8 acid techniques as an excluded method. If the
9 mutagen is an environmental stressor or UV light,
10 then those would not be considered an excluded
11 method.

12 Fourth, transposable elements, TEs,
13 where their movement is a result of a chemical or
14 irradiation should join in vitro nucleic acid
15 techniques as a excluded method. If the TE
16 movement is a result of an environmental
17 stressor, then those should not be considered an
18 excluded method.

19 It should be pointed out that TEs,
20 once thought to be, quote, junk DNA, are now
21 known to play a major role in driving genome
22 evolution. In addition to causing mutations,

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1 transposable elements can induce epigenetic
2 alterations that modify gene expression which can
3 result in phenotypic variation and adaptation
4 distress in rice.

5 Recent research has shown TEs are the
6 main source of epigenetic changes and form a
7 substantial part of the plant genome such as 85
8 percent in maize. Our recent review found,
9 quote, these TE-mediated epigenetic modifications
10 lead to phenotypic diversity, genetic variation,
11 and environmental stress tolerance. Thus, TE
12 methylation is essential for plant evolution and
13 stress adaptation.

14 And I think this new research shows
15 that using transposable elements in environmental
16 stress is probably going to be a lot more
17 important in breeding techniques. Thank you.

18 CHAIR POWELL-PALM: Thank you for your
19 comments. We have a question for you from Dilip.

20 MEMBER NANDWAN: Thank you for your
21 comments, and they are really valuable as a
22 Board, as we are reviewing these. And this is

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1 going to be a lot of work for the Board members.

2 One big clarification, I couldn't
3 catch your point on excluded methods using in
4 vitro IM using chemicals such as colchicine. I
5 am aware of that, one of the chemicals they use
6 to make double haploids. I am sure you are aware
7 of that.

8 MR. HANSEN: Yes.

9 MEMBER NANDWAN: So could you please
10 mention -- sorry, I didn't get your point that if
11 there are any chemicals involved in double
12 haploids, are they going to be like excluded
13 methods or something else?

14 MR. HANSEN: No. What I said is the
15 phytohormones, for example, and the colchicine,
16 those would need to be, since they are used in
17 the double haploid method, in one of them, those
18 would need to be permitted synthetic chemicals.
19 And there's a process for that.

20 And so I was initially saying that,
21 because I've actually talked to some organic
22 breeders that are actually interested in using

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1 some of these techniques. And so what I was
2 saying is just make those two a permitted
3 synthetic, and that should be fine to go.

4 MEMBER NANDWAN: Okay. Thank you very
5 much. I appreciate that.

6 CHAIR POWELL-PALM: We have a question
7 for you from Brian?

8 MEMBER CALDWELL: Thanks, Michael,
9 really appreciate your insight in all this. Very
10 quickly, why should colchicine be allowed as an
11 inducer of, you know, of mutations, and as a just
12 sort of a generic manipulator?

13 MR. HANSEN: Well, no. That's just --
14 look, they had said double haploids in the past
15 have been considered, quote, a traditional
16 breeding method, right? So they weren't
17 technically excluded. So all I'm saying is this
18 is what would have to be done. Because right now
19 you couldn't use them, right?

20 MEMBER CALDWELL: Okay.

21 MR. HANSEN: I would have pushed more
22 if you're going to do the, you know, double

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1 haploids. The ones where there are these inducer
2 lines, right, then you're all fine. But for some
3 other crops you might have to use, you know,
4 phytohormones.

5 And if organic wants to go down that
6 road, then I'm just saying that at least the
7 colchicine and the phytohormones have to be
8 considered approved. Because again, there were
9 actually some technical people in the organic
10 community that told me that their dream is to
11 actively do some double hapload on some crops for
12 organic. And they said likely then we use
13 colchicine.

14 And all I said, well, if there's
15 enough interest in that you're going to have to
16 -- that should go through the process of being
17 considered an approved synthetic, if people want
18 that. If folks don't, that's fine as well.

19 MEMBER CALDWELL: I see, okay. That
20 makes a lot of sense.

21 The other question I had was, and this
22 may be to big of a question, but how can we --

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1 some of these techniques have been on the TBA
2 list for a long time. And of course even before
3 that, the reason they were put on TBA list was
4 because there were a lot of varieties in the
5 pipeline, and in use, that used them.

6 So if we decide to make some of these
7 excluded methods, how do we go through -- should
8 we just say from this point forward they be
9 excluded methods, or should we actually try to
10 retrieve them from all the varieties that we have
11 them?

12 MR. HANSEN: It's unclear to me, for
13 example, if many -- of the double haploids. I
14 think where this comes into it might be with the
15 mutagenesis, the past use of irradiation or
16 chemicals. But now what's interesting is this
17 brand new, in the last three or four years, this
18 information about transposable elements is really
19 fascinating.

20 Because besides regular mutations,
21 this whole area of epigenetics where, actually,
22 you're not changing the DNA at the nucleotide

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1 base level, you're sort of tagging it. That
2 could actually have heritable effects on all
3 these other things, and science didn't really
4 understand that.

5 We're now beginning to understand
6 that, and what's fascinating is transposable
7 elements are actually playing a role in that.
8 And they're finding out that, under stress
9 conditions, that the transposable elements are
10 not only creating mutations, but they're actually
11 changing things to make the plant more
12 adaptable.

13 That was the rice research, and then
14 there's this other research in the last three
15 years. So these people are realizing, whoa,
16 transposable elements are way more important than
17 we thought.

18 So using them in breeding, and again
19 using environmental stressors, like putting them
20 in extreme heat and other conditions, previously
21 people said that was crazy, because that would
22 imply there's Lamarckianism, right, the inherence

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1 of acquired characteristics.

2 We now know that epigenetics is
3 actually what that is, and we're now coming to
4 realize that one of the main mechanisms is
5 through these transposable elements.

6 So that means doing breeding, rather
7 than using all these chemicals and other things,
8 it's going to be the transposable elements that
9 are going to be creating all this variation not
10 only, as I said, just that mutational stock, but
11 all how the genemome is regulated and turning on
12 and off. That's what's really special here.
13 Because, for example, with the maize genome,
14 evidence of 85 --

15 MEMBER CALDWELL: So, Michael, this is
16 going to take too long. I'm going to just yield
17 to Mindee here. But I appreciate that that's
18 going to be an important method. But we are a
19 little short of time, so sorry.

20 CHAIR POWELL-PALM: All right. Go
21 ahead, Mindee.

22 MEMBER JEFFERY: Thank you so much,

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1 Michael, for your comments and for your long
2 history of keeping track of these issues with us.

3 If you want to send us some of that literature,
4 please do send it to Michelle, because we'd love
5 the references.

6 MR. HANSEN: Yeah, the two of them,
7 most of these are since I drafted NOC comments.
8 Most of those technical ones of are there, but
9 this review article that I was quoting from the
10 end isn't. So I'll send that, and I can actually
11 send a few more.

12 MEMBER JEFFERY: Great. We will love
13 that. Thank you so much.

14 My question is has Consumer Reports
15 considered or conducted, like, a newer consumer
16 survey on whether or not people understand the
17 proliferation of biotechnology in the food
18 system.

19 MR. HANSEN: We haven't done, no,
20 newer surveys on that. But every time we did
21 them, that was actually, particularly for people
22 that were buying organic, that was an important

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1 consideration.

2 And our surveys tend to show that
3 people think it's all genetic engineering, not
4 these new terms of CRISPR-Net. These are all
5 just forms of genetic engineering.

6 MEMBER JEFFERY: Yeah. The reason I
7 asked is because I think, especially of the
8 plant-based movement, we're growing so much
9 before the pandemic. And thinking of how
10 consumers fit with the food system during and
11 post-pandemic, I don't feel like I've necessarily
12 been able to gain perspective on some of, like,
13 updated consumer thinking.

14 And I'm not sure where I can get that
15 perspective from in the sense of are people being
16 educated on where these new technologies come in.

17 Because there's a lot of counter-pressure to
18 allow them into the organic space and the natural
19 food space. But I'm really just interested --

20 MR. HANSEN: Right.

21 MEMBER JEFFERY: -- in what consumers
22 know and what they, you know, what are they

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1 really thinking about from a neutral place of
2 understanding consumers. So --

3 MR. HANSEN: Right. I mean --

4 (Simultaneous speaking.)

5 MEMBER JEFFERY: Thank you so much for
6 answering your --

7 MR. HANSEN: Yeah, we'll be trying to
8 -- I will be encouraging Consumer Reports to
9 actually redo some of these surveys, and
10 hopefully I can be successful on that.

11 MEMBER JEFFERY: Yeah, thank you so
12 much, Michael.

13 CHAIR POWELL-PALM: We have one more
14 question --

15 MR. HANSEN: You're welcome.

16 CHAIR POWELL-PALM: -- for you from
17 Dilip.

18 MEMBER NANDWAN: Thanks, Nate. Sorry,
19 it should be quick. Michael, can you please tell
20 us a little bit about two other topics, or you
21 can send us the literature.

22 One is protoplast culture or

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1 protoplast fusion and also embryo rescue. If you
2 have any thoughts, please share. If not, please
3 sent the literature later, because of the time
4 constraint. Thank you again.

5 MR. HANSEN: Yeah, just very quickly
6 for protoplast fusion, as long as it's below the
7 level of plant family that has been considered
8 conventional breeding, and because the issue
9 there would be a lot of the cold crops. Those
10 are how those are being developed. And I can
11 send you some information on cell fusion too.

12 MEMBER NANDWAN: And embryo rescue.

13 MR. HANSEN: Oh, and embryo rescue.

14 MEMBER NANDWAN: Thank you again.

15 MR. HANSEN: Well, actually, that is
16 the use of colchicine and all those other things.

17 That's part of what embryo rescue is. Because
18 you're doing the embryo rescue, that's part of
19 the double haploid system.

20 MEMBER NANDWAN: Correct --

21 (Simultaneous speaking.)

22 MEMBER NANDWAN: -- is there,

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1 integrated, kind of they are connected in one or
2 other form. I'll stop there. Thank you again, I
3 appreciate that.

4 CHAIR POWELL-PALM: All right, and
5 thank you, Michael. We really appreciate your
6 comments and joining us today.

7 Next up we have Megan Vaith, followed
8 by Byron Wiemer, and then Phil Vavarchek. Sorry
9 if I B- I'm an equal opportunity name-butcherer,
10 so please forgive me.

11 Megan, please go ahead.

12 MS. VAITH: Can you hear me, Nate?

13 CHAIR POWELL-PALM: We can.

14 MS. VAITH: Perfect. So bear with me,
15 I'm going to talk fast. My name is Megan Vaith,
16 and I'm with Northbourne Organic Crop Insurance
17 where I work with multiple organic farmers on the
18 insurance options that are available to them.

19 Crop insurance has been an important
20 risk management tool used for years that's
21 progressively become more popular in the organic
22 industry. According to the RMA back in 2013,

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1 just over 694,000 acres were covered under crop
2 insurance. And in 2022, that number grew to just
3 under 2 million acres.

4 According to data provided by
5 Mercaris, nearly 8.3 million acres of certified
6 organic grain was harvested in 2022. This means
7 there is a gap of over 6 million organic acres
8 not being covered by the Federal Crop Insurance
9 Program.

10 While I do want to recognize there are
11 multiple ways to mitigate risk, and crop
12 insurance doesn't need to be used on every
13 operation, I think it's time we take a step back
14 and start to analyze why this subsidized program
15 is not used more widely among organic growers
16 like it is for their conventional counterparts.

17 In turn, organic farmers experience
18 higher loss ratios on average than conventional
19 farmers. Over the last ten years, RMA's data
20 shows that the average loss ratio was 1.58 on
21 organic versus 0.8 on conventional. Crop
22 insurance is supposed to be actuarially sound,

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1 meaning over time it showed a loss ratio of 1.0
2 as every dollar paid into the program is supposed
3 to be a dollar paid back out to farmers through
4 losses with the exception of a small cushion.

5 This presents a problem in itself as
6 the crop insurance program is not staying true to
7 the original intention. But also, if the loss
8 ratios are that high in organic why do we see
9 such a large number of farmers not utilizing it?

10 I believe this can be attributed to a
11 couple of different reasons. Number one, organic
12 farmers not knowing that crop insurance options
13 are available for them and, two, crop insurance
14 simply doesn't work for them.

15 Here is one of the areas I would like
16 to shed light on. When a farmer begins to
17 transition to organic, they have to forego their
18 conventional history and start over with a county
19 transitional yield which sets a baseline for what
20 the farmer is guaranteed will be. These
21 transitional yields, known as T yields, are
22 typically set at 65 percent of the conventional

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1 T yields.

2 History has proven that organic
3 farmers can raise more than 65 percent of the
4 conventional yield. So why is the T yield so
5 low? Along with that, after the transitional
6 period when they become certified organic, they
7 have to start over again. Because they are
8 technically starting a new farming practice.

9 It takes four years of planting the
10 same crop to the same field to flesh out the low
11 T yield making insurance inadequate for the 36
12 months to transition along with the first four
13 years of planting that crop while being certified
14 organic.

15 I worked with a farmer in South Dakota
16 whose conventional average yield was 252 bushels
17 of corn. When he transitioned to organic, he was
18 forced to use a yield based on 124 bushels.

19 Suggestion, if RMA is stuck on using
20 the 65 percent factor, why not allow established
21 farmers to use 65 percent of their conventional
22 history? This would have increased that farmer's

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1 yield from 124 to 164 and made his policy more in
2 touch with a yield potential?

3 Trend adjustment is an option farmers
4 are able to add onto their policy to increase
5 their guaranteed yields. In order to qualify for
6 this beneficial option, you have to have planted
7 the same crop on the same field over the last
8 four years.

9 This works great for the traditional
10 corn and soybean farmer, but when you get into
11 more diverse crop rotations, like the options in
12 organics, farmers are not planting the same crop
13 every four years making them ineligible for this
14 option and thus having less crop insurance
15 coverage.

16 PM CHAIR POWELL-PALM: Nice work if
17 you're done, if you're not, keep going.

18 MS. VAITH: I have one sentence. I
19 suggest RMA changes the guidelines for organic
20 farmers as long as they can prove their
21 multi-crop rotational system. And I'll end it.

22 CHAIR POWELL-PALM: Boom. All right.

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1 Questions for Megan?

2 Megan, I was wondering, we've talked a
3 lot about crop rotation, do you have any
4 resources that you'd point folks to where just
5 the basic fundamental anatomy, access, all the
6 rules around crop insurance for organic
7 producers, somewhere that they can go to learn
8 more about it?

9 MS. VAITH: As far as crop rotation
10 for how that works for the crop insurance?

11 CHAIR POWELL-PALM: Or rather just for
12 organic crop insurance in general.

13 MS. VAITH: Well, I do not have any
14 resources at the moment. But we are creating
15 some with OATS, the Organic Agronomic Training
16 Service, so more to come on that this summer.

17 CHAIR POWELL-PALM: All right, we'll
18 --

19 MS. VAITH: So that will be really
20 good for, yeah, information for them.

21 And as far as, like, the crop
22 rotational system with the trend adjustment and

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1 all that, that doesn't just apply to organic
2 farmers. I think that's really a disadvantage
3 for farmers that are also -- like, in western
4 South Dakota conventional farmers have multiple
5 crops in their rotational system. And so it
6 doesn't work for them either. So it's not a
7 blanket works for conventional and not organic.
8 I think the whole thing needs to be re-looked at.

9 CHAIR POWELL-PALM: I love that. It's
10 sort of the big tent approach where we could
11 benefit all farmers if we were moving in this
12 direction, really appreciate that.

13 Amy has a question for you.

14 MEMBER BRUCH: Yeah, Megan, thank you
15 so much for your time today, and joining us, and
16 providing your perspective. Two questions, you
17 had a lot of data about, you know, the
18 distribution of how many farmers are doing crop
19 insurance or participating in the program and how
20 many aren't in the organic space.

21 Do we know where those numbers are
22 distributed, I mean, and who has adopted the

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1 organic crop insurance, and who hasn't, and what
2 type of farmer profile that is so we can
3 understand.

4 You know, you said it was -- they
5 don't know if it's available is why they're
6 potentially not participating or it doesn't work
7 for them. So then we can start getting after,
8 you know, root causes and solutions for those.

9 MS. VAITH: Yeah. There is
10 information on the RMA website about what crops
11 are insured and what states that have the
12 insurance options available to them. Of course,
13 there is no, like, good data as to why they're
14 not purchasing crop insurance.

15 I think a lot of it is misinformation
16 or just not having enough information out there,
17 like I said. But there is the data showing where
18 the crop insurance policies are located, I guess,
19 and what crops.

20 MEMBER BRUCH: Awesome, that's great.
21 And my second question is we heard from quite a
22 few producers about they want to rotate into

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1 crops, but they can't get crop insurance on in
2 their counties. But they're not necessarily
3 exotic crops, they're normalized crops.

4 Can you just talk to the Board here
5 about the process, the written agreement process
6 and what all goes into that so a producer could
7 buy to get these crops put on their insurance
8 list?

9 MS. VAITH: Yes, good question, Amy.
10 So written agreements is a process that organic
11 farmers can go through in order to obtain crop
12 insurance on their crops that don't have crop
13 insurance readily available, very common process
14 for organic farmers.

15 Usually it gets a bad rep that farmers
16 are just not wanting to go through that process
17 or maybe the agents don't want to do it, because
18 it's extra work, and a lot of paperwork involved.

19 So some of the restrictions that they
20 need in order to obtain insurance is you need to
21 submit the biggest one, I guess, if you need to
22 have some sort of crop history. And it doesn't

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1 need to be history on the crop that you're
2 planting. Like maybe buckwheat, for example, you
3 want to plant buckwheat, you don't have any
4 history of buckwheat.

5 In order to get insurance you can
6 submit this written agreement and say that you
7 have a crop history of a similar crop to what
8 buckwheat is. And there's an entire handbook
9 that lists what similar crops can be classified
10 as so that you can use it. It can be a
11 combination of -- there's probably even ten
12 different crops you can use on that in order to
13 obtain the insurance.

14 So a lot of farmers think that, oh,
15 this is too hard. Like, I don't have the three
16 years of history on that crop, so I can't get
17 crop insurance. But they really need to go down
18 the written agreement route and realize they
19 probably have the history in just another crop
20 which will qualify them to submit the written
21 agreement and get crop insurance coverage.

22 Is it going to be great crop insurance

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1 coverage, you don't know until you get the offer
2 back. But it's worth going through the process
3 just to see what they're willing to offer you for
4 coverage and if it's worth it and beneficial for
5 your operation.

6 CHAIR POWELL-PALM: Awesome. Any
7 other questions for Megan?

8 Megan, you packed a bunch into a very
9 short period of time, but we can't thank you
10 enough for joining us today. Thank you so much
11 for the time --

12 MS. VAITH: Thank you.

13 CHAIR POWELL-PALM: -- it took to
14 prepare that, and for your expertise, and for
15 helping organic farmers find crop insurance.
16 Thank you.

17 Next up, we have Byron Wiemer,
18 followed by Phil Vavarchek, and then Doug
19 Currier.

20 MR. WIEMER: Yes, I'm Byron Wiemer.
21 I'm actually a crop insurance agent in Nebraska,
22 in eastern Nebraska based out of Utica, was asked

1 to visit with you all. I'm going to sort of
2 piggyback on Megan and Aaron both. You talked
3 about crop insurance, but my discussion was going
4 to be on the T yields that you guys have to start
5 out with, you know, to get started in organic
6 farming.

7 And just an example would be like in
8 York County, Nebraska, for irrigated corn, if
9 you're conventional corn, you start out at 223
10 bushels. For organic transitional, you start out
11 at 156. So, you know, that's a 67 bushel
12 difference. This year, corn price was set at
13 591. So, you know, if you use 591 you're short
14 \$400 an acre difference, 396.

15 Soybeans are sort of the same thing.
16 You know, if you're a conventional person, it's
17 67 bushels that you start out with. If you're
18 organic transitional, you've got 47. So it's a
19 20 bushel different. Price we're using this year
20 is \$1,376 so, you know, you're looking at \$275
21 difference. Then wheat, you know, you start out
22 if you're a conventional farmer, you start out at

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1 55 bushels, organic transitional it's 36. So at
2 877 for 2023, you know, you're \$167 an acre
3 difference then, you know.

4 Like both Aaron and Megan related to,
5 when you start out with these transitional
6 yields, you know, it's four a years. So
7 depending what kind of rotation you're in, it
8 varies. It could be, you know, you have to --
9 every time we turn an actual yield in, we get rid
10 of one T yield.

11 So in a tier crop rotation you're
12 talking eight years. If you're a three-crop
13 rotation it could be 12. So, you know, it's a
14 long process to get to where you actually get to
15 use your own yields. And as far as the crops are
16 available, I mean, that varies by county.

17 You know, when I looked at York
18 County, basically you have corn, you've got
19 soybeans, you've got grain sorgum, popcorn, and
20 oats. And so you're so limited on the coverage
21 that's available. And like I said, you know,
22 you're stuck with those yields for four years.

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1 So it's, for people going into it, you
2 know, it's sort of a tough pull, because you are
3 taking, like Aaron said, you're taking quite a
4 bit of risk on yourself. And that's something
5 that we're going to, you know, we all need to
6 help to address so that we can offer better
7 coverage for you.

8 CHAIR POWELL-PALM: Well, we really
9 appreciate these comments. Questions for Byron?

10 So, Byron, I have a question for you.

11 MR. WIEMER: Yeah.

12 CHAIR POWELL-PALM: Do you think it is
13 just a missed opportunity to assume, with
14 probably some good data, that good conventional
15 farmers who are good operators become good
16 organic farmers who get good yields? Is that
17 something that you think is a true statement,
18 good farmers --

19 MR. WIEMER: Yeah.

20 CHAIR POWELL-PALM: B- are good
21 farmers?

22 MR. WIEMER: Yeah. I mean, if you're

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1 that farmer that takes pride in his operation,
2 you know, whether you're farming conventional or
3 you're farming organic, you're going to do
4 everything in your power to produce a good crop
5 and have something that you can drive by, and
6 your neighbors can drive by and be proud of.

7 CHAIR POWELL-PALM: Absolutely. And
8 so it seems like we are dismissing that in, you
9 know, RMA's analysis of how a farmer becomes an
10 organic farmer. They have to go through sort of
11 this, you know, for lack of a better term,
12 de-robing period where they don't get to have any
13 of their history or any of their techniques
14 recognized, that they know how to get good
15 yields, and they're going to be able to transfer
16 that.

17 So I really appreciate your insights
18 here in how T yields are, I mean, in a way, those
19 numbers that you gave us are really quite a
20 barrier for thinking that it's a good bet to make
21 that jump over to organic.

22 I'm going to hand it off to Amy. Amy,

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1 please go ahead.

2 MEMBER BRUCH: Yes, Byron, thank you
3 so much for joining us from your mobile office,
4 appreciate that. I wanted to ask you a question.
5 That data was really helpful where you
6 communicated about the T yields.

7 Just to clarify if, for example, if I
8 was a first year conventional farmer, would I be
9 able to get a larger coverage level than a farmer
10 that had 15 years experience farming
11 conventionally and then decided to switch to
12 transition? Is that an accurate statement?

13 MR. WIEMER: No. I mean, basically if
14 -- yeah, I mean you're a beginning farmer, you
15 know, like I said, and you have no yield history
16 for corn, soybeans, or whatever the crop, you
17 start out in what they call T yields.

18 And like I said, for irrigated corn it
19 would be 223, irrigated soybeans would be 67.
20 The only way you would ever get higher yields in
21 that to start out with would be if you were
22 renting on shares and your landlord was willing

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1 to share, if he had higher yields, you know, in
2 his ten-year database, you would be able to use
3 those yields if he agreed to share them with you.

4 But that would be the only way you could do it.

5 Did that answer your question or not
6 answer your question? I'm not sure.

7 MEMBER BRUCH: Yeah, it did. The
8 transition is not a -- it's not for a transition
9 producer. It's for a person that doesn't have
10 any practice history automatically gets that
11 data. Yes?

12 MR. WIEMER: Correct.

13 MEMBER BRUCH: That answered my
14 question, thank you so much.

15 CHAIR POWELL-PALM: Other questions
16 for Byron?

17 I'll echo Amy, Byron. Thank you so
18 much for making it work to join us today.

19 MR. WIEMER: Well, thank you for --

20 (Simultaneous speaking.)

21 MR. WIEMER: -- thank you for the
22 opportunity.

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1 CHAIR POWELL-PALM: Absolutely. Take
2 care.

3 MR. WIEMER: You too. Thank you.

4 CHAIR POWELL-PALM: Thank you. Next
5 up we have Phil Vavarchek and then Doug Currier.
6 And we're ending today with Alan Lewis.

7 Phil, if you're there, the floor is
8 yours.

9 MS. ARSENAULT: Nate, Phil is on the
10 phone only. And I don't know which number
11 belongs to him. He may have to hit Star 6 unmute
12 himself.

13 CHAIR POWELL-PALM: So, Phil, if
14 you're on the phone, and you want to hit Star 6,
15 that should unmute you, if you can hear us. And
16 we can certainly circle back.

17 Amy, do you see him online?

18 MS. ARSENAULT: If you could just let
19 me know the last four digits of your photo list,
20 so we know which line to unmute, that would be
21 awesome.

22 MEMBER BRUCH: 1909, I believe.

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1 MS. ARSENAULT: Got it.

2 MR. VAVRACEK: Okay, can you hear me
3 now?

4 CHAIR POWELL-PALM: Yes, we can.
5 Please go ahead.

6 MR. VAVRACEK: Okay, sorry about that.
7 Yeah, this is Phil Vavracek. I'm a producer
8 over here in Nebraska, eastern Nebraska. And we
9 got into the organics here. We've grown two
10 certified crops and went through the transition
11 period.

12 And I've listened to two of your prior
13 callers, so my topic I was going to bring up was
14 about the T yields as well. So I'm probably not
15 going to get into that too much. They gave a
16 good explanation of that.

17 But my thing was it is here I'm going
18 to say where that 150 is our T yield for our
19 county average. And with us, our first year of
20 corn, we out-produced that by 170 percent. And
21 I'm just being open with you, our first corn crop
22 certified organic was 255 an acre. And we went

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1 back to corn, and it was 224. We followed up
2 with another good yield.

3 So with that being said, with the
4 four-years to get the proven history, we're
5 obviously going to need to go to a different
6 crop. We're going to go to soybeans, and then we
7 might go to a small grain like wheat and then
8 back to alfalfa.

9 Our concern or reason for that is that
10 the alfalfa with weed control, then rotating the
11 crops because of disease, insects, and soil
12 health. So if we start getting into three or
13 four crops, you know, over three or four years,
14 your period of time, then you're talking 12 to 16
15 years before we have the four years of proven
16 history.

17 There was a little bit of talk about
18 maybe some producers doing all that they can, you
19 know, to push that crop to get a better yield.
20 I'm not taking away from anybody, but you have
21 that in conventional too. So if you have a
22 producer that's willing to put a little more out

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1 and do a little more than his neighbor, I'm
2 wondering, he should almost be rewarded for
3 that.

4 So if there's some type of way to use
5 your proven history of conventional, and use a
6 percentage of that to support or to prove a T
7 yield, or not T yield, excuse me, a proven yield
8 that you could use for your organic, just taking
9 a percentage over your 10, 15, or how many ever
10 years you've been farming conventionally, just to
11 reward maybe, I don't want to say maybe a better
12 producer or someone that, you know, has a little
13 better history of yield.

14 I guess that's one thought, one idea.

15 Because our organic was just as good as our
16 conventional and actually better than some of our
17 other conventional fields, or whatever, where
18 we've had some disease and some other issues. So
19 that was one thing we were looking at.

20 Another thing I guess I wanted to
21 bring up that I kind of read about is maybe the
22 imports of organic crops (audio interference),

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1 you know, are they legitimately doing everything
2 that we are here in the United States? Or are
3 they just, you know, is it getting looked at as
4 hard as maybe we are in all the processes that we
5 have to go through.

6 CHAIR POWELL-PALM: Read you loud and
7 clear. Yes, thank you so much for your comments
8 today. Questions from the Board for Phil?

9 I just had a quick, making sure I got
10 the numbers right, Phil, you said that your
11 organic field that first year out-yielded some of
12 your conventional fields?

13 MR. VAVRACEK: Correct, yes.

14 CHAIR POWELL-PALM: Awesome.

15 MR. VAVRACEK: Obviously it was an
16 irrigated field, and we had come right out of the
17 alfalfa. So we kind of did that for weed
18 control, and we did that for soil health, was our
19 thinking.

20 CHAIR POWELL-PALM: I think that is a
21 great opportunity in these meetings to hear some
22 real on the ground data of how folks are doing

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1 out there. So I really appreciate you sharing
2 that with us. Thank you very much. And thanks
3 for joining us with your comments today.

4 MR. VAVRACEK: Yeah, thank you. And
5 I guess I'd just like to say lastly, you know,
6 thank you and the Board for all that you are
7 doing. We really appreciate that.

8 CHAIR POWELL-PALM: Appreciate you.
9 Take care.

10 MR. VAVRACEK: All right, thank you.

11 CHAIR POWELL-PALM: Michelle, is
12 Xavier Barraza on?

13 MS. ARSENAULT: If so, only on the
14 phone. And I don't know the phone number, so I
15 don't know which one may belong to them. Trying
16 to unmute phone lines.

17 CHAIR POWELL-PALM: Xavier, if you're
18 there, and on the phone, and want to hit Star 6,
19 we'll be able to hear you. Otherwise we can come
20 back.

21 Let's jump to Doug Currier, and then
22 Alan Lewis, and then we'll come back to Xavier.

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1 Doug, if you're there, the floor is
2 yours.

3 MR. CURRIER: Thank you, Nate. Hi,
4 Board members. My name is Doug Carrier. I'm
5 presenting comments today on behalf of the
6 Organic Materials Review Institute where I work
7 as technical director. I'm presenting comments
8 today on ion exchange resins.

9 I want to start by recognizing that
10 having an understanding of what ends up or
11 potentially ends up in organic food is valid.
12 This concern is baked into our current policy on
13 ion exchange technology.

14 As stated in previous comments to the
15 Board, OMRI's policy on the technology has
16 remained unchanged since 2004, both the resin and
17 the recharge material used with the technology
18 must be on the national list.

19 This policy is largely based on the
20 fact that ion exchange resins qualify under a
21 variety of FDA definitions such as secondary
22 direct food additive, processing aids, and food

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1 contact substances.

2 The pre-approval of exchange resins by
3 the FDA, just like the many thousands of other
4 substances that are introduced into food, either
5 intentionally to accomplish a technical effect,
6 or adventitiously as a component of an added
7 substance, or inadvertently through contamination
8 resulting from processing, must include estimated
9 dietary intake or EDI reporting.

10 These EDIs are estimates of the
11 probable consumer intake of the additive as an
12 indicator of the risk of adverse effects of human
13 health. These are essentially toxicological
14 assessments considered during FDA review and
15 approval of these substances in food production
16 in the U.S.

17 Details on the structural
18 characteristics, use limitations, and pre-food
19 production calibration requirements of the
20 resins, which is something I don't think we've
21 talked about much, approved for use in food
22 production in the U.S., are found in 21 CFR. So

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1 some amount of these structural components or
2 their byproducts could potentially end up in food
3 products.

4 Yes, testing these foodstuffs to
5 identify these components originating from
6 exchange resins is possible. And that would seem
7 true for any food contact substance with the EDI,
8 including the myriad of other substances,
9 including other plastics currently used in USDA
10 organic production.

11 With that said, OMRI supports the
12 subcommittee's recommendation that ion exchange
13 resins do not need to be added to the national
14 list for their use to continue for two reasons.
15 One is migration of chemical elements originating
16 from exchange resin to food is a potentiality.
17 It's not guaranteed.

18 We consider it low risk because of
19 that EDI and that work that FDA has already done.
20 I think other commenters have pointed out too
21 that the intention is not to have those elements
22 migrate to their organic product.

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1 And second, we are concerned about the
2 precedent, a recommendation that resins be on the
3 National List sets for future NOSBs in the
4 broader organic sector.

5 So thank you for your time, and I will
6 end it there.

7 CHAIR POWELL-PALM: All right, we
8 appreciate your comments. Question for Doug?
9 Nate, please go ahead.

10 MEMBER LEWIS: Hey, Doug, appreciate
11 the comments. OMRI always tends to bring the
12 technical refresh to the conversation that we all
13 need. So I appreciate that.

14 The second element of your comments
15 related to precedent. Is it accurate to sort of
16 extrapolate from that the, let me just get my
17 words together correctly, but is it accurate to
18 extrapolate from that that it's your judgement at
19 OMRI that the resins are neither a processing aid
20 nor an ingredient. And therefore, we don't have
21 a place on the national list for these
22 substances?

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1 MR. CURRIER: Yeah, I think that's
2 true. I think that, you know, making it clear
3 what is within the scope of the Board and what
4 isn't, is important here. And I think that is
5 the precedent that we're concerned about setting.
6 And, you know, having the Board tied up in the
7 future for other similar items is a concern. So
8 yeah, I think that's true, Nate.

9 MEMBER LEWIS: Thank you, appreciate
10 it.

11 CHAIR POWELL-PALM: Amy, please go
12 ahead.

13 MEMBER BRUCH: Doug, thank you for
14 joining us today, we appreciate your comments and
15 information. I had a question for you about
16 another person's written comment. And this was
17 on liquid fish products. And the reason why I'm
18 asking you is because we talked about this, a
19 similar situation with folic acid and
20 fortification of essentially some of the
21 solvents.

22 So the written comment discusses that

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1 they've seen a high guarantee of phosphate
2 relative to nitrogen and some of these liquid
3 fish products. So they're seeing, like, a 140 or
4 a 250 indicating that there's potentially
5 possible, you know, larger amounts of phosphorous
6 or phosphate in these products than just enough
7 to, you know, get the pH in line.

8 So the question was is a soil
9 phosphate test being performed by OMRI, for
10 example, to verify that these conditions aren't
11 occurring, that more phosphate's added, and then
12 other products are introduced into the overall
13 product to get the pH back in line with the
14 annotation.

15 MR. CURRIER: So not so much the
16 phosphorus testing at the final product level.
17 We are very much looking at that pH requirement.

18 And we ensure that, you know, for formulated
19 products we're making sure that that pH test is
20 representative of the fish ingredient, so the
21 stabilized fish ingredient, and not looking at,
22 you know, making sure that testing happens prior

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1 to formulating with other ingredients.

2 You know, a lot of these products are
3 HNFLF, so they're getting that extra scrutiny too,
4 going onsite and doing trace back audits. And
5 so, you know, we're very much focused on that pH
6 requirement.

7 And, yeah, beyond that, if they're
8 meeting that standard, you know, I think maybe
9 your question is more about the label claims
10 perhaps, or the NDK on the final product and how
11 some of that comes from that lab synthetic. But
12 yeah, we're very much focused on the pH and
13 making sure that's being met as annotated.

14 MEMBER BRUCH: Thanks. Just a quick
15 question, would the testing that wouldn't be
16 required the, the soil phosphate test, is that
17 something potentially that could be executed if
18 there was more indication that this fortification
19 was happening?

20 MR. CURRIER: Yeah. I might be
21 missing something here, but I think that the
22 fortification would come out in the pH, the pH

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1 lab requirements. So the fortification, you
2 know, if they're not meeting that pH requirement,
3 yeah, then there's cause for concern for the
4 fortification. But they may be out for another
5 reason.

6 MEMBER BRUCH: Okay. So you think the
7 pH is a good indication for the moment?

8 MR. CURRIER: I would think so.
9 Because that's showing that it's meeting the
10 standard.

11 MEMBER BRUCH: Okay, thank you, Doug,
12 appreciate it.

13 MR. CURRIER: Yeah.

14 CHAIR POWELL-PALM: We have a question
15 for you from Brian, sorry.

16 MR. CURRIER: Okay.

17 MEMBER CALDWELL: Yeah, thanks, Doug.

18 And boy, I want to thank all the work that OMRI
19 puts into our technical reports which I think
20 have been fantastic in the last few years. So I
21 really appreciate that.

22 MR. CURRIER: Great.

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1 MEMBER CALDWELL: Yeah. Before my
2 real question, I actually did not understand what
3 you were talking about there with fish products
4 and the pH. You're saying that the pH is tested
5 before something like phosphoric acid is added so
6 that you would know how much phosphoric acid
7 would need to be added to bring it down to 3.5.
8 Is that what you're saying?

9 MR. CURRIER: So there are fish
10 products that are 100 percent fish products, or
11 stabilized fish products. But then there's
12 products that are formulated with fish products,
13 stabilized fish products. So for those
14 formulated products, we are ensuring that the pH
15 test is of that formulation ingredient.

16 And so you don't get the chance to
17 acid-stabilize twice. So you can't stabilize
18 your ingredient and then stabilize again to
19 reduce the pH again after formulation. So that
20 is something that we've worked hard to ensure
21 people are aware of. And it's more about the
22 double-dipping, I guess, for the acid

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1 stabilization.

2 MEMBER CALDWELL: Okay. Yeah, I think
3 the kind of double dipping that I was thinking
4 about, and probably I think Amy was too, is that
5 basically before the final product is, before
6 it's finished, a lot of phosphorus, a lot of
7 phosphoric acid is added.

8 And then something else is added to
9 bring the pH back up to 3.5 so that it passes the
10 test. I think that's the concern. You know,
11 that would be the way of juicing it with
12 basically chemical peat.

13 MR. CURRIER: Sure.

14 MEMBER CALDWELL: So anyway, okay,
15 let's just put that aside. And my real question
16 was going to be in terms of the ion exchange. It
17 seemed like the first part of your comments was
18 very strongly in favor of listing resins. And
19 then the second part of your comments was the
20 opposite. So did I get that right?

21 MR. CURRIER: Yeah, and sorry for the
22 confusion, everybody. And I debated on whether

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1 to just lead with our support for the
2 subcommittee's recommendation and, in retrospect,
3 I maybe should have done that.

4 But yeah, I think what -- and this has
5 been the issue all along, you know, it's kind of
6 defending where our policy is right now, and has
7 been for a long time, but all at the same time
8 being open to adjusting our policy, you know,
9 based off of all the conversations that have been
10 had over the past three years.

11 So I think that the first part of the
12 comment is very much talking about where we're
13 coming from with our current policy, you know,
14 talking about how these ion exchange resins would
15 meet a variety of different FDA definitions that
16 would also be shared by things on the national
17 list. And I think that's maybe the confusion
18 that we've been dealing with.

19 But these are looked at by FDA in a
20 particular way. And that doesn't necessarily
21 mean that we have to look at them in the same
22 way. And knowing that there is, and Gwendolyn

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1 was talking about this earlier, knowing that
2 there's that FDA food contact substance process,
3 you know, where they're assessing that migration,
4 inadvertent, I think, potential migration is
5 something that they're doing.

6 And so just to clarify, we do support
7 the subcommittee's recommendation that these
8 don't need to be on national list. But my first
9 part of the comment was trying to, you know,
10 address some of the current policy that we have
11 and, you know, kind of connecting the dots
12 between what FDA is doing and, yeah, just trying
13 set the standard here or set the level here for
14 what the FDA is doing.

15 MEMBER CALDWELL: Thanks, Doug, really
16 appreciate it.

17 MR. CURRIER: Okay.

18 CHAIR POWELL-PALM: Franklin, please
19 go ahead.

20 MEMBER QUARCOO: Yes, my question is
21 maybe a follow-up of what was already asked, but
22 it's still on the ion exchange filtration process

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1 asking the terms leaking and leaching use
2 differentiates things between them. Is leaching
3 an actual issue as the reports that's around, it
4 goes into the exchange material. It doesn't go
5 into the product B- it goes into the product.

6 So we are interested, particularly
7 interested in knowing what you think about is
8 leaching an issue.

9 MR. CURRIER: So, yeah, there's a lot
10 of the terminology for those terms being used.
11 And I think hopefully it's been we're arriving at
12 this point of recognizing that the resin, and the
13 makeup of the resin is not meant to interact with
14 the organic food or the foodstuff.

15 It's there to make sure that the ion
16 exchange technology is effective. But there is
17 this migration potential, you know, for there to
18 have some of these materials in the resin ending
19 up in food. That's what the FDA is looking at
20 when they look at their approval of food contact
21 substances.

22 There's calculations, but that's the

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1 estimated dietary intake. You know, there has to
2 be some kind of acknowledgement that there's a
3 potential for these elements in the resin to
4 migrate. It's not just resins though, it's many
5 other food contact substances.

6 And one quick thing about this pre-use
7 calibration requirement, so there's requirements
8 in the FDA regulations even before you started
9 using the technology. So you have to meet
10 certain standards.

11 And, you know, running kind of the
12 simulations of what the actual filtration is
13 going to be, so that's what I'm calling these
14 calibration requirement. And those are all in 21
15 CFR too. And these folks are going through all
16 of this even before they start into food
17 production.

18 Again, Gwendolyn, I think, was hitting
19 on that. It's like these meant to be highly
20 calibrated, you know, efficient, effective
21 technology. So I know I'm saying maybe two
22 things there, but yes, I think there's a

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1 potential for migration. It think that's what
2 the food contact substance process is all about.

3 But, you know, certifiers making sure
4 things are in good working order onsite, going
5 onsite every year, I think, is a big part of
6 ensuring that these are working the way they're
7 meant to work.

8 MEMBER QUARCOO: Quickly, I wanted to
9 find out if I may, this estimated dietary intake,
10 is it data driven? Is it supported by available
11 enough data to make this EDR estimate be
12 relevant?

13 MR. CURRIER: From what I know, yeah.
14 Because it is part of the assessment FDA is
15 doing as they look at potentially new food
16 contact substances. And so there's a lot of FDA
17 resources that are there to really outline what
18 is required from these manufacturers.

19 And that is a calculation that they
20 are very much looking at, of what amount could
21 reasonably, at the highest level, kind of,
22 depending on how much someone is ingesting, how

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1 much would potentially appear in one of these
2 foodstuffs.

3 MEMBER QUARCOO: Thanks.

4 MR. CURRIER: Yes.

5 CHAIR POWELL-PALM: All right, Kyla,
6 did you have a question?

7 MEMBER SMITH: I did. Sorry, I put my
8 hand down too soon. Sorry, I was already late to
9 coming in.

10 CHAIR POWELL-PALM: Go ahead --

11 MEMBER SMITH: Hi, Doug, thanks for
12 your comments.

13 MR. CURRIER: Yeah.

14 MEMBER SMITH: Two things, just wanted
15 to sort of set the record straight on
16 terminology. So as I understand it, leakage
17 really is referring to, like, ion capacity. And
18 when the resins get at capacity those, like,
19 things that are meant to be being removed are
20 going further into the product.

21 So is that your understanding? I just
22 want to make sure that we're talking about the

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1 same words here, terminology.

2 MR. CURRIER: I would agree with that,
3 yes.

4 MEMBER SMITH: Cool, okay. Second, in
5 regards to your, like, first part of your
6 comment, talking about, like, you know, term. I
7 know that Nate had asked about our terms, so
8 that was confirmation for me.

9 And I was just looking back at OTA's
10 written comments from, I think it was the fall.
11 And so I don't know if you have any knowledge of
12 this or not, but according to those comments
13 since the FDA Modernization Act in 1997, FDA has
14 been processing all resins through the FCN
15 process. And so they're all listed as a food
16 contact substance now at 21 CFR 173.25.

17 And so while the FDA, like I was
18 saying, it could be these other things in actual,
19 practical process there, like managing them
20 through the FCN process. Is that your
21 understanding?

22 MR. CURRIER: Yeah, that is. Yeah, 21

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1 CFR 173.25 --

2 MEMBER SMITH: That's right.

3 MR. CURRIER: -- is very interesting,
4 because all of the components of these resins are
5 very clearly outlined, along with their
6 pre-production calibration requirements, use
7 limitations, things like that. But yes, that is
8 my understanding of the FDA process for these.

9 MEMBER SMITH: Thank you.

10 MR. CURRIER: Sure.

11 CHAIR POWELL-PALM: Other questions
12 for Doug?

13 Well, Doug, I really appreciate OMRI.
14 The technical experts in the room agreeing with
15 the subcommittee's proposal, I think that gives
16 us a lot of clarity. So thank you so much for
17 coming on today.

18 MR. CURRIER: Sure, absolutely. Thank
19 you.

20 CHAIR POWELL-PALM: Thank you. Lastly
21 I think, unless Xavier Barraza is on, I think we
22 are on our last speaker folks. So let's go with

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1 Alan Lewis. Take us out, Alan.

2 MR. LEWIS: All right. Well, I'm
3 going to make some general comments about the
4 slippery slope that slides us down to the
5 slippery cliff. And this has to do with the
6 example of hydroponics.

7 Not long ago, a couple of families
8 came into our community and said that they had
9 accidentally, surreptitiously been certified on
10 hydroponic operations. And therefore, it was
11 essential to them to have hydroponics approved.
12 And by hook or by crook, with the help of
13 Stabenow, and Congress, and USDA, and NOP, and
14 one particular set of NOSB votes, that passed and
15 became the standard.

16 So let's do a check-in and see where
17 that slippery slope led us. Currently, for
18 instance, in Mexico 292 certified berry
19 operations, most of those in the last eight
20 years, primarily certified by CCOF.

21 What does that look like? That is
22 relatively strong corporations going into

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1 communities, moving the residents off the land,
2 bulldozing it into flat fields, just tearing up
3 the landscape, covering that with plastic,
4 bringing in berry plants that are in plastic
5 containers with coconut fiber, digging a 50-foot
6 deep trench to collect the ground water from
7 neighboring wells in order to provide water to
8 the bushes, bringing in outside labor for a
9 dollar or two a day.

10 But that's not paid in pesos
11 or dollars. It's paid in company script at the
12 company store. So those workers end up living in
13 slums causing crime and pollution problems, and
14 putting heavy stress on sanitation, and public
15 services, and even schools.

16 So eventually all those berries
17 mature, and they're packaged up by some very big
18 international corporation that we're all very
19 familiar with, and they're trucked up to the
20 U.S. with a premium price. And our beloved USDA
21 seal shows up on the packaging. Wow, are we
22 vulnerable. And the day of reckoning is coming.

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1 Now I know that's water under the
2 bridge. I don't know how to take that back. But
3 my point here is that the slippery slope to the
4 slippery cliff on gene editing and genetic
5 manipulation is taking the same path. So when we
6 started talking about essentiality for one,
7 remember that that means allowable for every
8 operator. And we need to proceed with the utmost
9 caution.

10 I will stop there, and give you guys
11 30 seconds back. Thank you.

12 CHAIR POWELL-PALM: I appreciate it,
13 and we appreciate it. And we appreciate you,
14 Alan.

15 Questions for Alan from the Board?
16 Mindee, please go ahead.

17 MEMBER JEFFERY: Hi, thank you so
18 much, Alan, for your commentary. And I was in
19 Wichita last summer, and I was so grateful to be
20 shopping in a natural grocer, so way to go,
21 developments in the Midwest.

22 And I, you know, thinking about it a

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1 lot, I feel like the California experience of why
2 the organic consumer is there is very different
3 from other places in the country. And I think,
4 you know, I've been looking to catchup on
5 consumer thinking, because I feel like we're in a
6 very big societal shift post pandemic.

7 And I was wondering if Natural Grocers
8 has done any surveys or if you have any
9 perspective on the unusual markets of organic or
10 developing markets of organic, and tell us why
11 that consumer is here now? The new organic
12 consumer, and there're not a really liberal
13 market, like, why do they show up at Natural
14 Grocers?

15 MR. LEWIS: I think the short answer,
16 if I understand your question, is nobody feels
17 well, everybody's sick, conventional healthcare
18 is too expensive. And you can't get well if you
19 are poisoning yourself with dirty air, dirty
20 water, and dirty food.

21 And so that, I think, is the accepted
22 wisdom in the marketplace right now for why

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1 cleaner food and better-for-you food is much more
2 popular post-pandemic. People definitely circle
3 back to what causes the root cause of disease and
4 illness. And there were plenty of people saying,
5 yeah, well, we already know that. So do your
6 best when you can to afford clean food and water.

7 MEMBER JEFFERY: Thank you, Alan.

8 CHAIR POWELL-PALM: Other questions
9 for Alan from the Board?

10 I have a question for you, Alan. And

11 --

12 MR. LEWIS: Oh, no.

13 CHAIR POWELL-PALM: -- you just gave
14 me --

15 (Laughter.)

16 CHAIR POWELL-PALM: -- you know, just
17 gave me real Ernie Ford vibes there with the
18 company store. So I'm going to let Dilip go
19 first. But the then I'm going to circle back.

20 MEMBER NANDWAN: Thank, Nate. I'm
21 not going to take long. And I know this is the
22 last commenter.

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1 In your comments the last sentence,
2 you know, on gene editing, kind of caught my
3 attention. I'm still asking a direct question.
4 I would rather ask you, if you can tell just a
5 very vaguely about those couple of sentences you
6 mentioned, a little bit elaboration on gene
7 editing and the other biotech too. Thank you.

8 MR. LEWIS: Thank you, Dilip. What
9 we've been hearing over the last three for four
10 years is individuals representing different
11 interests saying gene editing is necessary. Gene
12 editing is organic, certain operations will
13 require it to survive drought, to survive
14 flooding, to survive new pest threats, or
15 whatever.

16 So that's my parallel to the
17 essentialism of one which caused hydroponic to
18 sneak its way in. That's obviously my opinion.
19 When we start looking at how we're going to
20 develop seeds for organic, we're already so
21 vulnerable in many regards to criticism from
22 friends and enemies about the value of organic

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1 and its integrity. If we start allowing
2 particular techniques for seed development, I
3 don't see how the brand recovers and survives
4 that. It's just GMO without pesticides.

5 That's my worry. I think that's my
6 most direct and forceful comment I can make to
7 you. This is moving forward in backroom
8 conversations. It's in testimony. And I hear it
9 among the original organic pioneers. They said,
10 oh, we used all those techniques back then to try
11 to find new varieties.

12 If we do that, we have to pay
13 attention to the consequences. Every exception
14 becomes the rule. And that's my gentle but
15 forceful warning about the process that we're
16 into.

17 MEMBER NANDWAN: Yes. I have you.
18 And thank you. That's really helpful. Thanks.

19 MR. LEWIS: Thank you.

20 CHAIR POWELL-PALM: Other questions
21 for Alan?

22 MR. LEWIS: Nothing big, Nathaniel,

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1 nothing big. Ha, ha, ha.

2 CHAIR POWELL-PALM: Not quite, I
3 wouldn't say it's big but going back to Mexico
4 example, I feel like there are so many themes in
5 how you described corporate consolidation coming
6 in, displacing farmers.

7 And, you know, a farmer getting
8 displaced in Mexico has a lot in common to a
9 farmer getting displaced in Wisconsin, different
10 reasons, maybe different tactics by corporations,
11 but the same result of a diminished quality of
12 life for the rural world. And what is our role
13 in that?

14 My question for you, first question,
15 is are we misplacing hydroponics as the culprit
16 of berry companies going in and bulldozing
17 Mexican villages when it's something else?

18 And so the only reason I ask this
19 question is, and I said this a few times before,
20 we have so little time to figure out how to make
21 big changes that, if we're pointing at the wrong
22 culprit that's affecting the world that we want

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1 to live in, we're not probably going to see those
2 changes actualized.

3 So wouldn't those berry companies be
4 doing that even if they are soil-grown. Is there
5 something about hydroponic? And then, let me
6 just jump to the next piece, are we basically
7 having hydroponic be the boogeyman for corporate
8 consolidation?

9 That we are concerned that a little
10 farmer with an acre isn't going to be able to
11 have \$50 million to make a booming one acre under
12 glass shop. But we're, for some reason, scared
13 of just saying we don't like corporate
14 consolidation. No one should like corporate
15 consolidation. And why don't we just call a
16 spade a spade?

17 MR. LEWIS: Yeah. Like that's not a
18 big question. Okay.

19 (Laughter.)

20 MR. LEWIS: All of these operations
21 could be extractive hydroponic berry operations
22 without the USDA seal on them. That migration,

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1 those 260-plus operations, were certified in the
2 last eight years, in fact, half of them since
3 2019, no surprise there.

4 So we can take organic out of it and
5 talk about corporate consolidation, talk about
6 Mexican laws and corruption, not that we are
7 immune to that up here. I think I'm going to
8 circle back to the global principles of
9 sustainable development and the global principles
10 of environmental, social, and governance
11 disclosures.

12 We're looking at a place where that
13 unnamed great big conglomerate that sells berries
14 all over the place with a USDA logo on it is
15 going to score so low on its ESG, environmental,
16 social, governance disclosures and yet we, as a
17 community, are putting our seal on there, or have
18 allowed it to be used on there.

19 So trying to get to that big question,
20 all of us try to aspire to sustainable
21 development goals, even though they don't all
22 apply to the global north, or not well. And we

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1 all try to manage the environment, and social
2 issues, and governance issues to the benefit of
3 society, and animals, and workers, and lands, and
4 communities.

5 I don't think that the organic law
6 captured enough of that, or very much of that, or
7 any of that in a lot of ways. So we, as a
8 community, need to wrap ourselves in an
9 additional set of principles. And if I had my
10 way, we'd start judging our own practices and
11 strategies according to those principles. Alas,
12 you all are not subject to my whims.

13 (Laughter.)

14 CHAIR POWELL-PALM: But if we're
15 thinking that, yes, you want to engage those
16 principles, at what point do we say, you know,
17 organic standards, they're great. They're fine.
18 Let's go work on bigger things. Like, let's go
19 and figure out how we have more pressure on
20 corruption practices in supply chains, how we
21 have stronger, dare I say, protectionism for our
22 American producers.

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1 Let's just call it out again. How do
2 we help protect American producers? This is
3 what, behind all this veil, this is what we're
4 talking about, folks. We're saying that we don't
5 want foreign berries to impact our producers. I
6 don't see why we don't say it. We don't want
7 Vermont milk to be impacted by a Texas milk. We
8 want to protect markets.

9 Why do we have such a hard time just
10 saying that, and why do we keep just throwing
11 around things like we need more certifications,
12 we need more standards, and not just say we need
13 to organize?

14 MR. LEWIS: Yeah, if you're looking
15 for my agreement, I agree with you.

16 CHAIR POWELL-PALM: All right, well I
17 wasn't just fishing for a compliment, Alan. I
18 was looking for a little call to action. But
19 maybe if you see you in LA then we can continue
20 this discussion.

21 MR. LEWIS: Thank you.

22 CHAIR POWELL-PALM: Jerry, I

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1 apologize. Jerry has one question for you. I
2 thought you were off the hook, but one more.

3 MR. LEWIS: Okay.

4 MEMBER D'AMORE: I'm just going to
5 follow on with what you said. I firmly believe
6 that, when you take one issue and make it the
7 boogeyman for all your concerns, that you dilute
8 the ability to address the individual concerns
9 well. And that's where I feel hydroponics is.

10 And, you know, it's not a mystery, I
11 made my living for many years as a hydroponic
12 farmer. But it should also be noted that I did
13 that so long ago that I didn't need the organic
14 seal, because it wasn't even there.

15 But I've set this room for real
16 discussion with real goals in front of it. And
17 if we start throwing everything in one pot and
18 make it -- we're just not going to tease it out
19 and make it right.

20 MR. LEWIS: Agreed. Yeah, thank you.

21 MEMBER D'AMORE: Thank you, sir. No,
22 great talking to you, appreciate it.

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1 CHAIR POWELL-PALM: Carolyn told me at
2 the fall, I know it's the meeting that I need to
3 cry less. So I'm going to practice that now.

4 MEMBER DIMITRI: Thank you.

5 CHAIR POWELL-PALM: Because I really
6 --

7 (Simultaneous speaking.)

8 CHAIR POWELL-PALM: -- I really
9 appreciate the conversations these past two days,
10 folks. This is has been truly wonderful. We ran
11 hard, we ran fast, we ran long. But we really
12 covered some great ground. So thank you to my
13 fellow members who asked some fantastic
14 questions. I was taking notes furiously, because
15 there were so many good ideas.

16 And thank you to everybody who
17 participated, especially those farmers who got of
18 the tractor, got on the horn, and told us what
19 you thought. So thank you everybody. And we are
20 just so stoked to see you next week. So travel
21 safe, everybody, and take care for now.

22 MEMBER D'AMORE: Nate, from a

1 colleague let me say, tears or no tears, great
2 job. Well done.

3 CHAIR POWELL-PALM: Thank you. I
4 appreciate it.

5 (Whereupon, the above-entitled matter
6 went off the record at 5:38 p.m.)

7

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UNITED STATES OF AMERICA
DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

+ + + + +

NATIONAL ORGANIC STANDARDS BOARD

+ + + + +

SPRING 2023 MEETING

+ + + + +

TUESDAY
APRIL 25, 2023

+ + + + +

The Board met at the Crowne Plaza
Atlanta Midtown 590 West Peachtree Street, NW
Atlanta, Georgia, at 10:00 a.m., Nathaniel
Powell-Palm, Chair, presiding.

BOARD MEMBERS PRESENT

- NATE POWELL-PALM, Chair
- MINDEE JEFFERY, Vice Chair
- KYLA SMITH
- AMY BRUCH, Secretary
- BRIAN CALDWELL
- GERARD D'AMORE
- CAROLYN DIMITRI
- KIMBERLY HUSEMAN
- ALLISON JOHNSON
- NATHANIEL LEWIS
- DILIP NANDWANI
- LOGAN PETREY
- FRANKLIN QUARCOO
- WOOD TURNER

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NOP STAFF PRESENT

MICHELLE ARSENAULT, Advisory Committee Specialist

JARED CLARK, National List Manager

FRED DAVID, Assistant Director, Standards
Division

ERIN HEALY, Director, Standards Division

ANDREA HOLM, Agricultural Marketing Specialist

ALEXIS McINERNEY, Program Analyst

JOHANNA MIRENDA, Agricultural Marketing
Specialist

JENNIFER TUCKER, Ph.D., Deputy Administrator

ROBERT YANG, Director, Accreditation Division

PENNY ZUCK, Agricultural Marketing Specialist

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

2 (10:06 a.m.)

3 DR. TUCKER: All right, so we are now
4 officially opening the meeting. Good morning,
5 everyone.

6 We have a contingent online now? Yes?
7 Yeah, people are joining on Zoom? Okay, I'm
8 getting some head nods so that's good.

9 So good morning, everyone. I'm
10 Jennifer Tucker, Deputy Administrator of the
11 National Organic Program. Welcome to all our
12 board members and our audience, both in the room
13 and we do have an audience online, on Zoom. So
14 thank you for being here both in the room and
15 online.

16 It is my honor to officially open the
17 Spring 2023 National Organic Standards Board
18 meeting. I would like to particularly welcome
19 our two new board members, Dr. Franklin Quarcoo
20 from Tuskegee University in Alabama and Nate
21 Lewis from the Washington Farmland Trust in
22 Washington State.

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1 They just very recently joined the
2 Board, and let's give them a big round of
3 applause. There's Nate and Franklin. If you're
4 on Zoom, you can clap like this. We are
5 observing you in spirit. Okay.

6 This is our second meeting in-person
7 and broadcasting online in the post-pandemic
8 world. So we look forward to continuing this
9 cadence of engagement.

10 Let's start with some official
11 business. This meeting, like other meetings of
12 the National Organic Standards Board, is being
13 run based on the Federal Advisory Committee Act
14 and the Board's Policy and Procedures Manual.

15 I am your designated federal officer.
16 And transcripts for all segments will be posted
17 once completed.

18 Now we'll take a quick look at the
19 agenda and I'll introduce members of the NOP
20 team. I'll then turn the floor over to Nate
21 Powell-Palm, Board Chair, for Board
22 introductions.

1 So first, the agenda. This morning
2 will include introductions, some welcoming talks
3 from the Southeast Region Transition to Organic
4 Partnership Program or TOPP, some board reports,
5 a program update with questions and answers from
6 the Board.

7 We'll break for lunch and then we'll
8 return to begin the subcommittee work. We'll
9 continue subcommittee work through tomorrow along
10 with an update from the USDA National
11 Agricultural Statistics Service or NASS. The
12 work will continue into Thursday and we'll close
13 with some board business and a look ahead.

14 I want to close the segment by
15 thanking the National Organic Program team. So
16 first, let's all thank Michelle Arsenault, our
17 advisory board specialist. She provides
18 exceptional support for the board.

19 We also have a number of team members
20 from Standards and from the broader NOP team here
21 to support the meeting and, for some of them, to
22 learn. So folks who are in the room, please

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1 stand and wave when I call your name.

2 So we have Standards Director Erin
3 Healy. There's Erin. We've got Assistant
4 Director Fred David. Fred's new to the program.

5 Jared Clark, next to me, is our National List
6 Manager. Andrea Holm, with our Standards
7 Division. Johanna Mirenda, our latest addition
8 to the program.

9 Penny Zuck and Alexis McInerney, who
10 are both with our Office of Deputy Administrator.

11 And we have Robert Yang, our Director of
12 Accreditation Division. Robert may be engaged in
13 oversight meetings.

14 So next I'm going to turn the mic over
15 Nate Powell-Palm, our Board Chair. He'll be
16 introducing Board members. All of these members
17 devote hours and hours of volunteer time to serve
18 the organic community. Let's please give them a
19 big round of applause and appreciation.

20 Nate, thank you for your leadership.
21 You have the floor.

22 CHAIR POWELL-PALM: Thank you so much,

1 Jenny, really exciting agenda for today. Excited
2 to hear from folks local to this area and really
3 appreciate everyone making the time to join us.

4 For a round of board introductions,
5 I'm hoping we can just go around and say where
6 we're from, the seat that we sit in and what
7 we're excited about this spring. I feel like it
8 has been a long, hard winter for a lot of us.
9 And I think that this meeting represents a bit of
10 a renewal.

11 So Carolyn, can we start on your side
12 and then we do have, for everyone's information,
13 we are experiencing a bit of a Meta situation
14 where we have Mindee and Allison in the hotel,
15 but they're going to be on Zoom because neither
16 are feeling well today.

17 So we're going to go around and then
18 we'll have them give their introductions last.
19 So if you'd get us kicked off, Carolyn?

20 MEMBER DIMITRI: Sure. Good morning,
21 everyone. I'm Carolyn Dimitri. I'm a professor
22 at New York University. I sit in -- oh, here,

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1 let me start again.

2 CHAIR POWELL-PALM: There we go.

3 MEMBER DIMITRI: Hi, I'm Carolyn
4 Dimitri. I'm a professor at New York University.
5 I sit in a consumer's seat and I'm excited about
6 the spring flowers.

7 MEMBER PETREY: Hi, I'm Logan Petrey.
8 I am in the farmer's seat. I work for Grimmway
9 Farms, the organic farm manager there. And I'm
10 excited -- this is my first in-person meeting, so
11 I'm excited to see how all this plays out.

12 MEMBER TURNER: I'm Wood Turner. I
13 lead impact efforts for Agriculture Capital based
14 on San Francisco Bay area, Berkeley. And I'm
15 excited about just being somewhere where there's
16 a real spring. It's great.

17 MEMBER QUARCOO: I'm Franklin Quarcoo.
18 I'm an entomologist by training. I work at
19 Tuskegee University as a faculty member. And I'm
20 on the Environment, Transportation and National
21 Resources. I'm just excited to be here. This is
22 my first board meeting and my first big meeting.

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1 So, yeah, thank you.

2 MEMBER HUSEMAN: Hi, good morning.
3 I'm Kimberly Huseman. I sit in a handler's seat.
4 I am the Director of Organic & Specialty
5 Ingredient Purchasing for Pilgrim's Poultry
6 Company. Let's see, coming from Colorado, I am
7 really excited to get some spring planting
8 underway and to see some fields being worked. So
9 it's going on somewhere in the U.S., just
10 definitely not in my state right now.

11 CHAIR POWELL-PALM: I'll go last. Do
12 you want to go, Amy?

13 MEMBER BRUCH: Good morning, all. My
14 name's Amy Bruch. I'm a 6th-generation farmer.
15 My family farms are located in Nebraska and I've
16 had both domestic and international experience
17 farming. Let's see, what I'm excited about?
18 Well, there's so many things. With spring,
19 brings a lot of potential.

20 But coming off of our most recent oral
21 comments, I'm really excited to continue to
22 represent the farmer voice. We had a lot of

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1 representation with our oral comments and written
2 comments about -- from farmers -- and I'm just
3 really excited to be here to represent their
4 voices. Thank you.

5 MEMBER SMITH: Good morning. My
6 name's Kyla Smith. I am sitting in the
7 certifier's seat. I work for PCO. We're a
8 certifier based in Central Pennsylvania. We
9 certify nationwide but mostly focused in the
10 mid-Atlantic. I am based in Central
11 Pennsylvania. We're not far from our office in
12 State College.

13 And I am excited to see how certifiers
14 work together to implement strengthening organic
15 enforcement. It's equally, like super exciting
16 and terrifying all at the same time. And PCO is
17 also one of the top regional leads and I'm
18 excited to continue that work as well. It's been
19 such a great partnership thus far. And so those
20 are two really exciting opportunities for the
21 industry. Thanks.

22 MEMBER D'AMORE: Good morning, Jerry

1 D'Amore here. I sort of see the light at the end
2 of the tunnel with my fourth year in the
3 handler's seat. Didn't know it would go so fast.

4

5 I live in North Monterey County in
6 California and, which is the strawberry capital
7 of the world, the garlic capital of the world and
8 the artichoke capital of the world, a lot going
9 on in specialty crops there.

10 I've been involved in food production
11 and marketing for nearly 50 years. Half of that
12 time I was an owner/operator in the hydroponic
13 systems growing a wide range of low-profile crops
14 and also vine crops.

15 The last 25 years I have been involved
16 in post-harvest activity including cold chain
17 management and go-to-market operations. I'm just
18 excited to be here. Thank you.

19 CHAIR POWELL-PALM: Thank you.

20 MEMBER NANDWANI: Good morning. My
21 name is Dilip Nandwani. I'm a professor at
22 Tennessee State University, Department of

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1 Agriculture. And I'm sitting here in scientist
2 seat on the Board.

3 And I'm based in Nashville, Tennessee
4 and very much excited attending second in-person
5 meeting in second year and meeting all these, our
6 stake holders and our colleagues here. Glad to
7 be here. Thank you.

8 MEMBER LEWIS: Hey, folks, Nate Lewis
9 sitting in the Resource Conservation seat. I
10 work for Washington Farmland Trust, Agricultural
11 Land Trust in Washington state dedicated to
12 preserve Washington's Ag lands and keep them in
13 working condition and available to farmers.

14 We preserved over 30 -- or 3,000 acres
15 in 30 farms across primarily western Washington.

16 And this spring I'm excited about closing a new
17 project using some state funds that are kind of
18 unique in the country where it allows land trusts
19 to participate on the open market with affordable
20 loans.

21 And we're working with the Black Food
22 Sovereignty Coalition there to get their flagship

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1 farm set up in Centralia, Washington, about
2 halfway between Seattle and Portland.

3 MEMBER CALDWELL: Hi. I'm Brian
4 Caldwell. I'm in a consumer and public interest
5 seat. And I'm very grateful to -- and I'm based
6 in central New York. I live in central New York,
7 have a little farm there, been certified since
8 1986.

9 And I'm very grateful to Nate to give
10 us -- that he gave us a easy ice-breaker because
11 I remember last year it kind of fried my brain
12 early in the meeting.

13 But as excited as I am to be here, I'm
14 even more excited that in 10 days my son is
15 getting married, and I'm -- that's really psyched
16 about that.

17 CHAIR POWELL-PALM: Mindee, online,
18 are you able to --

19 VICE-CHAIR JEFFERY: Hi, pleased to be
20 --

21 CHAIR POWELL-PALM: Go ahead.

22 VICE-CHAIR JEFFERY: Yeah, can you

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1 hear me? Thank you.

2 CHAIR POWELL-PALM: Yes, we can.

3 VICE-CHAIR JEFFERY: My name is Mindee
4 Jeffery and I sit in the Retailers seat. I work
5 for Good Earth Natural Foods in Northern
6 California. And as much as I have been so
7 grateful for the rain, I am more grateful that
8 the rain has slowed down and we have great
9 flowers.

10 CHAIR POWELL-PALM: Wonderful.
11 Allison, are you there?

12 MEMBER JOHNSON: Hi. Good morning,
13 everyone. Can you hear me?

14 CHAIR POWELL-PALM: We can.

15 MEMBER JOHNSON: Okay. Hi, I'm so
16 sorry to not be with you in the room today but
17 hopefully tomorrow. I'm Allison Johnson. I'm a
18 senior attorney with the Natural Resources
19 Defense Council and I sit in the Consumer Public
20 Interest seat.

21 A lot of my work focuses on expanding
22 support for organic agriculture through public

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1 policy, and so I'm very excited this spring is
2 full-blown from this season in addition to coming
3 up on planting season.

4 So I'm going to be looking at ways to
5 bring more resources to Organic this year through
6 federal policy. And I hope to be there with you
7 all tomorrow.

8 CHAIR POWELL-PALM: Thank you. And
9 I'm Nate Powell-Palm. And I'm based out of
10 Bozeman, Montana. I sit in one of the farmer
11 seats. And I raise a couple thousand acres of
12 grain crops -- beef cattle hay.

13 And I am really excited for our two
14 new members. And I want to welcome them again.
15 But it's really exciting to see so much future
16 leadership potential. Our pipeline is full,
17 folks.

18 We've got so many excellent members.
19 And I think it's -- something is going right when
20 I think of myself as not the smartest person in
21 the room, that we have a lot of brilliant people
22 on this board doing great work.

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1 And I'm grateful for all of the work
2 that they put into it. I think that there's also
3 a lot of evidence of hope in our community, that
4 I'm really excited to see TOPP are allowed,
5 really excited to see quite the optimistic, that
6 the administration sees organic as something to
7 celebrate, something to point to as a means of
8 addressing a lot of our concerns environmentally
9 and agriculturally.

10 And I think all of that compounds into
11 why we meet here today, to continue this work.
12 So thank you for being here. And with that, I'll
13 hand it back to Jenny.

14 TOPP OVERVIEW

15 DR. TUCKER: Okay, I'm going to be
16 introducing our welcoming speaker chair.

17 Before we do that, I just want to say,
18 let's give a thanks to the AV folks, the fact
19 that at the last minute we added two folks that
20 are projecting in the room and we're broadcasting
21 on Zoom and in the room. That actually -- you
22 don't just do that. So, guys, thank you so much,

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1 yeah.

2 Okay, we are so lucky to be where we
3 are in this time and place. Last fall, the
4 administration announced something called the
5 Organic Transition Initiative or OTI. So we have
6 all sorts of new acronyms for our vocabulary.

7 So OTI is Organic Transition
8 Initiative. It is a \$300 million initiative to
9 support existing and transitioning farmers who
10 want to explore and engage in the organic option.

11 So to be here today, six months later,
12 and to be able to hear from members of one of our
13 six regions who have already stood up their
14 program are already doing field days is really
15 remarkable.

16 And so the Transition to Organic
17 Partnership Program, TOPP, T-O-P-P, is \$100
18 million program of that broader OTI, Organic
19 Transition Initiative program. We have sat up
20 six regional partnerships across the United
21 States.

22 And those partnerships, each of those

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1 partnerships includes states that already have a
2 number of organic farmers and states that don't,
3 so states that are under-represented in organic.

4 So today, for welcoming remarks,
5 you're going to be hearing from some of the
6 partners in the Southeast region. And they have
7 a very, very impressive team. They, again, have
8 already, in just six months, stood up a program
9 and are already doing field days and are really
10 having the difficult conversations about what is
11 going to get funded and how are we going to serve
12 this community best.

13 So the five areas for each region is
14 each region is setting up a mentor/mentee program
15 of connecting local farmers in organic with
16 farmers who are new to organic, interested in
17 potentially transitioning to organic.

18 There's a second piece that's an
19 emphasis on local technical assistance. So local
20 field days of bringing folks together on the
21 ground to find out what are they growing, what
22 are their past management techniques, what are

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1 their crop rotations.

2 Where do the markets live, so it's
3 also about business planning and market
4 development, understanding how to negotiate
5 contracts with local supply chains, international
6 supply chains, all of the things that go into
7 organic farming.

8 It's not just the regulations but the
9 whole picture of what it takes to be successful,
10 so really that local support and technical
11 assistance.

12 A third area is workforce development,
13 so that's developing expertise in organic farms
14 but also the generation that will oversee those
15 organic farms for inspectors and certification
16 staff.

17 There's also a community building
18 aspect. And we're talking about real local
19 community building where organic folks can find
20 each other in communities of interest within
21 their region. So there are a lot of partners to
22 do this.

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1 The fifth area is data reporting, what
2 kind of impact are we having. We are right now,
3 as organic, a fairly small proportion of the
4 acreage in the United States. How do we get that
5 number up. And so for folks to say, but Jenny,
6 you're just talking about numbers, numbers are
7 part of this.

8 How do we get more farmers into the
9 pipeline? How do we get more acres into the
10 pipeline for organic because it's good for the
11 planet. It's good for people. It's
12 climate-smart agriculture, right. So how do we
13 support this community in growing and growing
14 both our numbers and our acreage.

15 So there is lots of goals in there for
16 the transition program. So I wanted to give that
17 broad view from kind of the federal program. We
18 are running TOPP out of the National Organic
19 Program.

20 And so, again, we're incredibly lucky
21 to have the Southeast region that is doing such a
22 superb job of standing up a program and is here

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1 to talk to you about it.

2 And so I'm going to, in the interest
3 of the partnership, I'm going to share the names.

4 But then they're going to talk more about what
5 they're doing and their affiliation.

6 So the first speaker is going to be
7 Billy Mitchell. And Billy's actually the project
8 manager for the TOPP, a program in the Southeast
9 region. And so Billy will be introducing the
10 rest of his team.

11 He's with Florida Organic Growers.
12 Each of the regions has a lead partner that holds
13 the agreement with USDA. And they're responsible
14 for building the partnerships within their
15 region.

16 So Florida Organic Growers is the
17 largest non-profit certifier affiliated
18 association in the Southeast. So they are
19 leading that team. And so Billy will be
20 introducing Roland McReynolds, Donn Cooper,
21 Michael Wall, Paul Sorah and Dr. Shandrea
22 Stallworth.

1 And he'll say a little bit more about
2 who they're with and then they will each be
3 speaking with you today. So I want to really
4 thank the panel for being here. You guys are --
5 you're building this and it's really -- it's very
6 moving to see this work happening.

7 To go, again, from six months, from an
8 announcement, to having you here to talk about
9 what you're doing is just phenomenal. So thank
10 you. We're grateful. Billy, come on up and take
11 the mic.

12 MR. MITCHELL: All right, we are good.
13 Good morning, you all. It's good to see
14 everybody here. We do have some slides, if we
15 want to use them. Oh, it's on mute. That's why
16 we don't see it. It's good when the problem is
17 you instead, Ms. Taylor Swift's song. Here we
18 go.

19 So I do want to say good morning again
20 and just, on behalf of Florida Organic Growers,
21 FOG for short, and TOPP, I'm so glad to welcome
22 you all to the NOSB meeting here in Georgia.

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1 Georgia's a place that's very close to my heart
2 and it's just an honor to share the stage with
3 some friends and colleagues that I've made doing
4 this work in Georgia.

5 In order of appearance, Donn Cooper
6 from the Georgia Organic Peanut Association,
7 Shandrea Stallworth from Rodale Southeast Organic
8 Center, Roland McReynolds from the Carolina Farm
9 Stewardship Association and hometown hero,
10 Michael Wall, from Georgia Organics.

11 I also just want to recognize the rest
12 of the team at FOG. Working directly on TOPP
13 there's Executive Director Ramkrishnan and you
14 all might know him as Ram; Education Outreach
15 Specialist Juan Carlos and Project Manager Kyndra
16 Love.

17 And thank you, Jenny, for giving the
18 overview on TOPP because I can skip this slide,
19 but we're going to come back to it.

20 In the Southeast, FOG is just working
21 alongside this amazing collection of partners in
22 seven states and two territories. Our partners

1 include community-based organizations like Fresh
2 Central in Louisiana and the Virgin Island Farmer
3 Alliance and universities like NC State,
4 University of Florida, Alcorn and Tuskegee.

5 And this work is led by organizations
6 and producers that reflect the communities that
7 they serve. And we continue to seek and engage
8 new partnerships including groups that work with
9 and live in tribal agricultural communities.

10 And so I'll come back to what we're
11 going to cover. And our session today is ended
12 by Paul Sorah of Hearts of Harvest Farm. And I'd
13 like to highlight the work that Paul and his crew
14 already do to provide some of the examples of the
15 work TOPP will do and support.

16 And so the first is mentorship. And
17 Paul, like so many farmers and producers you
18 know, is always in conversation with other
19 producers, receiving and giving unpaid advice and
20 support.

21 And this Farmer-to-Farmer mentorship
22 program, supported by organizations like Georgia

1 Organics, the University of Puerto Rico, Organic
2 Growers' School, will provide transitioning
3 farmers like Paul formal paid and sustainable
4 mentorship from certified organic producers.

5 The second piece is community
6 building. And Hearts of Harvest, they just
7 attend fact-to-face networking opportunities and
8 they host events on their farm. You also just
9 see them out at market and you'll see their
10 produce at community events.

11 And organizations like ASAN in Alabama
12 and SAAFON, who cover the Southeast will continue
13 to build community with their producers in
14 similar ways, hosting on-farm gatherings and
15 connecting their producers with resources.

16 The next part is technical assistance
17 and training. In Hearts of Harvest, their crew,
18 their farmers, they trust their service providers
19 and they share the challenges that their farms
20 face but also the on-farm solutions that they
21 develop. And that informs field days.

22 Later today, you'll see a photo of a

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1 field day that Paul and I were at just a couple
2 weeks ago. And that trust just build better
3 resources, better education. And some of our
4 partners, like Florida A&M and NCAT, they have
5 that level of trust with their producers and they
6 collaborate to identify barriers, uplift
7 practical solutions and translate all these rules
8 and regulations into plain language.

9 And this level of engagement will
10 create producer-led and producer-informed
11 technical assistance resources and events that
12 are going to benefit our entire region and I
13 think the community nationally.

14 The last piece I want to touch on with
15 Hearts of Harvest is workforce training because,
16 you all, Hearts of Harvest cultivate this
17 positive and sustainable environment for their
18 crew. They educate future growers and they
19 provide great jobs.

20 And, like, word is out in our farming
21 community. People want to work at their farm.
22 And their high quality products, then, created

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1 and support jobs across the industry. There's
2 market staff, aggregators in all the jobs
3 involved in their future certification.

4 And partners like Emory Oxford Farm
5 and Valencia College, they're going to research
6 and provide the education and support needed to
7 help fill these vital roles across the organic
8 workforce.

9 And this is unrelated but very
10 important, is Hearts of Harvest farm strawberries
11 are like out of this world, delicious. And
12 Carolyn, you should know that their flowers --
13 well, everybody -- will take your breath away.
14 They are just beautiful.

15 And I want to end by saying thank you
16 to the USDA for providing this opportunity and
17 funding to meet the challenges that the organic
18 sector faces and to build stronger local,
19 regional and national organic communities,
20 communities committed to organic practices.

21 And this is not just me buttering up
22 the USDA's biscuit. Like, we truly believe our

1 partners and producers are going to create
2 long-term meaningful change.

3 And so with that, I'll pass the mic to
4 Donn Cooper and then Shandrea and Roland and then
5 Michael and Paul. So thanks, you all.

6 MR. COOPER: Good morning, everyone.
7 I don't have any slides. I just want to give you
8 a brief introduction to the Georgia Organic
9 Peanut Association. Good morning. Thank you for
10 having us here today.

11 My name is Donn Cooper. I am the
12 former Programs Director for the Georgia Organic
13 Peanut Association, GOPA for short. We are a
14 not-for-profit farmer-owned cooperative organized
15 here in the state.

16 I work alongside my wife, Perri, who
17 unfortunately could not be here today. We do
18 have a name for her. And my wife and I, apart
19 from, we fell in love working on organic peanuts.

20 And so this is a dream come true to be
21 able to present to you about this today. She's
22 actually at home with our 10-month-old baby.

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1 Otherwise, I know she really wishes she could be
2 here.

3 Unfortunately, not only could she not
4 be here today but neither of our farmers could be
5 here as well. Our board members are all farmers.

6 They are back in southwest Georgia and they are
7 preparing their fields and prepping to plant over
8 the next couple weeks.

9 The cooperative was formed in 2019 to
10 help farmers market certified organic peanuts and
11 other commodities. Georgia's the largest
12 peanut-producing state in the U.S. but until GOPA
13 there were no organic peanuts being grown
14 commercially at scale in the state.

15 We are very much a startup
16 organization with all the promise and problems
17 that you can imagine. But individual farmers and
18 supporting groups such as Georgia Organic have
19 been working for over a decade to bring this
20 industry to fruition.

21 There's still extensive work to do and
22 we are grateful to a part of the TOPP initiative

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1 to help move certified organic agriculture
2 forward in Georgia and the region. GOPA
3 purchases certified organic peanuts from farmers
4 in Georgia, Florida and Alabama. It aggregates
5 that crop and it has it processed through
6 shelling and blanching and then markets the final
7 product. It sounds very simple but nothing could
8 be farther from the truth.

9 The certified organic supply chain
10 would not exist without the efforts of GOPA and
11 its farmers but it is still extremely fragile.
12 There's currently only one certified organic
13 seller in the state. Obviously, if they lose
14 their certification, there is no organic peanut
15 industry.

16 And further, processing is very
17 limited. And organic peanut production in the
18 subtropical environment of Georgia presents some
19 very daunting challenges, some which are so
20 daunting, in fact, that our farmers have walked
21 away from fields in the middle of the season
22 because there was no -- they could not harvest

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1 the peanuts.

2 Our farmers are fortunate to yield a
3 quarter of what the best conventional peanut
4 grower can yield in Georgia. And it would be --
5 it's very good if we can get a ton an acre. And
6 a very good conventional peanut farmer will grow
7 8,000 pounds an acre.

8 Facing these issues to the organic
9 industry and to the organic systems, GOPA's
10 mission and work is as much about outreach and
11 education. Certified organic peanut production
12 presents an opportunity for beginning, smaller
13 and under-served farmers to enter the market and
14 to maximize their revenue.

15 However, there is a very steep
16 learning curve, particularly with regard to
17 seeding and weed control. And we need mentoring
18 and education-led and farmer-led research and
19 innovation for both new farmers and transitioning
20 farmers.

21 We need to continue our research,
22 processors and the supply chain to educate them

1 about organic certification and the demand for
2 organics in general. Lastly, we must continue to
3 invest in farmer-led research to develop
4 productive crop rotations and resilient organic
5 systems in our soils and our climate.

6 TOPP will enable us to do this work.
7 And we want to thank Florida Organic Growers for
8 including us in this exciting project.

9 CHAIR POWELL-PALM: And to the Board,
10 if you have questions for our speakers, let's
11 take them in real time. Go ahead, Jerry.

12 MEMBER D'AMORE: Thank you. I'm
13 sorry, I sort of zoned out when you went over the
14 statistic of pounds per acre between conventional
15 and organic. And it struck me, what I did hear,
16 as it being pretty phenomenal. Could you repeat
17 that?

18 MR. COOPER: A good conventional
19 peanut farmer in the state will grow 8,000 pounds
20 an acre. And if we're lucky, 2,000 pounds --
21 very, very good farms 3,000 pounds.

22 And just very briefly, our basic issue

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1 are weeds. Our weeds are unbelievable in
2 southeast Georgia and we have no effective
3 herbicides. So we have to get a stand, very
4 good. That needs to spread and we have to
5 mechanically cultivate quite a bit.

6 And the last couple years, it's rained
7 30 days straight in June and July. And that's no
8 --

9 MEMBER D'AMORE: Thank you. That's an
10 uphill battle you got there.

11 MR. COOPER: Yeah.

12 DR. STALLWORTH: Good morning. I'm
13 Dr. Shandrea Stallworth with Rodale Institute.
14 And I serve as our southeast organic consultant.

15 First, I want to thank Billy Mitchell
16 for including Rodale Institute in this
17 partnership as we continue to build organic in
18 the southeast.

19 I come from a weed science background
20 so hearing our farmers discuss the pressures that
21 happen in the southeast, I'm very familiar with
22 it. I trained at Mississippi State University

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1 where I worked directly with weeds in developing
2 and identifying genes that we can use instead of
3 applying herbicides in fields.

4 We know that we have a large amount of
5 competition that exists. And Rodale Institute
6 saw the value in the skills that I brought and
7 decided to bring me on as a consultant.

8 So unfortunately, my slides did not
9 make it in, but with the southeast TOPP program
10 we will be offering 450 hours of technical
11 service to our farmers. These services cover a
12 wide range of consulting services from
13 agri-economic assistance to site visits to help
14 our farmers get ready for certification.

15 Our consultants have been trained by
16 Nate Powell-Palm in organic inspection. That's
17 one of the things that we value and stand on, is
18 that our consultants know what is needed to be
19 certified. And we want to be able to have that
20 hand for our organic producers.

21 In my slides, you would see my team
22 has now grown to 13. We're very young. We have

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1 been with Rodale now going on four years. And in
2 those four years, we've gone from two consultants
3 now to what you see here in the photo. And we
4 recently added one in the last three months.

5 Ben will be servicing our Iowa area.
6 And we try to place our consultants anywhere that
7 we have a south -- or a organic resource center.

8 So right now we have five of those across the
9 U.S.

10 You see our concentration in the
11 northeast, so we have two of those, one in
12 Pennsylvania where we're headquartered. We have
13 our Poconos research center that does a lot of
14 our hemp research.

15 Here in the southeast we're focusing
16 on vegetable production and identifying what
17 varieties do well for our organic producers.
18 We're also trying to reduce the use of plastic
19 mulch in organic production. We have a number of
20 grants that are being serviced outside of our
21 Southeast Organic Center. That's located less
22 than 25 minutes from Atlanta.

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1 We have these that range all the way
2 over to our newest acquisition with our Pacific
3 Northwest Center that we will be now developing.

4 And so one of the great things about this is
5 that Rodale is also a part of the TOPP
6 discussions going on across the U.S.

7 And so we're happy to be here and be
8 able to help our farmers understand the NOP and
9 help them succeed in a way that we know they can.

10 And being in the southeast and recognizing the
11 challenges that come with organic production, I'm
12 just happy to be a part of it because the
13 southeast is home for me. Thank you.

14 CHAIR POWELL-PALM: Real quick, any
15 questions for Dr. Stallworth? All right, thank
16 you so much.

17 MR. McREYNOLDS: Good morning,
18 everyone. My name's Roland McReynolds. I'm
19 Executive Director with Carolina Farm Stewardship
20 Association.

21 Thank you very much to the National
22 Organic Standards Board, the National Organic

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1 Program for being here. Thank you all for being
2 a part of the meeting. And thanks to Florida
3 Organic Growers for involving our organization in
4 the Southeast TOPP Program.

5 Just a little bit of background about
6 Carolina Farm Stewardship Association. We are a
7 member-driven, we are a farmer-driven,
8 member-based 501(c)(3) nonprofit organization
9 serving North and South Carolina with a mission
10 to help people grow and eat local organic food.

11 We've been around -- next year will be
12 our 45th anniversary of existence as an
13 organization. And we provide a range of services
14 to support farmers and businesses entering the
15 markets for local organic products in the
16 Carolinas.

17 We actually began our organizational
18 history as an organic certifier prior to the
19 establishment of the National Organic Program.
20 And since the establishment of the program, we
21 have focused our work more in terms of education
22 and support for farmers.

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1 So, for instance, we host a couple of
2 different conferences annually for organic and
3 transitioning farmers including conferences that
4 are focused on small scale vegetable producers
5 and conferences focused on mid-scale commodity --
6 producers of organic commodities.

7 We support research and conduct
8 on-farm -- work with farmers to conduct on-farm
9 research activities such as variety trials. We
10 run an organic certified farm incubator in the
11 Charlotte, North Carolina area, the Elma C. Lomax
12 Research & Education Farm. And that is also a
13 facility where we conduct some of our
14 participatory research programs.

15 We're a partner in a couple of
16 different climate-smart commodity partnerships to
17 further advance that research in the southeast.
18 And we provide a wide range of technical
19 assistance and consulting services for farmers in
20 North and South Carolina in terms of helping them
21 to adopt organic high-tunnel farming practices,
22 conservation practices, helping them to draft and

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1 develop organic systems plans.

2 We're certified as a technical service
3 provider with the Natural Resources Conservation
4 Service, and have done that for at least seven
5 years, to support farmers.

6 So our role in the Transition to
7 Organic Partnership in the southeast is as sort
8 of a sub-regional convener for North and South
9 Carolina. The Carolinas have a constellation of
10 existing NGOs and land grant institutions that
11 have been working to promote organic agriculture
12 and support small-scale and mid-scale farms for a
13 long time.

14 A measure of that success that, in the
15 past, it has been the growth of organic
16 agriculture in North and South Carolina. And as
17 you may be aware, North Carolina is the eighth
18 ranked state in organic production -- by sales --
19 in the country and the leading state in the
20 southeast TOPP region for production for organic
21 sales.

22 What we're excited about with the

1 southeast TOPP program is that it is providing us
2 and those partner organizations greater bandwidth
3 for us to collaborate in a holistic manner to
4 further expand opportunities for organic
5 agriculture in North and South Carolina.

6 Issues that are collective have identified
7 in common that are necessary to support the
8 increased adoption of organic production,
9 especially for small and mid-size farms, is
10 supply chain infrastructure from increased
11 on-farm packing and storage for small-scale
12 vegetable producers to local organic grain
13 marketing facilities -- I'm sorry, my notes are
14 kind of scratchy here -- and as well as
15 independent livestock and poultry processing
16 capacity.

17 As well, other issues that we are
18 looking forward to addressing for the program are
19 increase in small and mid-scale farms' access to
20 conservation program funding that supports the
21 transition to organic, providing farm business
22 decision support tools that allow farmers to sort

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1 of pencil out how they're going to be successful
2 in organic production and increasing access to
3 risk management tools that are scale-appropriate
4 for small and mid-sized farms in particular.

5 This programs presents a great
6 opportunity over the next five years. We're
7 really thrilled to be a part of it. And we look
8 forward to continuing to report to you all on the
9 progress. And I'm glad to take any questions.

10 CHAIR POWELL-PALM: Yeah, Amy then
11 Kyla, then Jerry.

12 MEMBER D'AMORE: Yeah, just a quick
13 question -- oh.

14 MEMBER BRUCH: Go ahead, no, no.

15 MEMBER D'AMORE: Oh, no, no, no.

16 MEMBER BRUCH: Go ahead.

17 CHAIR POWELL-PALM: We'll go Amy,
18 Kyla, Jerry.

19 MEMBER D'AMORE: No, no, please.

20 CHAIR POWELL-PALM: Go ahead.

21 MEMBER BRUCH: Okay, thank you so much
22 for your time today and your --

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1 MR. McREYNOLDS: Sure.

2 MEMBER BRUCH: -- information. You
3 mentioned about increasing access to risk
4 management tools. Can you define that a little
5 bit more for me, please?

6 MR. McREYNOLDS: You know, it comes in
7 different shapes. I was having a conversation
8 with a small farm operator just recently who I'd
9 been trying to talk to about, well, have you
10 looked at, you know, certain FSA loans or whole
11 farm revenue insurance.

12 And he said, you know, I can spend
13 \$800 on row covers to double row covers for my
14 crops and I will get more -- I will guarantee
15 more my production out of that than I will paying
16 for an insurance policy that may, if it pays,
17 will pay next year, after I file my taxes and
18 after I've already had to start farming for next
19 year.

20 So I think it's not just the insurance
21 tools and the loans. It's also how do we support
22 farmers to do practical scale-appropriate things

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1 that are more about their production systems,
2 supporting their production systems so they
3 reduce their costs of production and therefore
4 make it easier to adapt to the risks in
5 agriculture.

6 MEMBER BRUCH: Great, thank you. Yes,
7 I appreciate just kind of talking a little bit
8 more about the FSA component too. And one thing,
9 and maybe your group is exploring this already,
10 but for the FSAs they have this thing called
11 storage loans which is --

12 MR. McREYNOLDS: Yes.

13 MEMBER BRUCH: -- if you have
14 inventory -- okay.

15 MR. McREYNOLDS: Yes.

16 MEMBER BRUCH: Is it being looked at,
17 that these storage loans need to reflect
18 transition or where organic pricing they are
19 available to organic producers. However, they
20 default on the loan value of conventional
21 commodities. Is that a component that's being
22 looked at?

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1 MR. McREYNOLDS: It is and in
2 particular our experience in looking at that
3 program is more with respect to small-scale fruit
4 and vegetable producers. So where, you know, who
5 are going to be serving in an organic or a local
6 market, you know.

7 So it's a little bit more cut and
8 paste in terms of the cost. You know, a cool bot
9 and a nicer packing facility and better walls to
10 ensure a little bit longer life on the product is
11 what those folks are looking for.

12 But certainly, when you're talking
13 about grain storage facilities, you know, your
14 point is definitely something that -- you know,
15 at higher cost facilities. The folks we're
16 working with would love to go those micro-loans
17 with FS -- or farm storage facilities, less than
18 \$100,000.

19 MEMBER D'AMORE: Okay, thank you.

20 CHAIR POWELL-PALM: Kyla next and then
21 Jerry and then Carolyn. Did we have Kyla there?
22 I just -- it's okay.

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1 MEMBER D'AMORE: There's no way I'm
2 stepping in front of you, so.

3 MEMBER SMITH: Thanks, Roland.

4 MEMBER D'AMORE: Hi.

5 MEMBER SMITH: Hi. I wondered, you
6 spoke to being a TSB and also producers fill out
7 their OSPs. And so I wondered if you could share
8 your thoughts on the idea of the common OSP and
9 the benefits or lack thereof if you -- on the,
10 like the benefit that would provide the producers
11 for access for programs across the agency and
12 burden reduction and things like that. So any
13 thoughts?

14 MR. McREYNOLDS: Well, that's great.
15 I certainly didn't -- we did provide any
16 testimony on that subject in terms of written
17 comments to the Board previously. So I would say
18 that at our annual conferences in the past, we
19 have put on pre-conference workshops that, you
20 know, it's all-day intensive, how to fill out
21 your application and your organic system plan.

22 And it's only moderately useful

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1 because every certifier has a different form. So
2 we can certainly see some utility in terms of a
3 farmer's ability to pick amongst certifiers to
4 sort of eliminate that as one of the obstacles.

5 But, you know, I think there's a lot
6 more that we need to understand in terms of how
7 it would -- or learn from farmers in terms of how
8 that change would affect other aspects of their
9 operations.

10 CHAIR POWELL-PALM: Jerry, if you
11 would?

12 MEMBER D'AMORE: Thanks. Now I just
13 have got to question that matches all that drama.

14 I know North Carolina as a premier producer in
15 terms of both volume and quality of blueberries.

16 MR. McREYNOLDS: Right.

17 MEMBER D'AMORE: And I'd say the same
18 thing about sweet potatoes. What are your top
19 crops that you deal with?

20 MR. McREYNOLDS: Well, I'll put it
21 this way. About two-thirds of our farmer members
22 are diversified vegetable operations. And so,

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1 you know, and they are pursuing crop rotation and
2 so that is -- the majority of our members are
3 sort of operating in that space.

4 But certainly, you know, we have seen
5 there is a large sort of contingent of sort of
6 mid-scale operations in the Carolinas that, for
7 whom organic sweet potatoes, organic wheats and
8 organic tobacco are a very important sort of
9 rotational series. So that has been very
10 important to the growth of organic agriculture in
11 the Carolinas, sure.

12 CHAIR POWELL-PALM: Carolyn, please go
13 ahead.

14 MEMBER DIMITRI: Hi, Roland. You
15 really --

16 MR. McREYNOLDS: Hi, Carolyn.

17 MEMBER DIMITRI: -- covered so many
18 topics. But the one that grabbed my attention
19 was the on-farm research activities. And so I'm
20 interested in how do you develop those
21 partnerships and how -- do you follow the
22 standards for peer-reviewed research?

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1 And, I mean, I just think on-farm
2 research activity is really, like an important
3 way to feed into the OREI funding and these --

4 MR. McREYNOLDS: Right.

5 MEMBER DIMITRI: -- broader range
6 projects that could have wide-scale implications
7 for organic. So I wonder, some of my scientist
8 friends say things like --

9 MR. McREYNOLDS: Right.

10 MEMBER DIMITRI: Yeah.

11 MR. McREYNOLDS: So that's a really
12 interesting question. And I would say, I mean,
13 first of all, we -- many of our land grant
14 partners have some, you know, really excellent
15 OREI programs. And there's some really excellent
16 work going on in that regard at Clemson, at NC
17 State, at NC A&T and South Carolina State as
18 well.

19 Second, I would say that, for our
20 work, you know, we don't compete. We're not able
21 to compete for those sorts of grants. So it's
22 specialty crop block grants, right, that are like

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1 the main source for a lot of the things where
2 we're doing variety trials.

3 And, you know, that's not a lot of
4 money to do peer-reviewed research. And it's
5 really more focused and our emphasis is on
6 applied research, you know.

7 And actually, I mean, I will tell you
8 we did, one of the trials that we worked on that
9 both involved doing some trials at our Lomax
10 research farm and some on -- individual farms was
11 tomato grafting, right, taking heirloom root
12 stock and grafting it to, you know, hybrid roots
13 -- heirloom tomatoes grafted to heirloom root
14 stocks.

15 And, you know, the five-page report
16 that we produced on that was the most read report
17 by my Board of Directors of any report that we've
18 ever published because that was the kind of
19 practical information that they really love. So
20 we're very much focused on supporting applied
21 research.

22 MEMBER DIMITRI: And I just have a --

1 so one interesting thing I've observed is, if you
2 look at the results of the on-farm trials that
3 are done at universities and then you look at
4 what happens like from USDA data will tell us
5 really happens on organic farms, there is this
6 huge gap between like yields and cost of
7 production and everything.

8 And so I do think on-farm research on
9 real farms is a really important way to go. So
10 do you so, like a way ahead to maybe make that
11 more accessible to more farmers? MR.

12 McREYNOLDS: I think incenting our university
13 partners to do more of it -- there are
14 disincentives to applied research for land grant
15 researchers who are looking to, you know, advance
16 along the ten-year track.

17 And so -- because it's a pain in the
18 butt, right. You got seven different farms and
19 you want them -- and they all have to make sure
20 that they follow the protocol. So it's not --
21 you know, we have to make those incentives
22 stronger for academics to pursue that, would be

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1 our recommendation.

2 MEMBER DIMITRI: Thank you.

3 MR. McREYNOLDS: Sure.

4 CHAIR POWELL-PALM: Any other
5 questions for Roland? Thank you.

6 MR. McREYNOLDS: All right, thank you
7 all very much.

8 CHAIR POWELL-PALM: Appreciate it.

9 MR. WALL: Good morning. Just to
10 clarify, I'm not talking about TOPP. Is that
11 okay? Okay, cool. And I have 20 minutes. Is
12 that correct? Okay, cool.

13 I'm Michael Wall. Good morning. I'm
14 the Director of Farmer Advocacy at Georgia
15 Organics. I'm not talking about TOPP. Just want
16 to make sure you all are aware of that, although
17 I could talk about TOPP. I love TOPP. Excuse me
18 while I try to advance the slide.

19 DR. TUCKER: Guess that's a neat way
20 of saying talk about TOPP.

21 MR. WALL: TOPP is great. There we
22 go. Here's what I -- I'm talking about Ag in

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1 Georgia. I want to tell you a little bit about
2 Georgia Organics, a little bit about the history
3 of Georgia and what the state organic Ag is in
4 Georgia.

5 And just a heads-up, we will get into
6 a little bit of uncomfortable territory here.
7 We'll -- I'll feel it. You're probably feeling a
8 little uncomfortable. That's okay. The
9 uncomfortableness is also growth so embrace that.

10 Georgia Organics is a lot like CFSA.
11 Farmer Roots started in the 70s and officially
12 incorporated in 1997. There's roughly around
13 1,200 farmers in our network. When we have an
14 annual conference, which we did in February --
15 January -- earlier this year, we had about 500
16 farmers show up, so that's kind of an idea of how
17 big we are.

18 I have to disclose that I often copy
19 and paste Roland's great ideas and Karen's great
20 ideas for Georgia Organics. So I definitely
21 appreciate what they've done. We're very similar
22 organizations.

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1 Just some of the highlights about what
2 we do that focuses on farming, on farmers. We
3 have an annual conference, like I said. We have
4 an accelerated program which is a small cohort of
5 farmers. They get about \$10,000 for strategic
6 on-farm investments, access to business coaches,
7 soil coaches.

8 We do field days. We have a Farmer
9 Champion program. I hope when you're out and
10 about in town you'll see our Farmer Champion
11 sticker on the restaurants that you go to. We
12 have a -- one of my favorite programs is the
13 Kaiser-Permanente Bridge program. It provides
14 two years' worth of free health insurance for
15 eligible farmers.

16 And the Farmer Fund started out as a
17 natural disaster relief program and has now
18 expanded into emergency relief. So it can
19 include anything from the pandemic to medical
20 expenses. And during December we were hit by
21 Winter Storm Elliott, and through the Farmer Fund
22 we were able to distribute over \$250,000 to

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1 farmers who were hit very badly by that freak
2 cold storm.

3 So, yeah, that's an overview of what
4 we do. I'm not going to talk about Georgia
5 Organics a lot, but it does relate to what we're
6 talking about today.

7 So let me tell you a little bit about
8 me. I've been in Georgia Organics for 15 years.

9 I was a journalist for ten years before that.
10 Forgive me for that. And I'm a 7th generation
11 Georgia family farmer. So what does a family
12 mean?

13 I would consider myself a learned man
14 when it comes to agriculture, and my family
15 doesn't care. They do not listen to me. That's
16 what a family farmer means in my -- in fact, I've
17 been talking to you all for three minutes and 15
18 seconds and you all have graciously given me more
19 attention than my family does, so thank you for
20 that.

21 I've helped 30 farmers transition to
22 organic agriculture. I've helped dozens of

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1 farmers navigate NRCS and FSA. And I appreciate
2 you looking at me and listening to me about my
3 opinions on agriculture, so thank you.

4 So here's where we're going to get a
5 little bit more into the uncomfortable part,
6 certainly, for me. Seven generations, it sounds
7 really neat but it also means -- I'm going to
8 read this. Don't -- I don't want to read to you
9 all a lot but I don't want to get this wrong.

10 My ancestors used a captive labor
11 force of Africans and descendants of Africans on
12 their farms. I just wanted to prove I can read,
13 and I didn't want to get that wrong. That's
14 something that I carry with me in this work and
15 something I carry with me everywhere I do.

16 So now I'm going to give you some of
17 the history of Georgia. Founded as a colony in
18 1611 by Oglethorpe. From 1611 to 1751, slavery
19 was banned in Georgia. It was the only colony
20 that had it on paper, in the rules, that you
21 could not have slaves in the colony of Georgia.

22 That stopped in 1751. I don't have

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1 time to go over that, but it's a cool story. So
2 slavery takes root in Georgia 1751. 1776, we
3 have America. And then in 1793, the cotton gin
4 was invented in Georgia. I don't know if you all
5 knew that but it was not far from Savannah. A
6 lot of this stuff happened really close to the
7 coast.

8 And the cotton gin, as you history
9 buffs know, really accelerated, I guess,
10 monoculture, King Cotton, and with that came the
11 institution of slavery.

12 So when you look at these numbers you
13 can see that cotton was a bountiful crop for the
14 early United States of America and the colonies.

15 And that led to ever-increasing numbers of using
16 forced slave labor on agricultural lands. So
17 that's a big growth because of cotton.

18 And it wasn't just -- exploitation
19 took on many forms here. So I think we need to
20 acknowledge we're on land that used to be held by
21 the Cherokee people. They were relocated out of
22 the state in the Trail of Tears because of the

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1 Treaty of New Echota in 1835. One second. I'm
2 pushing the button.

3 The next slide will tell you that the
4 Trail of Tears was because of cotton agriculture.
5 So agriculture in Georgia started off exploitive
6 and it's still, I would say, in many ways
7 exploitive today. Thank you. Thanks, AV team.
8 Appreciate it. I didn't do that.

9 DR. TUCKER: It's needing it.

10 MR. WALL: Maybe, what do you want me
11 to say about TOPP? I'll just say it and then we
12 can -- thank you, Nate and thank you, Allison for
13 having me. Allison, I hope you feel better.

14 So this is a slide of counties in
15 Georgia and the southeast that show the density
16 of slave population per capita from 1860, from
17 the 1860 National Slave Survey.

18 Do you see that swooping line that
19 goes down from Mississippi, across Alabama and
20 then goes from -- that goes northeast from the
21 middle of Georgia? That's a pattern that you'll
22 see in other slides. And that's about geology,

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1 plate tectonics.

2 I wish I had time to tell you about
3 that. Maybe at the reception tomorrow night we
4 can nerd out over it. But please pay attention
5 to the brighter colors. The higher, the brighter
6 the color, the higher the concentration of slaves
7 in 1860, because that corresponds to StrikeForce
8 counties.

9 How many people in this room know what
10 a StrikeForce county is? The southern people
11 know what a StrikeForce county is, and Ms.
12 Tucker. I'm happy to see that.

13 So a StrikeForce county is a USDA
14 designation. And you can find it on the USDA's
15 website to varying degrees of ease, depending on
16 the administration and other programmatic
17 changes. But a definition of a StrikeForce
18 county, roughly, is 30 percent of the population
19 lives below 30 percent of the federal poverty
20 line -- and has for 30 years.

21 So this is entrenched poverty that
22 doesn't budge. It doesn't care if there's a

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1 republican in -- who's governor or president.
2 This poverty doesn't care if there's a democrat
3 who's a governor or a president. It's not
4 moving.

5 And I can't point to it right now, but
6 my family farmland is in StrikeForce counties.
7 That's where I grew up, in StrikeForce counties.

8 I didn't know they were StrikeForce counties at
9 the time.

10 But just imagine. I think, actually,
11 I'll paraphrase Amber Bell, who used to work at
12 the Southwest Georgia Project, Ms. Shirley
13 Sherrod's group in Albany, Georgia.

14 She said, people think -- when you
15 think about poverty in America, you'll think
16 about the Mississippi Delta or you think about
17 the Appalachian Mountains. And you don't think
18 about south Georgia because of Atlanta. But the
19 poverty in south Georgia -- and this is prime
20 farmland -- this is all farmland -- is intense
21 and not budging.

22 What does this have to do with organic

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1 agriculture? I'm getting there. So I also
2 wanted to point out that the water withdrawal
3 permits for Ag irrigation is in that same zone.
4 And I -- these two slides that you've seen and a
5 couple more were put together by Donn Cooper. I
6 totally stole them from him.

7 So you'll see the same swooshing.
8 This is glyphosate use in 2015. You'll see that
9 same swooshing pattern here in the dark areas of
10 glyphosate use in that predominantly row crop
11 part of Georgia where the StrikeForce counties
12 are.

13 There they are again. You can see the
14 shapes of the white area in the middle of the
15 StrikeForce counties in the bottom left,
16 southwest Georgia. That's around Albany. And
17 there's some factories and industry there that
18 aren't necessarily related to agriculture.

19 So I work on spreading the organic
20 industry because of the organic hot spots
21 philosophy, because of the research that found
22 that it makes a difference when it comes to the

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1 economics of a region that has enough organic
2 agriculture within a certain county.

3 So if you could see, like what would a
4 \$2,000 median income household boost mean to a
5 family in a StrikeForce county. I would mean a
6 lot. It would change lives. Poverty rate's down
7 1.35 percent in a StrikeForce would change lives.
8 It would change the state of Georgia.

9 It's not enough to lift them
10 completely out of poverty. But enough organic
11 industry with -- stacked with, say, the
12 recommendations of the USDA Equity Commission,
13 that would also have a longer lasting impact.

14 Say it was stacked with reparations.
15 True reparations for the state of Georgia would
16 mean justice for those StrikeForce counties.

17 Let me tell you about the organic
18 growth in Georgia. This is the organic industry
19 between 2012 and 2020, a 121.4 percent increase.

20 Our farms are pretty similar. Trying to advance
21 here.

22 The number of farms in the state of

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1 Georgia grew at a very commensurate rate. It's
2 125 percent growth in the number of certified
3 organic operations in the state of Georgia,
4 around the same timeframe. And TOPP is great.

5 DR. TUCKER: Those are farm sales.

6 MR. WALL: For the industry, yeah --
7 for the nation, not for Georgia.

8 DR. TUCKER: Oh, right.

9 MR. WALL: I know, yeah, that's Sed
10 Rowe and his buddy on our organic peanut field.
11 Sed Rowe's a celebrity. And that's Julia
12 Asherman in that, in the masked photo, who was
13 part of the panel yesterday.

14 So, yeah, similar growth between the
15 organic industry and sales and a similar growth
16 in the number of certified organic operations in
17 the state of Georgia.

18 So we're hoping for some of those hot
19 spots to happen in southwest Georgia, especially
20 around peanut processing.

21 So this is related but kind of
22 tangential. Lauren mentioned this yesterday in

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1 one of our groups. I don't know how or why but
2 for some reason 51 percent of black farmers that
3 are active in our network are land owners, which
4 is very similar to white land owners that are
5 active in our network.

6 That blew my mind. I don't know why
7 that is, but that is a crazy statistic and we
8 need to find out why that is and replicate it as
9 much as possible.

10 So that's true about land ownership
11 but when it comes to other things farm related,
12 our black farmers are behind white farmers in
13 terms of infrastructure, especially around cold
14 storage and post-harvest handling.

15 This is Georgia Organics' official
16 equity statement. Recognizing historic and
17 current injustices, Georgia Organics prioritizes
18 black services -- I'm sorry, prioritizes direct
19 services and resources to black, indigenous and
20 Latino/Latina farmers. That's the Georgia
21 Organics statement.

22 Georgia Organics uses the term equity.

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1 I would use -- my heart would tell me to use the
2 word justice. But I completely understand why
3 Georgia Organics uses the word equity. And I'm
4 okay with it.

5 So we do have some efforts that are
6 pointed towards equity. At least 50 percent of
7 our accelerator farmers must be BIPOC. We have a
8 Black Farmer Prosperity track at our conference
9 that is managed and led by black farmers with
10 Georgia Organics staff.

11 And then 25 percent of the cost-share
12 -- I didn't mention this, but in our organic
13 transition program we provide the remaining 25
14 percent cost-share to farmers their first year.
15 For BIPOC farmers they're able to access that
16 remaining 25 percent every year.

17 And on this slide I just want you to
18 see, this is the Farmers' Services team. I used
19 to be a part of the Farmers' Services team. Now
20 I do farmer advocacy. But these are the folks
21 that are working with our farmers on a daily,
22 constant basis. And they'll be at the reception

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1 Wednesday night. I hope you can meet them.

2 That's it. I'm early. I finished on
3 time. Before I introduce Paul, are there any
4 questions? Yes, sir?

5 MEMBER NANDWANI: Wonderful
6 presentation, lot of good information. Quick
7 question on cost-share. Are your slide one of
8 the showed Go Organic and mention about
9 cost-share. And just then about cost-share 25
10 percent.

11 So the question is, how much
12 percentage of cost-share you offer to organic
13 growers? I think the USDA Farm Services
14 insulate. I'm giving example in Tennessee's 50
15 percent because they reduced from 75 percent to
16 50 percent.

17 And I think I learned yesterday
18 something, that it can vary with the state to
19 state. I'm not sure. What can you tell us about
20 that?

21 MR. WALL: Yeah, it can vary a lot.
22 In Georgia, it's 75 percent, up to \$750, but you

1 have to apply twice. I understand that you don't
2 have to apply twice in other states.

3 So there are two application processes
4 that our farmers have to go through. They have
5 to do their paperwork two different times. One's
6 for \$500 and the other one's for \$250. But you
7 can access \$750 if you do it twice.

8 MEMBER NANDWANI: And the 25 percent
9 you mentioned in the last, that is only for the
10 first year.

11 MR. WALL: That comes from Georgia
12 Organics. That's not an FSA program or USDA
13 program. That comes from Georgia Organics'
14 private fundraising.

15 And that is for the first year for
16 non-BIPOC farmers so they can see, you know, how
17 the barrier reduced, not all the way down to
18 nothing. But the financial barrier is reduced
19 very much.

20 And then if they see the value,
21 hopefully, they'll stay in the program and remain
22 certified. For BIPOC farmers, they get that

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1 reimbursement at 25 percent every year.

2 MEMBER NANDWANI: Thank you.

3 MR. WALL: Yes, sir.

4 MEMBER QUARCOO: Now if you have to
5 mention one thing that we need to look at in
6 order to provide more resources and increase
7 participation for BIPOC farmers, what would it
8 be?

9 MR. WALL: Thank you. Thank you for
10 that question. I would recommend reading the
11 Equity Commission's recommendations. Have you
12 all done -- have you all talked about those yet?

13 MEMBER QUARCOO: Mm-hmm.

14 MR. WALL: I think I was -- just last
15 Thursday I was down in Albany with Ms. Sherrod at
16 the Southwest Georgia Project. And Dr. Dewayne
17 Goldmon, the Assistant Secretary for Racial
18 Equity at the USDA was there telling us how
19 they're going to implement those racial equity
20 recommendations.

21 The implementations -- the way they're
22 going to implement it, using the four regional

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1 hub models, it's very USDA and very questionable.

2 But, you know, it's better than nothing. But
3 the recommendations themselves are -- there's
4 value there.

5 I was hopeful when I read the
6 recommendations themselves. So I think -- I hope
7 the USDA, all employees, every program is really
8 leaning into those recommendations and thinking
9 hard about how to get that, get those
10 recommendations implemented sooner rather than
11 later and, you know, as thoroughly and as broadly
12 as they can.

13 DR. TUCKER: Could you highlight a
14 couple of them?

15 MR. WALL: The training for the staff,
16 especially the FSA staff, was a great idea.
17 There was -- might be getting it confused with
18 something I read that Nock recommended yesterday.

19
20 But I do believe racial equity
21 training for all USDA staff is a great idea,
22 especially the ones that are on the local level,

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1 the ones that are behind the doors when you open
2 the FSA office or the NRCS office at a county
3 level.

4 You can have, you know, a top-down or
5 a really great leader that's really committed to
6 anti-racism in DC and even at the state level.
7 But if it doesn't filter down to the county
8 levels, it doesn't do anything.

9 You know, some -- I've heard some
10 people say it's a new day at USDA. But behind
11 those doors, on the county level, are the same
12 faces.

13 MEMBER CALDWELL: Thanks for this
14 presentation, Michael. Can you talk a little bit
15 about the appetite for doing organic research at
16 Georgia's main grant universities, if there is
17 any? I just heard about weed control and
18 peanuts. It'd be great if one of the land grant
19 universities took that on.

20 MR. WALL: Yeah, we definitely need it
21 in cotton. So amongst the organic researchers
22 that I know, that I work with, they are very,

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1 very, very passionate. But I feel like -- I
2 think we -- so, I mean, conventional agriculture
3 dominates Georgia physically and politically.

4 And I think that is true in the land
5 grants. I think that is true when it comes to
6 extension. That's the way it is. And we're all
7 trying to build a patchwork of support services
8 to make up for that for organic growers.

9 We want to be organic extension. We
10 have some cohorts, you know, some partners in
11 crime within the land grants that are working on
12 organic research and doing it passionately. But
13 they're on shoestring budgets and they aren't
14 necessarily embraced and supported by the full
15 university.

16 I hope I can say that. I don't --
17 those are my observations. I don't want to put
18 words in their mouths, but they're super
19 passionate and they nerd out about the right
20 things, like the right kind plans, the right kind
21 of rotations.

22 But, yeah, I wouldn't say that they're

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1 embraced and supported and highlighted by the
2 conventional structure there.

3 CHAIR POWELL-PALM: Any other
4 questions for Michael?

5 MEMBER CALDWELL: Thank you.

6 MR. WALL: Thanks.

7 CHAIR POWELL-PALM: I have a quick
8 question for you, Michael. When you look at
9 those, the farm numbers that you presented, how
10 it grew from 72 to, I think it was 162 farms, as
11 we look to TOPP and the goal of getting more
12 organic acres into certification or more acres
13 into certification, do you feel like the current
14 organic farms are thriving or that we're missing
15 some key infrastructure?

16 And if so, what would that
17 infrastructure be? And how do we build a
18 resilient marketplace to both bring in new folks
19 but also support the folks who have already
20 transitioned?

21 MR. WALL: Thank you, Nate. No, I
22 don't think they're thriving financially. I

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1 think they're thriving in other ways. But I
2 don't think there's a thriving farm.

3 CHAIR POWELL-PALM: Good point.

4 MR. WALL: I don't think -- I mean, I
5 would call the reality of farming right now a
6 crisis. You know, profits aren't there. The
7 stability is not there. I mean, forget
8 prosperity and thriving. Just stability would be
9 nice, and that's a rarity.

10 But the truth is, it depends. So --
11 and it -- the closer you are to Atlanta, if
12 you're an organic farmer, the better. The
13 organic marketplace is -- and Athens marketplace,
14 that corridor is good for farmers. There
15 are restaurant sales. There are Atlantans and
16 Athenians who have disposable income and can
17 afford organic prices. But the further you get
18 away from Atlanta, the tougher it is.

19 The further you have to travel, the
20 fewer the -- I mean, if you look at the
21 StrikeForce counties, those people are not buying
22 or even thinking about organics in the Harveys or

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1 the Piggly Wigglys.

2 So -- and then what infrastructure we
3 need, so when it comes to talking to farmers
4 about transitioning to organic, they're not going
5 to do it if they don't feel financially stable,
6 if they're able to take a risk and try something
7 new.

8 But I think that's also true from the
9 consumer's perspective. If they aren't
10 financially stable, they're not going to try this
11 new thing. So economic development would grow
12 both consumer desire for organics and the ability
13 for a farmer to think about organic
14 transitioning.

15 I've spent a lot of time going to
16 StrikeForce counties and trying to recruit folks
17 to transition to certified organic. And there
18 are folks who -- they do it for a couple of
19 reasons. I have heard, I want to be organic so
20 that I can finally make money.

21 I've heard, I want to do this so that
22 I can take a stand and let my neighbors and the

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1 USDA know how I'm farming. I'm paraphrasing.
2 That's like 15 different farmers saying something
3 similar and putting those words together.

4 And then other people are doing it
5 because they see their neighbor doing it. And
6 they talk to their neighbor about it. Or they
7 see a farmer that they respected for a long time
8 do it and then they start thinking about it.
9 That has happened in peanuts in the past.

10 And what they need, I think they need
11 more markets like the Atlanta market. They need
12 consumers with disposable income who are willing
13 and able to afford organic produce. And it'd be
14 great if they had access to a local market, a
15 farmers market.

16 There's a lot of farmers markets
17 around here. But when you get outside of Atlanta
18 and Athens, the numbers go down a lot. There's
19 some. They're just not as plentiful and the
20 prices aren't as bountiful.

21 But the growing is just as good. The
22 soil's different. The pressures are different.

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1 But we can grow year-round in this state, in
2 almost every county, although it's getting hotter
3 and wetter and stranger by the day.

4 CHAIR POWELL-PALM: I have a follow-up
5 question from --

6 MEMBER HUSEMAN: I --

7 CHAIR POWELL-PALM: --Allison. Oh,
8 I'm sorry, Kim. Go ahead.

9 MEMBER HUSEMAN: Oh, okay. Is that
10 okay?

11 CHAIR POWELL-PALM: Yeah, totally.

12 MEMBER HUSEMAN: Okay. Hi, Michael.

13 MR. WALL: Hi.

14 MEMBER HUSEMAN: Can you speak to the
15 Farm-to-School program that was on one of your
16 first slides?

17 MR. WALL: A little bit. I wish I
18 could tell you everything about it. Right now,
19 the Farm-to-School program has shifted over to
20 Farm-to-Early Care Centers. And they're doing
21 some pilots called the Family Farm Share in Ware
22 County, Waycross, Georgia, where I was born.

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1 So that is working with local growers
2 and helping them with production, helping them
3 scale up, helping them with their post-harvest
4 handling and their food safety. And then
5 aggregating those -- that produce and providing
6 it for a very, very discounted price to families
7 at the Farm-to-Early Care Centers, which is
8 daycare. Those are daycare centers. That's the
9 thrust of it now.

10 But we also have lots of campaigns
11 that encourage Farm-to-School across the state.
12 October is Farm-to-School month and we pick out a
13 theme for kids to get really excited about. Some
14 of them have been, like Leave it to Spinach, Kick
15 it Kale, things like that, things that are to get
16 kids excited about.

17 Taste-testing in the cafeterias, the
18 school garden's kind of like the carrot to get
19 the kids and the new school nutrition directors
20 and the teachers excited about it. I can't
21 remember what the theme this year is. It was
22 super cute and I wish I could remember what it

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1 was because it was adorable. Oh, it was --

2 LAUREN: Pepperpalooza.

3 MR. WALL: Thank you. Yeah, I was
4 about to get -- Pepperpalooza. Thanks, Lauren.
5 Thank you.

6 CHAIR POWELL-PALM: As we visited a
7 couple of farms yesterday, I think Georgia
8 Organics members, Love is Love and Grateful
9 Pastures, a theme seemed to arise that there was
10 a lot of incubation from one member to the next
11 making kind of spawning more and more organic
12 farms that exist in this network where they're
13 supporting each other, buying and selling to each
14 other, forming new businesses together.

15 Do you have any thoughts on how -- or
16 if you already do -- how we can track that
17 effect, that networking effect that Georgia
18 Organics has had on the local food economy and
19 organic ecosystem as farms break off and
20 organically expand?

21 MR. WALL: That's a good question.
22 It's tough.

1 CHAIR POWELL-PALM: It's Allison so
2 I'll credit it to her.

3 MR. WALL: Makes sense, yeah. She's a
4 smart one. That is -- you're talking about --
5 and we struggle with this. We struggle with this
6 constantly, like impact tracking?

7 CHAIR POWELL-PALM: Mm-hmm.

8 MR. WALL: I believe, like the
9 networking that we have at our conference is the
10 most -- one of the most valuable things that we
11 offer. The social resilience of that network,
12 the Farmer-to-Farmer network, that is so
13 important and I have no idea how to track that.
14 I have no idea.

15 I need a sociologist and Ag economists
16 that can help us with that. So if you have any,
17 send them my way. Make sure they work for free.
18 It'll take five years.

19 CHAIR POWELL-PALM: Please?

20 DR. TUCKER: This is Jenny. I want to
21 thank you for saying that because you have the
22 program level, well, how are you going to track

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1 the impact of TOPP? And we're really encouraging
2 -- we're working on, okay, what are the numbers,
3 right, the metrics that we need to do.

4 But we're also really encouraging all
5 the partners to feed us stories, the real life
6 stories of those impacts. And I think your
7 region's already fed up some -- it is captured in
8 pictures. It is captured in those --

9 MR. WALL: Yes.

10 DR. TUCKER: -- more qualitative for,
11 you know, those of us who love sociology, that
12 balance between quant and qual of telling the
13 story and having the numbers.

14 And I think that's a real challenge
15 with TOPP, so appreciate that you said it's hard,
16 because it is hard. And I think saying it's hard
17 gives us an opening to start working on the
18 problem better, so thank you.

19 MR. WALL: You're welcome and, you
20 know, it would show up in some of the numbers,
21 like this farmer in Augusta inspired three or
22 four other farms to become certified organic.

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1 You'll see those, you'll see the number of farms
2 and you'll see the acreage come into that.

3 But besides just the acreage increase,
4 there is a safety buffer, a risk management
5 because of those relationships. And it happens
6 all over the state, yeah.

7 CHAIR POWELL-PALM: Any other
8 questions? All right, Michael, we really
9 appreciate your presentation.

10 MR. WALL: Thanks for having me,
11 appreciate it. About Paul, first time -- I mean,
12 Billy's already talked to him. But let me tell
13 you the first thing I thought when I met Paul,
14 which was at a food safety training that Billy
15 and I were doing together.

16 The first time I saw Paul, I thought,
17 what is Jason Momoa doing in this food safety
18 training? And I thought, don't make him mad.
19 He's so big. But he is the sweetest, nicest guy.

20 And Billy already told you a lot about him so --
21 and Paul's going to tell you a lot about his
22 great farm.

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1 MR. SORAH: It's a pleasure to be here
2 with everybody today. Thanks for all the work
3 that everyone's doing and hearing out some
4 problems and helping us try to find some
5 solutions here. See if this will cooperate.
6 There we go.

7 All right, we got -- my name is Paul
8 Sorah. My wife and I, along with our best friend
9 and business partner, Mark Golden, started Hearts
10 of Harvest Farm in 2018. We are in Arnoldsville,
11 Georgia. It's about 15 minutes east of downtown
12 Athens. We're in Oglethorpe County.

13 We are entering our sixth season. We
14 have a acre and a half at our home. And then we
15 purchased 108 acres and deer-fenced in the first
16 30 acres of that that we're expanding on now.

17 We are a diversified fruit, vegetable,
18 flower operation. We grow any vegetable that'll
19 grow in season. We grow lots of flowers. And in
20 the fruit world, right now we grow a lot of
21 strawberries but we are putting in like what I
22 would call a micro-orchard on our new property,

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1 focusing on growing organic fruits for kind of a
2 small market.

3 Right now, we're at two weekly farmers
4 markets on Saturdays. We're at the Athens
5 Farmers Market and then we do the Peachtree Road
6 Farmers Market here in Atlanta and Buckhead.

7 And we work with Fresh Harvest, which
8 is a subscription box service. They're providing
9 about 3,000 boxes delivered to people's doors a
10 week. And we're one of the farms that sells to
11 them.

12 And we have between 7 and 10
13 restaurants that we're working with and
14 delivering to on a weekly basis.

15 You know, when we started our farm,
16 the joke I tell is, like all I'd ever done was
17 kill houseplants. I was a -- I got my degree in
18 music and was a touring musician for ten years,
19 living all over the world in buses and vans and
20 planes and things of that nature.

21 And after about 10 years of that, my
22 wife and I were living here in Atlanta and we

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1 decided that it was time to change the pace and
2 slow down. So we moved out to Arnoldsville and
3 we were going to build a studio.

4 And then we were playing a music
5 festival at a guy named Jeff Poppen's farm and
6 The Barefoot Farmer. He's a fantastic guy. And
7 he gave me one of his books on organic and
8 biodynamic agriculture production.

9 And I started reading it and it just
10 began blowing my mind. It was like, opened up a
11 whole new world to me. And then I did the
12 typical U-2 wormhole and the Curtis Stone, the
13 Jean-Martin, the Conor Crickmore. Well, I can
14 make \$100,000 on a half an acre.

15 And the thing that those books don't
16 tell you is, Georgia's a lot different. The
17 weeds, the pests, the disease, the rain, the
18 waves, it's a whole experience. We literally
19 dumped our life savings into starting a farm and
20 we kind of haven't stopped since.

21 As I mentioned, our business partner,
22 Mark, he toured with me. And I called him one

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1 day and I was like, hey, why don't you move from
2 Nashville down to Arnoldsville and start a farm
3 with me?

4 He came down a week later and then the
5 week after that, he called back and he said, all
6 right, my wife signed off on it. We're coming.
7 And they lived in their -- with their
8 six-month-old baby in our house with my wife and
9 I and our three children for six months while
10 they were trying to get a house.

11 But we've been just really, really
12 getting after it ever since. You know, the
13 diversity of our production, I realized very
14 early that that was going to be critical for us
15 to have any shot at financial success because, as
16 you're all aware, the ebbs and flows of vegetable
17 production is -- it's quite volatile, to say the
18 least.

19 And for us, having flowers has been
20 one of the, like most crucial parts of our
21 business. It earns the best on a per square foot
22 basis. And the overhead of labor versus revenue

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1 return is a much better margin than the vegetable
2 production side of things.

3 So as we grew, our first year, you
4 know, we were doing about a half-acre. My wife
5 was pregnant, had our son in July and it was a
6 heck of a time. So I was really -- you see how
7 happy we were at the beginning. And then the
8 realities begin setting in.

9 But no, it's -- you know, we started a
10 half-acre, went to two, convinced my
11 father-in-law to buy a house a mile from our
12 house with eight acres on it. So we started
13 farming that. And then now we'll be 25 to 30
14 acres this year.

15 You know, and with that became kind of
16 the -- well, here's a few, the first truckload of
17 vermiculite and first high tunnel. I had a -- we
18 ordered a greenhouse and it showed up in my
19 driveway on a semi-truck. And the guy dropped it
20 off and said, I'll be back in a week. Good luck.

21 And I had never built anything in my
22 life so we started building a high tunnel in

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1 shin-deep mud in February. And that was its own
2 experience as well. Some pictures of our
3 displays and whatnot at markets, some nice sweet
4 potatoes, my wife's beautiful work with flowers.

5 Flowers have really expanded for us.
6 We started with just maybe a handful of beds but
7 now we've got over 2 acres in flowers in
8 production and we're doing wedding design and
9 markets and special events which has been a
10 really, really nice development.

11 Yeah, but kind of getting into the
12 upscaling piece of it is the labor which becomes
13 a big challenge because, you know, with the way
14 that I look at managing my farm is these people
15 are in my circle, you know, and my circle's
16 tight.

17 But when you're in, you're in. And
18 I'm very loyal and I take care of my people. We
19 pay well. We take care of them or if they are,
20 you know, sick and they need, we do whatever we
21 can to help them. But, you know, the cost of
22 labor and organic systems is a reality.

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1 And, you know, yeah, there are
2 machines that we're trying to invest in but those
3 can come at \$30,000 and \$40,000 a pop. And
4 that's kind of a big barrier that I feel like
5 that we've found, is in this hybrid space, we
6 were just straight farmers markets but now we're
7 expanding into a wholesale/retail hybrid.

8 And the processes and systems that you
9 need just for like a market production are
10 totally different than growing, you know, acres
11 and acres of wholesale.

12 So where we've tried to get to is
13 shrinking our full-time staff down and keeping
14 them on a very sustainable wage with a path for
15 financial growth moving forward while now trying
16 to be more strategic in our investments and to
17 infrastructure and tractor-based harvesting and
18 planting equipment that can help us eliminate
19 more of the kind of seasonal labor hours.

20 And on the bottom left is a picture
21 of us with one of our employees. She's been with
22 us for -- this is her fourth season now but she

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1 was diagnosed with Stage 3 breast cancer at 31
2 years old.

3 And within six weeks we put together a
4 huge concert at our farm and had the Drive-By
5 Truckers come out and play and a bunch of other
6 folks and ended up raising like \$15,000 for her
7 and her treatment in about a six-week period. So
8 that was cool.

9 Yeah, so I don't know. And I think
10 just echoing, too, I kind of had a plan but
11 didn't know this was going to be what I was
12 coming too. But I feel like this theme of
13 networking and community is a pretty powerful
14 thing and in our area, especially, because like,
15 when I started, I knew nothing.

16 I was just reading books and watching
17 YouTube videos. But there's like five or six
18 really solid farms in our Athens area, and
19 they're really good people. And I've learned a
20 ton from them. We're always kind of sharing
21 information and throwing in on bulk orders and
22 trying to keep our costs down and, you know,

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1 helping each other when we can.

2 And then that extension too, to like a
3 group like Georgia Organics, who've been so
4 helpful for us, well, you know, we lost over
5 \$100,000 in two nights, basically, in the storm
6 in December.

7 And, you know, when they stepped up to
8 provide assistance, it was like, they're the only
9 people that did anything for us. And that was a
10 pretty dark time.

11 And then, you know, the accelerator
12 program, we were a part of that, which we
13 transitioned into growing some mushrooms as well.

14 We have a indoor mushroom production and that's
15 something that's really nice that we can produce
16 year-round, 365, climate controlled. The
17 same with our indoor micro-greens production,
18 indoor, under lights year-round, 365, just trying
19 to build in some layers of revenue that can be
20 resilient against the ebb and flow of what our
21 business really is.

22 Strawberries. We do have a bunch of

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1 blueberries we planted too. We're waiting on
2 them to come along. Yeah, we planted about
3 10,000 strawberries this year. So finally
4 they're starting to come along.

5 And then, you know, the planning for
6 the future through the accelerator program with
7 Georgia Organics, we got to work with Ellen
8 Polishuk who's just incredible. She's such a
9 great mentor to us. She's really helped us in
10 this transition to a retail/wholesale model.

11 You know, the reality though, the
12 investments of taking a brand-new piece of land
13 with zero infrastructure and bringing it into a
14 farm, you know, it gets pretty intense.

15 And we did work with the USDA and FSA
16 on our real estate loan and our infrastructure
17 loan. But, you know, those things can be
18 challenging too with the amount of time that it
19 takes to have those things go through.

20 But nonetheless, we are grateful. We
21 got our deer fence up, a really good well. And
22 our wash/pack is being built now so that's kind

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1 of where we're at. And, well, back, I guess.

2

3 CHAIR POWELL-PALM: Well, thank you.

4 MR. SORAH: Yeah, yeah. Thank you
5 all. Thank you. Yeah, if anybody's got --

6 CHAIR POWELL-PALM: Go ahead, Logan,
7 your question.

8 MEMBER PETREY: Hi. Thank you, Paul.

9 That was --

10 MR. SORAH: Yeah.

11 MEMBER PETREY: It was great. Got a
12 question. Do you use plastic mulch?

13 MR. SORAH: I do.

14 MEMBER PETREY: Okay, so that's a
15 material for sunset. And there's a lot of debate
16 about that and the importance of it. And could
17 you state what kind of an impact it would have on
18 you if we did not have plastic mulch as a
19 material?

20 MR. SORAH: Well, I know, you know,
21 there's just certain crops that -- I don't know
22 how you'd do it.

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1 MEMBER PETREY: Which crops?

2 MR. SORAH: I would say anything
3 that's going north and south, right, like if
4 you're talking about twining or stringing or
5 fence method tomatoes, you know, you could get in
6 there with a tractor-based cultivation system for
7 maybe two or three weeks.

8 But once those plants hit this, you
9 know, they're hitting the tractor and then --

10 MEMBER PETREY: Yeah.

11 MR. SORAH: -- you're talking about
12 either having to set up your spacing, you know,
13 eight feet apart to where you could get a tractor
14 between the rows. And then you're giving up an
15 entire bed of production or paying people to
16 physically go in and scuffle hoe. And that's
17 just like the worst use of funds ever, is manual
18 weeding.

19 You know, we've invested into a, like
20 a old belly-mount cultivating tractor. And this
21 year we're experimenting with some stuff on a
22 tractor-based cultivation system. But, yeah, I

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1 mean, like tomatoes, eggplants, peppers, you
2 know, it'd be tough.

3 MEMBER PETREY: Yeah, and I've never
4 even considered the -- or thought about the
5 clearance on the tractors that you don't have and
6 the cultivators to reach that, so that is a great
7 point.

8 Another question, how do you clean
9 your carrots? They are so clean. I'm a carrot
10 farmer and I can't -- I mean, that takes --

11 MR. SORAH: I just -- I've got a --

12 MEMBER PETREY: It takes some work.
13 That's hard. I'm just going to tell you. I
14 mean, I -- you have to scrub them for pictures
15 for sales and all that, so I'm impressed.

16 MR. SORAH: Yeah, we just -- we got
17 one of those high pressure nozzles and just --

18 MEMBER PETREY: Man, that's --

19 MR. SORAH: -- blast them off.

20 MEMBER PETREY: It's good though.

21 MR. SORAH: I'm pretty anal about my
22 roots being super clean.

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1 MEMBER PETREY: Yeah, I can tell.
2 It's a lot of work.

3 MR. SORAH: I mean, that's why -- and
4 when you got those things stacked up at market,
5 like that's -- as long as you got the stacker
6 coming in all day.

7 CHAIR POWELL-PALM: Franklin, go
8 ahead.

9 MEMBER QUARCOO: I don't know whether
10 I heard you correctly, but did you say that some
11 of the existing farmers added you to their bulk
12 purchases when we're buying something? Because
13 for a smaller, limited resource farmers, a number
14 of times they are so small, if they have to buy
15 their materials in small quantities, that makes
16 the cost of production even higher for them.

17 So are they, apart from existing
18 farmers, this kind of network, adding you to the
19 bulk purchases. Are there other things that you
20 think would help small, limited resource farmers
21 to have an easier time getting into organic?

22 MR. SORAH: Yeah, I think just

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1 organizing any kind of community-based
2 cooperative seems to be very effective. You
3 know, we just did an order with Georgia Organics
4 where we all threw -- in a bunch of farms bought
5 these slings of potting soil and seedling mix.

6 And we were able to get the cost down
7 like 40 percent, I think, on the bags. And then
8 it cut the shipping in half. And Georgia
9 Organics facilitated the order, had it dropped
10 off at a location, had a forklift there and
11 loaded up everyone's trucks or trailers as they
12 came.

13 And, you know, that's a -- I think we
14 ended up paying like \$250 for a yard. And if I
15 would have just bought the yard myself and had it
16 shipped it was going to be like \$380. So, you
17 know, 130 bucks is, if you're going to go through
18 five or six yards a year, that adds up.

19 CHAIR POWELL-PALM: Could you, Paul,
20 speak a little bit more to this idea of building
21 cooperatives and building, buying and selling
22 power?

1 It seems like this was, again, a
2 through-line, Love is Love. That's a formal
3 cooperative. Have you explored becoming a formal
4 cooperative? Or what resource did you feel like
5 you need to further that evolution of building a
6 stronger more resilient network?

7 MR. SORAH: That's a good question.
8 You know, I think with all of us, there's like a
9 few of us in the area that are going into this
10 place of beyond like 5 to 7 acres, that are going
11 into this place of 25, 30, 40 acres of
12 production.

13 And the reality of that is the note on
14 the land. You know, like if you have to generate
15 a ton of revenue to do that. But I think it's
16 difficult, like for us evolving into this place
17 not really knowing how to access those aggregates
18 or how to access a distributor who could get our
19 food out further into different areas.

20 And then, you know, when we're -- for
21 us, like 25 and 30 acres feels huge right now.
22 But in the grand scheme of like farming in

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1 America, like we're just a garden to people
2 still. You know what I mean?

3 Like, so to be able to provide organic
4 food from actual, like real local farmers in the
5 community, I think it's, like we have to almost
6 look at each other's farm as part of the greater
7 farm and trying to find a way where we could pull
8 five or six farms together as a cooperative and
9 then have like an aggregate help us organize crop
10 planting to where we could be a larger
11 distribution model.

12 But, you know, if someone needs 5,000
13 lettuce heads, well, that's -- if four people
14 could contribute 1,250, you know, that's a little
15 more economical. But when I think you start
16 getting into some of these numbers, it forces you
17 into a more like narrow production model because
18 you need to invest in specific equipment that
19 plants and harvests this specific thing as
20 efficiently as possible for it to be profitable
21 at a wholesale margin.

22 So I think developing a cooperative in

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1 that way, which I know there's something like
2 that in North Carolina with New Sprout because we
3 buy all of our potato seeds from them. But the
4 other side of their business is like a
5 cooperative of multiple large organic farms. And
6 they're distributing to grocery stores all up and
7 down the East Coast.

8 But we don't have that thing here in
9 Georgia.

10 CHAIR POWELL-PALM: Go ahead, Logan.

11 MEMBER PETREY: A question on the
12 cooperative, like when you're saying -- so right
13 now you're very diverse. And if you were to join
14 with other farms, one thing that I think you do
15 have to stay is diversified for your own sake.

16 But you're right. You do have to
17 simplify if you're going to scale up, you know,
18 for the equipment. Do you think that that could
19 be a problem or something that we just need to be
20 aware of, that we don't need you to just become a
21 lettuce farmer?

22 Because you still need the rotation,

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1 the crop rotation. Because I feel like if you
2 start joining then everybody would be like, well,
3 you're really good at doing radishes so we're
4 just going to let you do all the radishes.

5 Yet, you really need that diversity
6 within your own farm for you to be -- I feel like
7 that when you start segregating that, that can
8 potentially be a problem.

9 MR. SORAH: Absolutely, and that's one
10 of the challenges I feel like we're facing right
11 now, entering into this hybrid model. Of, like
12 we're going to do our farmers markets, right,
13 because the Buckhead Market at Peachtree Road is,
14 I mean, incredible.

15 We -- that's a fantastic market for
16 us. And we need that diversity. We need that
17 not only for sales but just diversity for the
18 health of the farm and the health of the soil.
19 But then kind of like looking at my farm as,
20 okay, this seven acres, I'm thinking of as like
21 my high-rotations diversified market/restaurant
22 production.

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1 And then maybe I'll have this 10 acres
2 in one-acre blocks on high rotation and cover
3 cropping which would be like so essential to what
4 we're doing as the cover cropping piece, like to
5 where we could still remain diversified and
6 collaborate where it's not like I'm just growing
7 radishes.

8 It could be like, all right, I'll take
9 radishes April, Week 1 and you take radishes
10 April, Week 2 that --

11 MEMBER PETREY: Maybe you could share
12 equipment too.

13 MR. SORAH: Yeah, it's -- and then,
14 you know, the infrastructure that comes into
15 place when you're trying to produce on like a
16 large scale like that, growing your farm, you
17 know, is the packing, you know, being able to
18 wash and pack efficiently that much produce.

19 And then if it's not just being field
20 packed or picked up the day of harvest, you know,
21 it's storing that and having the proper cold
22 storage for food safety and shelve life and

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1 quality of product. I think those are kind of
2 big barriers there.

3 CHAIR POWELL-PALM: Franklin, go
4 ahead.

5 MEMBER QUARCOO: Yes, I am
6 particularly interested in what you have to say
7 about cooperatives. The problem with a number of
8 cooperatives is that they are, from what I have
9 observed, they are not able to stay together for
10 long.

11 People form cooperatives to take
12 advantage of some of these benefits you've talked
13 about. But they just fall apart. Most of the
14 time the technical assistance we give them, we
15 tell them how to manage best how to do this.

16 But we sort of ignore group dynamics
17 training. How do you stay together as a group,
18 conflict resolution. I mean, contracts that
19 ensure that things are done properly.

20 So I think that with all these
21 cooperatives and things that we want to do to
22 help small farmers, I think that there is more

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1 need in terms of technical support and training
2 to make sure they stay together.

3 Do you see that? Have you come across
4 cooperatives that, they come together for the
5 right reasons but they are unable to stay
6 together?

7 MR. SORAH: Yeah, I do and it may just
8 be a shift in what we think of as a cooperative
9 or how we're defining it or identifying it, you
10 know. Because, for instance, with Fresh Harvest,
11 which is a company we work with, they do home
12 delivery of subscription boxes, over 3,000 boxes
13 across Atlanta. They deliver every week, right.

14 And there's like ten of us farms that
15 grow with them and sell to them. And we crop
16 plan and they pay fair prices and they take the
17 product. They handle all of the boxing,
18 packaging and delivering, right.

19 So it's not like it's official but it
20 is, like we are all working together to supply
21 this company and the Atlanta community with food.

22 And so I think like maybe that hub piece is kind

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1 of what's important because, like there are
2 growers in my community where we're not going
3 anyway.

4 You know, we're entrenched into this
5 business and we're growing. We're growing on
6 scale. And I think if the hub piece is there and
7 the ability to distribute more and more product,
8 I don't think a farm -- the farms in my community
9 wouldn't turn down or get out of that situation
10 because that's what we're all looking to do, is
11 expand and sell more and be able to move more
12 product.

13 And, you know, the group dynamics of
14 it, I think that's always going to be a thing.
15 And maybe there needs to be more technical
16 assistance and research done in how to make that
17 effective.

18 But for us to be able, I think, see
19 the financial future that farms like us need to
20 not only just pay the mortgage and hope and pray
21 to make a dollar but to actually thrive
22 financially is going to be this access to

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1 distribution that's not just all tied to large
2 farms on the West Coast.

3 CHAIR POWELL-PALM: Other questions
4 for Paul? I just have a quick question for you,
5 Paul. What is the value that being certified
6 organic brings to your farm? How would you
7 describe why organic?

8 MR. SORAH: Well, we're actually
9 putting our new property in certified. We --
10 I've been operating under the NOP OMRI organic
11 standards since the very beginning.

12 But honestly, when we were starting
13 our farm and really up until this year, it's just
14 been a little overwhelming for us on a data
15 paperwork piece of it where it, you know, we have
16 -- it's just that piece has just been very
17 intimidating for us.

18 And when you already feel like you're
19 burning at both ends and working 60 hour weeks
20 and then you want to like, you know, like -- you
21 got to come in and input data, you know.

22 So we've been certified naturally

1 grown but are now working transition in the new
2 property and organics with the state of mind for
3 that wholesale distribution and the reality of
4 that price point difference of having the
5 certification and the label and what that means
6 in the wholesale marketplace compared to -- even
7 if you operate organically but you don't have a
8 label, you're just still going to be getting
9 conventionally price points.

10 CHAIR POWELL-PALM: Thank you.

11 MR. SORAH: Yeah.

12 CHAIR POWELL-PALM: Any other
13 questions for Paul? I want to hand it over to
14 Jenny real quick.

15 DR. TUCKER: I just want -- I want to
16 thank the entire Welcoming Panel for being here.

17 The TOPP investments are designed to really
18 harness the power of partnerships that are
19 already there and that have already been working.

20 And I think that -- this really
21 illustrates why the program was able to stand up
22 quickly, is you already had those relationships

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1 started and so to come here and share the
2 richness of your experience today, I invite all
3 of us around the table and folks at home.

4 These are the folks were serve. So
5 let's give them a big round of applause.

6 CHAIR POWELL-PALM: Thank you so much,
7 Paul.

8 MR. SORAH: Sure.

9 CHAIR POWELL-PALM: Really appreciate
10 your time.

11 MR. SORAH: Absolutely.

12 CHAIR POWELL-PALM: So we are up to
13 the Secretary's report. Madam Bruch?

14 MEMBER BRUCH: Okay, fellow board
15 members, so happy to be with you in-person today.

16 And we're going to tackle the meeting minutes
17 from our October meeting. You all have received
18 the minutes from our meeting that occurred in
19 October of '22. Does anybody have any
20 corrections or concerns from these minutes?

21 All right, seeing none, they are
22 approved as written. Thank you.

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1 CHAIR POWELL-PALM: All right thank
2 you. Short and sweet, moving right along. When
3 -- I'll just give a quick Chair report and then
4 we'll break. So we're doing well on time.

5 The day before I left for Sacramento
6 it snowed in Montana. And it has not stopped
7 snowing, even till now. And I think all of my
8 fellow westerners can sympathize with it's been a
9 really cold, hard winter.

10 It's been hard to keep calves alive.
11 It's been discouraging not being able to get into
12 the fields. And we, as a Board, have gone
13 through a lot over this last six months. It's
14 been a very dynamic and challenging time.

15 And I look to all of my fellow board
16 members as examples of how we embody resilience.

17 And I think that there's something to be said
18 when we were on the farms yesterday talking to
19 Love is Love and Grateful Pastures. And they
20 were talking about, if you're not a sustainable
21 business there's no way you can be a sustainable
22 farm.

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1 And I think if we're not a sustainable
2 Board, there's no way we can be a sustainable
3 industry. And I think over the past six months,
4 we've been able to prove that, through
5 challenging times, by holding space for each
6 other and being really concerned and empathetic
7 and conscientious of the work and the sacrifice
8 and the time that this board takes, we've come
9 through a lot.

10 And I want to give a really big
11 shout-out to our former colleagues, Liz Graznak.

12 As you see, we have two new resource
13 conservation people, one Nate Lewis and one
14 Franklin Quarcoo.

15 And Liz came from a very dynamic
16 vegetable production farm. She's growing her
17 operation, a first generation farmer. And at the
18 last meeting, she came to leadership and said,
19 this is great. This Board's incredible. And I
20 just don't have time for it.

21 And I think that's the embodiment of
22 the sacrifice and bravery that it takes to truly

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1 serve this community. And I want us all to just
2 recognize that Liz served us so well and then
3 handed off the baton when the time was right so
4 that we could keep going and the community could
5 be served.

6 And I think that is something that we
7 don't talk about when recruiting, that it might
8 not be the right fit when you get here and how do
9 we, through the whole process, make sure that
10 everybody knows that we are grateful for all of
11 your service and it's all right if it's too much.

12 But I think that that is -- the fact
13 that were all still here, that we have such great
14 new members and that we've returned after such a
15 long, hard winter is the fact that this community
16 is going to last.

17 And it's really going to stick it out.

18 And I think we get like wonderfully contentious
19 in our public comments. We have such great
20 transparent debates. And we all land in the same
21 spot together.

22 And I that that is something that has

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1 been a long time coming. But it's also evidence
2 that the work we're doing is in the right
3 direction. And we are really putting our best
4 foot forward.

5 And so I want to thank you all, to the
6 community but especially to my fellow board
7 members, really, really grateful for how much you
8 put into this work and to the program.

9 I think that we spent a lot of our
10 lives in organic, protecting what we saw as our
11 seal in a way from the USDA, that we weren't sure
12 about USDA as a partner. And I think that we
13 have an incredible partner in Dr. Tucker. And --

14 MEMBER CALDWELL: How about just,
15 here, here.

16 CHAIR POWELL-PALM: And I would just
17 encourage everybody, we might -- we won't always
18 have her. And even though she can't get
19 everything done that we want to get done and the
20 program can't do everything and be everything to
21 everyone, it can get a lot done.

22 And I think taking that really to

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1 heart, that we have an incredible partner in the
2 current program and how can we get as much done
3 as we possibly can in the time we're given.

4 So I encourage you all to bring your
5 big ideas. Now is the time to think really big
6 of what do we want to accomplish together and
7 figure out -- do your homework -- how can we, as
8 the Board, serve you, where can we work, where do
9 we need to go to the Farm Bill, where do we need
10 to build coalitions to create selling and buying
11 power amongst growers.

12 Who has the right skill set and the
13 right authority to certain work? But we can get
14 an incredible amount done together. And then the
15 folks in this room, I think, are doing that work
16 as evidenced by everything we heard today.

17 So thank you. And let's take a little
18 break.

19 (Whereupon, the above-entitled matter
20 went off the record at 11:54 p.m. and resumed at
21 12:23 p.m.) CHAIR POWELL-PALM: So
22 next up we're going to start one of my favorite

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1 parts of every meeting, which is the Board's Q&A
2 with Jenny -- or when I cry, depending on how
3 Carolyn sees the meeting.

4 So to get kicked off as we work our
5 way back to our seats, this is one of my favorite
6 parts of transparency where we get to hear
7 directly from the program any questions the Board
8 has.

9 So we can start in any order, but did
10 you want to get it kicked off, Jenny? Please go
11 ahead.

12 NOS BOARD UPDATE

13 DR. TUCKER: Okay, I do have a short
14 presentation because I'm hoping we'll be able to
15 address some of the Board's questions through the
16 presentation.

17 Okay, and we're calling this Part 2
18 because Part 1 of the NOS presentation is in the
19 Learning Center. And so this is something we
20 kept from the pandemic that I think actually
21 works really well in the interest of what Nate
22 was just saying.

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1 We used to come here and talk for like
2 45 minutes during this meeting which left, what,
3 ten minutes for questions. Instead, I'm only
4 going to talk for a few minutes and then we're
5 going to open it up for questions because the NOP
6 update in the Learning Center gives a good long
7 presentation about everything that we have been
8 working on.

9 Now I know that not everybody gets to
10 look at full updates so I do take the things that
11 the Board would most likely ask questions about
12 and I do review them in the room to see if we can
13 answer those questions in advance.

14 So usually get asked about the status
15 of rules so I think that's probably a question
16 from the Board. And so I wanted to give a quick
17 reminder on the rule-making process and on that
18 map, where we are with some of our different
19 rules.

20 And right now we have rules that are
21 in every stage of the rule-making process from
22 pre-rule activity all the way to enforcement.

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1 And in fact, tomorrow morning, there'll be a box
2 under public comment. We will have something
3 opening for public comments on preview today for
4 the community to comment on.

5 So lots of rules in the pipeline. And
6 this gives a overview of where we are, and then
7 we're going to work our way backwards. So
8 Strength in Organic Enforcement has been
9 published. We're now in Communications and
10 Implementation.

11 We are talking with certifiers about
12 what it means. I'm going to talk a little bit
13 more about that in a couple of seconds because I
14 know there's a lot of interest in SOE.

15 Origin of Livestock, we've officially
16 moved into the enforcement phase. Everybody got
17 time to implement the rule. We're now enforcing.

18 And so we've asked certifiers to give us their
19 updated systems with how they've implemented
20 Origin of Livestock requirements.

21 And the surveillance team has it on
22 their schedules to go out this spring, summer and

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1 fall and actually assess compliance on that rule.

2 Working our way backwards, Organic
3 Livestock and Poultry standards, OLPS, this is a
4 final rule that is now in legal review which
5 means we have finished the drafting process and
6 the first stop of a multi-step clearance process
7 is legal review. So that rule is under review
8 right now.

9 Before that is public comment.
10 Tomorrow we'll be opening a -- it's related to
11 Origin of Livestock. It has to do with
12 information collection, so new information that
13 must be collected to verify compliance with
14 Origin of Livestock.

15 Part of the clearance process revealed
16 that we needed to update our information
17 collection as a program. That will be on -- it's
18 on public display today for public comment.

19 Working our way backwards, we are
20 working on a proposed rule for a Nitrogen Rule.
21 That is a very recent NOSB recommendations
22 related to nitrogen fertilizers.

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1 We're also continuing work on a market
2 development rule that addresses pet food and
3 mushrooms. An I am going to have a slightly
4 longer update on inerts ANPR in just a couple
5 minutes.

6 Do want to emphasize the importance of
7 strengthening organic enforcement final rule. It
8 will reduce the number of uncertified entities,
9 require the use of electronic import
10 certificates, has a number of provisions to
11 strengthen record keeping, supply chain
12 traceability and strengthen oversight of
13 accredited certifiers.

14 This is a -- it sounds -- it is
15 game-changing. And so that's a term we've been
16 using and it really is. And it changes the game
17 in that certifiers are going to need to
18 comprehensive update to their entire organic
19 systems depending on risk.

20 It is a very risk aware rule in that
21 it addresses challenges in traceability mainly in
22 the middle of the supply chain. So brokers,

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1 previously uncertified handlers, importers, so
2 people working along complex long supply chains
3 are the ones most impacted by this rule.

4 One of the big asks with SOE is,
5 please, as a community, help us emphasize the
6 need for certification. One of the most
7 important parts of the rule is the fact that a
8 lot of previously uncertified handlers need to
9 get certified -- brokers, commodity brokers need
10 to get certified.

11 Anyone who is actively engaged in
12 handling and arranging organic trade needs to get
13 certified. There are now very, very, very few
14 exemptions. And so it's important for folks to
15 read the rules to determine the impact on their
16 systems and then start soon to complete
17 certification.

18 I do want to remind the community how
19 you can continue to learn where we are on
20 progress on NOSB recommendations. There are four
21 key ways, our NOP updates for the NOSB that we
22 post in the Learning Center before each meeting.

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1 We do publish NOSB recommendation
2 indices. These are all the recommendations that
3 have come from the Board. We actually keep a
4 scorecard on how we're doing. And that's part of
5 how we get assessed, is how many recommendations
6 have we implemented.

7 And so we keep track of where we are
8 and the different types of recommendations. So
9 you can check that. You know, we update it after
10 each meeting.

11 We also report back to the NOSB in
12 memos to the Board that we issue after each
13 meeting. We've recently, in the last two
14 meetings, added a new section to the end of the
15 memos called regulatory priorities.

16 And that's going to be the area where
17 we will report back to you on what our top
18 priorities are until the next meeting. So it's
19 sort of a six-month work plan, this is our
20 priority for the next few months.

21 And I think, if you look at the
22 rule-making slides I just covered, that's what we

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1 said our priorities were going to be last spring.

2 And sure enough, they're moving their way
3 through the system.

4 And then finally, there's the OMB
5 regulatory agenda which is issued every spring
6 and fall. That's a government-wide tool to
7 communicate to folks what our key priorities are
8 across the federal government for rule-making.

9 Okay, I have a few updates on specific
10 topics. And again, I think these are things that
11 the Board has questions about, so I figured I
12 would preemptively answer some of them.

13 The first one is on inerts. And I'm
14 going to pull up a different file because I want
15 to make sure that I cover this. And I'm going to
16 do a huge thank you to the Standards Division,
17 particularly Jared who I think did a lot of this
18 work. Yeah. Yay, thank you.

19 Inerts is a really complicated topic.

20 And I wanted to lay out what the next steps are.

21 This was issued as an advanced notice of public
22 rule-making after many, many years of work by the

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1 Board, by a lot of people in this room who have
2 contributed to problem solving around inerts.

3 And so inerts, just going to give a
4 bit of an overview here, so everybody take a deep
5 breath, okay? All right. So inerts are
6 ingredients other than active pesticide
7 ingredients in pesticide products.

8 Right now, our regulations allow
9 substances on EPA Lists 3 and 4 as inert
10 ingredients. Unfortunately, the EPA no longer
11 supports those lists. They've not been updated
12 in like a long time, okay, a long time that we've
13 had these inactive lists.

14 These are difficult because there are
15 a lot of materials on these lists, on Lists 3 and
16 4 that farmers rely on every single day. And so
17 we issued, after a lot board recommendations on
18 this, we issued an advanced notice of propose
19 rule-making to sort of outline the work that had
20 been done and to ask stakeholders which
21 alternatives could replace Lists 3 and 4.

22 We put in the rule a number of

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1 alternatives to consider and asked for input. We
2 got almost 400 public comments in response to
3 that ANPR. And the good news is about 70 percent
4 of our problem looks like we've got solutions
5 for.

6 About 70 percent of the problem,
7 meaning the items on lists 3 and 4 we have
8 solutions for. That's actually -- there's broad
9 agreement on. So let's celebrate that. We've
10 got about 70 percent of the problem we know what
11 to do about. Yay.

12 That leaves the other 30 percent,
13 okay. And so the next step is that we are going
14 to be providing a work agenda request to the
15 Board, likely by this summer, where we're going
16 to summarize what we believe the four key options
17 are or might be based on public comment.

18 So it's going to lay out what the four
19 key items are with some pros and cons. So it's
20 an analysis of the advanced notice of proposed
21 rule-making.

22 Based on those four options, we're

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1 going to ask the Board to make recommendations to
2 the program on how we're going to -- on different
3 options for addressing this kind of 30 percent
4 that we need an answer on, okay. So that'll be a
5 work agenda item for the Board.

6 We are going to put a time limit on
7 it. So you're only going to get, you know, a
8 certain number of meetings to work on this
9 because we all want to get this done before these
10 Materials Lists 3 and 4 come up for sunset again,
11 okay.

12 So we heard loud and clear, this is
13 really important. We don't want to continue to
14 rely on Lists 3 and 4 which means we have to get
15 to a final rule within a certain time period or
16 else we're all going to be right back where we
17 started, okay.

18 So we've got to work expediently to
19 get to an answer and a final rule before these
20 materials sunset. Therefore, I am asking the
21 Board, please, please, please, when you're
22 working on recommendations, give us all possible

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1 options that you think are feasible, okay.

2 So we're going to lay out four options
3 for you. What we want is as many of those in a
4 recommendation as you think are feasible, okay.

5 And this is why. We can't add
6 something, a synthetic, to the National List
7 without you. We need a recommendation from you
8 to put a synthetic on the National List. If you
9 give us a recommendation that ends up being
10 untenable in terms of cost or time or
11 implementation feasibility, we're going to be
12 right back where we started from.

13 So rule-making has to, for example,
14 take into account costs and benefits. What are
15 the costs going to be to the farmers and to the
16 processors that rely on these materials, I guess
17 as farmers -- yeah, the farmers that rely on
18 these materials.

19 So we need something that we can get
20 through rule-making that takes into account those
21 costs. Now what's different from the criteria
22 you folks need to work with at the Board level,

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1 but we need as many options as possible because I
2 can't do something without you, okay.

3 So that's kind of the framing. And
4 I'm happy to take any specific questions on that,
5 but as many recommendations as you think you can
6 give us where you could live with the outcome,
7 that's what we're going to be looking for.

8 Okay, next item, technical support.
9 You guys need help. And I think we've heard for
10 years that the Board needs help and the Board did
11 some really, really good work on a
12 recommendation. This came out of the Human
13 Capital Initiative but it's been a conversation
14 for years.

15 And so we appreciated all the dialogue
16 and public comment and discussion from the Board
17 on this topic. We are ready to give you some
18 help, okay.

19 We also appreciated that you gave us
20 options. We are working in a fairly large
21 complex federal system that has pretty strict
22 hiring rules and some strict budgeting rules on

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1 how we deal with this.

2 So what we have done at this point is
3 we have written what's called a position
4 description for staff members that would be able
5 to help you, to provide a technical report with
6 the items that you put in your recommendation to
7 us.

8 So that's doing research for you,
9 reviewing the public comments, providing input
10 into your work process, to provide you with that
11 staff level support.

12 We are, for a lot of different sort of
13 hiring reasons, proposing to start with those
14 positions within NOP that we already have staff
15 that are providing you extensive technical
16 support.

17 A lot of them are here today. And
18 those folks will need to help you in a way that
19 can also support the rule-making process down the
20 road who are informed on that and educated on
21 that.

22 And so we are proposing to recruit two

1 folks to stop with within NOP to provide you that
2 technical support. We're already working with
3 Human Resources. Once the position descriptions
4 are finalized, we do plan to announce it in our
5 recruiting activity and could have people in
6 place by summer using this approach, okay.

7 So that's our update. I would love to
8 have folks in place to support your by this
9 summer should the federal hiring gods align,
10 okay.

11 Organic Transition Initiative, you
12 heard a great update this morning. I want to
13 thank again our panelists for being here today.

14 Market development, I also want to
15 give an update on an upcoming additional part of
16 -- just a second, I got to get to that page in
17 the play book here, there we go -- because I have
18 some specific information to share.

19 I shared earlier, this is a \$300
20 million initiative. A lot of the pieces have
21 been announced so TOPP has been announced. NRCS
22 did a launch recently in the last couple of

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1 weeks.

2 There's another piece on market
3 development. There is an upcoming competitive
4 grant request for application. So we're going to
5 be offering this request soon to solicit grant
6 proposals. It will be a competitive process with
7 external peer reviewers.

8 So we are looking for organic experts.

9 If you're interested in serving as a reviewer,
10 there is information on the AMS website. I think
11 if you do a Google search on AMS Grants Peer
12 Review you should be able to find it.

13 In general, grant application periods
14 are open typically 60 to 90 days. Funds are
15 available once awards are made following peer
16 review panels and then internal administrative
17 processes.

18 A lot of the areas that would be
19 addressed for market development grant program
20 are those that were focused on during the fall
21 listening session on this topic. You can find
22 the slides for that on the AMS website. If you

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1 to go to USDA Organic Transition Initiative you
2 can get to the slides for this.

3 The pinpointed markets are grain and
4 feed, legumes and other rotational crops, organic
5 ingredients, organic dairy markets and dairy.

6 The program is planning to be
7 primarily regionally and/or crop specific. It
8 will be targeted to key markets to ensure
9 meaningful impacts. There's that word again-
10 impact. Investment will fund activities outside
11 the organic certification process because we
12 don't want to duplicate the cost/share program.

13 So that's some information to start
14 thinking about. It will be announced sometime
15 this spring. But thinking through what kind of
16 partnerships you might want to develop to apply
17 for some of those grant programs. I think that
18 will be an important program to round out the
19 Organic Transition Initiative.

20 We also do continue to coordinate with
21 NRCS and MRA on these initiatives and trying to
22 figure out how to reduce the multiple avenues in

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1 reporting. That is -- every program has slightly
2 different rules based on funding sources and
3 regulations.

4 And so I think those partnerships are
5 getting built. And so I wanted to highlight that
6 we do have very frequent communication with those
7 groups.

8 I also want to emphasize that even
9 though we talk about strengthening organic
10 enforcement being in the implementation period,
11 there's a lot we're doing right now to protect
12 the market and compliance and enforcement, from
13 surveillance at country level to complaint
14 investigations, certifier directives on a
15 risk-based level, legal penalties covered by
16 trademark protections, significant fees and fines
17 or civil penalties and the fees that customs and
18 border protection levies when they hold something
19 at the border for a trademark violation, okay.

20 And so it's not our civil penalties,
21 it's also customs and borders fees and penalties
22 if you break their rules. And we have even seen

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1 sentencing with prison time for organic
2 violators. So there are lots of agencies out
3 there working side by side with NOP to support
4 the market.

5 USDA is a federal mark which means it
6 is federal crime to break the organic rule. And
7 that is pretty special for this seal.

8 I want to highlight Human Capital
9 Initiative Resources. This has been a big point
10 of emphasis. And insider came out yesterday
11 emphasizing some of the work we've been doing in
12 this area.

13 We funded a number of projects a
14 couple of years ago that are now yielding new
15 modules within the learning centers. You want to
16 start an apprenticeship program? Here's some
17 tips. You want to start an internship program
18 for the next generation? Here are some modules.

19 We've just published a Diversity,
20 Equity, Inclusion, Accessibility Resources for
21 the Organic Sector. That is in line with the
22 Equity Commission recommendations. So we are

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1 working hand in hand with USDA goals related to
2 equity in issuing these types of training which
3 does emphasize technical assistance.

4 So things you've been hearing today
5 through TOPP are aligned with the equity and
6 inclusion emphasis points of the Department where
7 we're able to touch those through programs like
8 TOPP.

9 And that's it. So I'm going to turn
10 it over for the questions now.

11 CHAIR POWELL-PALM: All right.
12 Questions for Jenny from the Board. Solid work.

13 Go ahead, Kyla.

14 MEMBER SMITH: Hi Jenny. So in my
15 opening I said I was equally excited and
16 terrified for SOE and you've encouraged us all to
17 read the rule, which we are all doing.

18 It answers a lot of our questions and
19 certifiers still have questions, so I was
20 wondering if you could speak to if and when we
21 might see additional training resources in the
22 learning center to help support certifiers for

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1 implementing the rule.

2 DR. TUCKER: Yeah, we will be putting
3 a training into the learning center. I think
4 right now we're scheduled for this summer. We're
5 working on some support resources. I do want to
6 emphasize, though, this is a very broad-reaching
7 rule and every certifier system is different.

8 This is an area where I think we have
9 to be very, very careful with how we think about
10 consistency because I think there are some folks
11 who are really scared that this is going to have
12 such an impact on small farmers and small
13 handlers that they won't want to do it and they
14 won't drop out.

15 I want to make sure we have our voices
16 over here from Georgia Organics and Carolina
17 Stewardship and all of Rodale. All the folks who
18 are telling us about the challenges for small
19 farmers. We don't want SOE to adversely impact
20 that in the search for consistency. Right?

21 The market is really trying to
22 regulate us where the risk most lies which is the

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1 middle of long supply chains and complex supply
2 chains. It's those uncertified handlers where
3 there is such an abstraction of the market that
4 it introduces a lot of risk. We're not talking
5 about local -- those are not the risk areas as
6 much.

7 I think it's very, very important for
8 certifiers in the community to keep that in mind
9 of what we are trying to go after. I want to be
10 careful not to put so much abstract information
11 out there that everybody over-interprets what the
12 actual impact is for small farmers.

13 And we will put something in the
14 learning center. I think the Accredited
15 Certifiers Association is doing a good job of
16 setting up sessions on that as well.

17 CHAIR POWELL-PALM: Nate, please go
18 ahead.

19 MEMBER LEWIS: First of all, I just
20 want to commend the program for strengthening the
21 organic enforcement rule. It's quite an
22 undertaking and the biggest change in the

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1 regulation since it was launched 20 years ago. I
2 just wanted to acknowledge that.

3 And also acknowledge that it's the
4 type of rule that its success means we don't
5 actually see anything in the news. Like I always
6 said about food safety. Like food safety is
7 boring because when it succeeds, nothing happens.

8 I hope that is the outcome from this
9 that we don't have news stories about how smooth
10 and efficient and with integrity the supply chain
11 now is. It's not a very good news headline. I'm
12 clearly not a good journalist. Anyway, I just
13 wanted to commend folks on that.

14 My question relates to the President's
15 executive order related to racial justice and its
16 work through the federal government. I see
17 ourselves as part of the federal government so
18 it's our obligation to do our work in that part.
19 I encouraged to see the program taking on some of
20 the racial equity recommendations from the Equity
21 Commission.

22 I found USDA's response to their

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1 interim report somewhat underwhelming but still a
2 good first step. I see a few things in the report
3 that the Board can take on right now in its work
4 through the Policy Development Subcommittee and
5 I'm excited about that.

6 But I'm curious from the program what
7 help or what you see we can do to help you
8 integrate some of those recommendations into your
9 workforce or to help support your work at the
10 Board level.

11 DR. TUCKER: So I appreciate that. I
12 think true change happens both at personal and
13 system levels. Right? And so we look at actions
14 we can take at the program level in supporting
15 the broader USDA. I think each of us needs to
16 look internally at what actions we can take.

17 At the AMS level, that's the agency
18 that we are part of, our agency was ahead of the
19 curve on this in that they had already set up a
20 diversity group that three folks on the program
21 were part of for agency level.

22 I meet with Civil Rights every quarter

1 to look at our workforce distribution. We do
2 active hiring through a lot of different types of
3 recruiting mechanisms we just converted.

4 For example, somebody from the
5 Hispanic American Colleges and Universities
6 Program as a full-time employee. We are about to
7 bring on another veteran. We have strong veteran
8 hiring.

9 These are core values for us as a
10 program and that I believe our agency has as a
11 program. Certainly remote work has actually
12 helped us in diversity and having access to more
13 resources, both to resources in terms of vehicles
14 to hire people through, but also just people,
15 different types of people in different parts of
16 the country.

17 We've looked at our job requirements
18 in different ways. There have been a lot of
19 observation that organic is not particularly
20 diverse. Right? That has been a challenge for
21 us. We took a good hard look at our position
22 descriptions because we were realizing that

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1 almost every job we were hiring for needed
2 organic experience which meant we were closing
3 ourselves off to sources of diversity.

4 We've done some rework of position so
5 we can get more diversity, a broader pool of
6 diverse candidates to pull from for some of our
7 positions, the ones that really provide an
8 opportunity to learn organic. You don't have to
9 walk in the door knowing it. I would say I've
10 also as an executive within AMS have been going
11 to trainings and have become aware of things I
12 wasn't aware of before.

13 I entered the world as a woman with
14 disabilities so I see the world through the lens
15 of having wondered, for example, well, did I get
16 this job because I'm a girl and because I have
17 disabilities, or did I get it because I was
18 qualified. I really like the fact that I think I
19 got the job because I'm qualified, I hope. I
20 think everyone with sources of difference wants
21 to feel that way.

22 And when we look at our own behaviors,

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1 the training I've gone to has helped me be more
2 sensitive to things that maybe I didn't notice
3 before. So there is something, in fact, I
4 noticed this morning. As a Board I invite you to
5 work on, if you would like to work on this issue,
6 to work on it.

7 But also I would ask you to look at
8 yourselves and how you approach your world as
9 individuals. I want you to think back to the
10 panel and who was on the panel and who got asked
11 the questions and who didn't. That's how we show
12 up for each other and for a broader diverse group
13 of people who want to be part of the organic
14 movement.

15 CHAIR POWELL-PALM: We're going to go
16 Allison next and then Brian.

17 Allison, if you want to go ahead.

18 MEMBER JOHNSON: Thank you, Nate. And
19 thank you so much, Jenny, for all of this
20 information and your continued leadership. We
21 really appreciate you.

22 We heard overwhelming support in the

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1 public comments for further recognition of
2 organic as a Climate-Smart Agriculture within
3 USDA. I'm wondering if you can offer any advice
4 or insight to the Board and to the organic
5 community about how we can advance that priority
6 within USDA in addition to the proposal that we
7 will be voting on today.

8 DR. TUCKER: Yeah, I think that's been
9 a very important conversation over the past
10 couple of meetings. I would encourage you to
11 keep having the conversation. You can give us a
12 recommendation. There are certain items on the
13 work agenda that we keep open like import
14 oversight, human capital, Climate-Smart Ag.
15 These are important conversations to have.

16 A number of people today have been
17 talking about really devastating things they are
18 experiencing on their farms, right? So I welcome
19 the Board's continued work on that and your
20 continued work on that. We do bring that work
21 back to USDA.

22 We keep in close connection to the

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1 team working in Climate-Smart Ag and the Climate
2 Commodities Program. There are organic groups
3 that are part of those grant programs. So
4 keeping yourselves at the table, and
5 participating in broader USDA programs. It
6 doesn't just have to be within the organic
7 community. There are lots of programs to have
8 your voices heard in.

9 CHAIR POWELL-PALM: Brian, and then
10 Amy.

11 MEMBER CALDWELL: Thanks, Nate.

12 Jenny, I want to thank you and your
13 team for moving forward on so many fronts that
14 are really wonderful for us. It's been great.

15 I have a very specific question. Last
16 year, or last fall, I brought up the issue of the
17 accreditation of the status of the Texas
18 Department of Agriculture's certification
19 program. As I understand it, the certification
20 -- the accreditation of that program was
21 withdrawn but then appealed. I just wonder if
22 you have any updates on that.

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1 DR. TUCKER: I do. Let's see. Is
2 Robert here? There's Robert. Okay. I just want
3 to highlight the accreditation. Robert is our
4 Accreditation Division director and they are the
5 ones who oversee the certifiers. And so the
6 Texas Department of Agriculture received a
7 proposed suspension so they had received a lot of
8 feedback over a time on how they needed to
9 improve their accreditation program.

10 They received a proposed suspension of
11 their accreditation from us. They did appeal
12 that. The appeal was denied so an independent
13 entity heard that appeal and denied upholding the
14 suspension agreeing that Texas should be
15 suspended. TDA, this is all due process in the
16 regulations. This whole process is regulated by
17 the regs.

18 They requested -- TDA has requested a
19 hearing in front of an administrative law judge
20 so when an appeal is denied, this is true at the
21 operation and certifier level, that they can
22 request a further appeal step. That is now with

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1 the administrative law judge within USDA. A
2 hearing for that is expected in early 2024.

3 MEMBER CALDWELL: Thanks very much.

4 CHAIR POWELL-PALM: Amy, go ahead.

5 MEMBER BRUCH: Thank you, Nate.

6 Jenny, thank you so much for just
7 articulating the progress that's been made on
8 many fronts, including enforcement and also as
9 well as TOPP. I did have a question with market
10 development component within TOPP.

11 It's a very critical component that I
12 do believe will increase adoption to organic
13 production methodologies, as well as retention,
14 which is also really important within our former
15 base.

16 I wanted to highlight two specific
17 needs from the heartland to promote a successful
18 deployment market such as grain and feed which
19 really needs special attention. I do believe
20 that they require federal licensing and better
21 financial oversight.

22 There has been an extreme impact to

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1 our organic community in the grain sector with
2 facilities going bankrupt and issuing clawbacks
3 as well as large payments that farmers, even
4 though they delivered grain, need to pay back the
5 money they receive for that grain just due to the
6 bankruptcy laws.

7 They are really set up against
8 farmers. They are not farmer friendly. I think
9 that's one thing I want to make sure when we are
10 approving these grants that there is special
11 consideration for just the financial wherewithal
12 of these companies.

13 Secondarily would be just overall
14 market development. I think half the battle with
15 the crops that are the focus area is finding that
16 landing spot, but the other piece of that is just
17 crop insurance protection. There is so much risk
18 within organic farming so it's good to reduce
19 market risk with some of these landing spots.

20 With that, we are almost encouraging
21 producers to grow non-insurable crops which is
22 very different than our conventional

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1 counterparts. I think there needs to be
2 cross-collaboration with Risk Management Agency
3 when we are looking at expanding markets for
4 organic and transition producers.

5 DR. TUCKER: I really appreciate the
6 comments. They touch on so many different
7 things. There is the market development grants
8 which really are focused on building that
9 infrastructure and the ability to get from farm
10 to market, the coordination with RMA.

11 I think the fact that you folks have
12 been engaging in the crop insurance, you know,
13 there are several years where that term would not
14 have been brought up by a board. I think this
15 Board is getting more involved in the broader set
16 of USDA activities. I think the timing of that
17 is absolutely right to be raising these
18 questions.

19 I do want to emphasize also that the
20 top technical assistance element, while it
21 certainly is about sort of pests and weeds, which
22 we heard about this morning, but it can also be

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1 about market savvy and market development and
2 business planning and what questions you want to
3 ask and what kinds of provisions are in different
4 contracts.

5 How do you protect yourself as a
6 farmer going into the market. I do think that is
7 a critically important part of technical
8 assistance. How do you navigate the economic
9 landscape in a way that keeps you -- that
10 minimizes risk as much as possible and keeps you
11 safe.

12 I think if there are folks out there
13 who have expertise in that area, getting that
14 expertise to the right people so people are
15 asking, the sellers and the buyers know what
16 tools might available and how to ask the right
17 questions through that process. That can also be
18 part of technical assistance.

19 CHAIR POWELL-PALM: Other questions
20 from the Board. All righty. We are just slaying
21 it on time.

22 Do you have another question?

1 MEMBER BRUCH: Yes.

2 CHAIR POWELL-PALM: Okay. Well, we
3 might not now.

4 (Laughter.)

5 MEMBER BRUCH: I have several.

6 Jenny, I would also like to ask you a
7 question about enforcement. I'm really excited
8 for the implementation of SOE. With the
9 globalness of our program, I was just wondering
10 what collaboration happens amongst our
11 equivalency partners because I do think fighting
12 fraud is not only the actions we do, but it's a
13 very large endeavor. I just wanted to understand
14 how we work with our equivalency partners when we
15 do these enforcement acts.

16 DR. TUCKER: Yeah, it's a great
17 question and it's an important part of what the
18 program does. In fact, we've got a whole group
19 of international activities that this is what
20 they do.

21 Equivalence for folks who are not as
22 familiar with these topics is when we agree with

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1 another government that are standards are
2 equivalent meaning they achieve the same goals.
3 They don't have to be equal or identical, but
4 they do need to be equivalent, fair to everybody.

5 It's interesting when the initial
6 equivalency arrangements were done early in the
7 program they were very focused on materials and
8 on practice standards and such like that. Today
9 when we look at equivalency, we're really looking
10 at a much broader control system perspective so
11 how do they do enforcement and how do they do
12 compliance.

13 There have been countries that we have
14 chosen not to do equivalent arrangements with
15 because they are not equivalent in those systems
16 of oversight. In those countries you have to be
17 certified to the USDA organic to sell to the
18 United States.

19 I think one of the things that
20 strengthening organic enforcement does that we
21 haven't really talked about is it will spark a
22 relook at all those equivalency --equivalence

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1 arrangements to determine whether governments are
2 still equivalent.

3 We have been growing as an industry.
4 We've also been growing in oversight, right? NOP
5 is now significantly larger than it was four or
6 five years ago to respond to market growth.

7 One thing we need to look at is how if
8 other governments are growing in operations, are
9 they also growing in oversight? Are they also
10 able to protect. If they are certifying in other
11 countries, how do they protect those markets? We
12 have been doing some -- we have a lot of
13 technical conversations with other governments.

14 We've recently entered into some very
15 in-depth technical conversations, for example,
16 with Canada doing supply chain audits where we
17 have taken certain commodities and traced them
18 back through the supply chain to see, okay, where
19 are the systems strong, where are they weak, and
20 what do we need to do accordingly.

21 I think there is a lot of learning
22 that's been produced out of that. the EU

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1 recently published new legislation, new
2 regulations, so we will need to engage with the
3 EU as well because of their time line. All
4 governments that we have equivalence with we need
5 to renegotiate.

6 We did terminate a trade arrangement
7 so we ended the arrangement with India. It was a
8 recognition arrangement where India was
9 authorized to accredit certifiers who then went
10 out in certified farms and we found that control
11 system was not adequate.

12 We had an 18-month transition which
13 gave legitimate farmers a good period to be able
14 to get certified under our standards. Then
15 Robert just had four folks over in India for a
16 full month doing unannounced inspections, reviews
17 of the certifiers working there to oversee that
18 market. Trade notices that.

19 A few years ago I was told India is
20 the wild wild west of organic. I got a call a
21 couple of weeks ago saying, you know what? It's
22 not the wild west as much anymore. You've done

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1 good work there. We are making a difference in
2 these import oversight programs.

3 Are there still challenges around the
4 world? In many countries, yes, there are. We
5 now have more tools than we had before. Import
6 certificates will be an added benefit of
7 visibility and transparency into the market.

8 One of the challenges we have are operations
9 that get kicked out of the program like suspended
10 operations, but they stay in the game. They keep
11 shipping product to us even though they are
12 suspended. Import certificates will top that.

13 We have much better network of folks
14 on the ground now. Certifiers have upped their
15 game. We've upped our interaction with FAS desk
16 officers. They were a huge help in India and
17 have been a big help in other countries as well
18 really understanding the dynamics on the ground.

19 Import oversight is a big part of what
20 we do. As Nate said, you're not going to always
21 hear the good news stories that come from that.
22 I'm much more confident in the system than I was

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1 a year ago, two years ago, three years ago, five
2 years ago.

3 CHAIR POWELL-PALM: Carolyn, please go
4 ahead.

5 MEMBER DIMITRI: Thanks for giving us
6 all the dirt, Jenny. Several commenters asked us
7 to try to accommodate farmers' schedules a little
8 bit better. One suggestion we had was having
9 like a January virtual listening session. I'm
10 wondering could you explain like the time line or
11 like what that process would look like if that is
12 a direction that we thought would be useful?

13 DR. TUCKER: Yeah. So if the Board
14 were interested in exploring that option, we are
15 happy to explore that with you. I think there is
16 kind of a repeatable calendar that happens every
17 six months. The time of that meeting we've heard
18 this feedback a lot over the years.

19 I think at the last meeting Michelle
20 put up a chart that kind of showed all the
21 different possible time periods and why we ended
22 up where we ended up on that. I think if the

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1 Board wanted to supplement that with a fall --
2 sorry, with a winter event, we would simply need
3 to articulate what are the goals of doing that,
4 how does that fit in that would be between the
5 fall and the spring meeting.

6 How would it either inform or
7 supplement your Board deliberations for the
8 spring. We probably want to make it a separate
9 federal register announcement because these are
10 public meetings so we would have to in openness
11 and transparency publish that in the federal
12 register which would also then be associated with
13 a written comment for people who couldn't make
14 the oral comments.

15 We are deeply appreciative of the
16 community's desire to engage in the process, and
17 we are equally respectful of your time as
18 volunteers. I think we will leave it to the
19 Board to balance how you would like to proceed
20 with that idea as a program. We are happy to
21 collaborate with you on thinking through the
22 mechanics of how it would need to be

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1 administered. That was probably more than you
2 wanted.

3 CHAIR POWELL-PALM: Other questions
4 from the Board for Jenny? All right. Any
5 objection to breaking for lunch early? Okay.
6 So, folks, we're going to come back at 2:45 and
7 we are going to get kicked off with CACS
8 Subcommittee. See you all at 2:45.

9 DR. TUCKER: Thank you very, very much
10 everyone.

11 (Whereupon, the above-entitled matter
12 went off the record at 1:07 p.m. and resumed at
13 2:45 p.m.)

14 CHAIR POWELL-PALM: -- back here. And
15 we are getting kicked off with CACS. We still
16 have Mindee and Allison on Zoom. And so, we'll
17 be recording their vote for this afternoon just
18 at the end of the line.

19 Hope everyone had a good lunch. And
20 I'm going to hand it over to Amy to get us kicked
21 off.

22 MEMBER BRUCH: All right. Welcome

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1 back. Hopefully everybody had a great lunch.
2 I'm excited to have the time that we set aside
3 for CACS. We have three great topics to dive
4 into that are on our work agenda.

5 But before we get started I have three
6 additional topics to discuss as my intro. First
7 off, I wanted to thank all the members of the
8 CACS Committee.

9 This is, I guess last year we added
10 another meeting so we would have more time to
11 take on issues that mattered. So, I appreciate
12 the flexibility of our team to do that, and the
13 diverse perspectives our team brings.

14 Secondly I wanted to just say wow. We
15 had a lot of great public comments, both written
16 and oral about our work agenda items. Having
17 voices on all sides of the equation are really
18 important. Because that helps us make more
19 robust recommendations. So thank you to the
20 community for that.

21 Thirdly, I did want to highlight
22 additional work agenda items that we're planning

1 on taking on in addition to any follow-ups from
2 today's Board deliberations.

3 So, the three additional work agenda
4 items fall into the categories of enforcement,
5 organic and climate smart agriculture, and human
6 capital.

7 So, the first one on enforcement, we
8 are looking to expand residue testing for our
9 global supply chain. The goal of that is to
10 provide a recommendation that ensures testing
11 remains a relevant and effective tool for
12 compliance verification in the organic global
13 supply chain.

14 Our second topic that we're going to
15 be taking on as a CACS Committee is organic and
16 climate smart agriculture. What and why organic.

17 The goal of this, and some of you have heard
18 Nate's questioning.

19 The goal of this document is to
20 summarize the infrastructure behind the program,
21 and promote the organic program's competitive
22 advantages.

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1 And thirdly, under human capital we
2 have a work agenda item approved for supporting
3 the transition of producers. So, the goal of
4 this work agenda item is to determine effective
5 tools, resources, and alignment strategies to
6 support organic transition, and requirements for
7 participation in programs that support the
8 organic transition.

9 So, without further ado let's get
10 started into our current work agenda items.
11 Nate, I'll have you kick us off with the proposal
12 on organic as climate smart. Thanks for your
13 expansive work on this topic.

14 CHAIR POWELL-PALM: Sure. Thank you.
15 This was actually a topic prompted by Dr.
16 Dimitri. And it was a, it started off as a
17 letter to the Secretary when we received
18 information about the new administration's goals.

19 Climate change and responding to
20 climate change through agriculture was a top
21 priority. So, we wanted to make sure that
22 organic was contextualized as being a really

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1 reasonable option for addressing that concern.

2 The administration responded with, in
3 the program, with a list of questions. I think
4 it was 17 questions to specifically inquire for
5 the entire rest of USDA, how is organic climate
6 smart?

7 So, we were given a very specific set
8 of prompts to answer. And that's what we did in
9 this document. And so, our answers were because
10 of the questions.

11 There wasn't a lot of latitude to
12 explore all of the reasons, all of the fantastic
13 reasons that organic is the most climate friendly
14 farming option out there. But I think we got a
15 lot in the bucket that was provided to us.

16 In the, you know, preparation for
17 climate smart commodity partnership, which was a
18 funding program, about \$3 billion dollars
19 released by USDA to different grant
20 opportunities, to explore and execute climate
21 smart research and climate smart project.

22 We had a deadline with this project.

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1 Our job with this paper was to communicate to the
2 USDA why is climate, why is organic climate
3 smart? And with that we met that deadline.

4 A lot of organic project, I might say
5 not enough, but a lot of organic projects got
6 funding through the climate smart commodity
7 project partnership. And so, this is a standing
8 work agenda item. We get to talk about this
9 more.

10 The idea with this paper is that we
11 tried to meet this deadline so that the program
12 would have NOPs voice as to why we should
13 consider organic a climate smart option, and why
14 they should be an automatic shoe in for the
15 climate smart designation for grant funding or
16 future programmatic designations.

17 With this document we are finished up
18 with answering these questions. The program was
19 really great about having a very quick turnaround
20 for the questions.

21 Dr. Dimitri posed that we were
22 interested in working in it. And the program

1 turned around with these 17 questions, saying
2 tell us more.

3 From that we answered them. But it's
4 not the end of the game. We get to keep working
5 on this. This is an open work agenda item. And
6 so, all of you brought a lot of questions about
7 how do we expand further? How do we slice and
8 dice what being climate smart means to organic?

9 With this particular document I feel
10 like the end has come for the questions. We've
11 answered the questions. It's not a vehicle for
12 getting all of the information that we want to
13 brag about in organic on to this one work agenda
14 item.

15 We get more work agenda items that are
16 a better fit, a better prompt for being able to
17 capture all that is relevant to organic and being
18 climate smart.

19 And so with that I would open it up
20 for questions from my fellow Board members. We
21 have moved this to proposal. We are now prepared
22 to vote on it. So, let's discuss this. Brian,

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1 please go ahead.

2 MEMBER CALDWELL: Yes. Thanks, Nate.

3 I'm not feeling too good about this. I feel
4 like I'm going to throw a little monkey wrench
5 into the works.

6 CHAIR POWELL-PALM: Love it.

7 MEMBER CALDWELL: Yes. And I think
8 that the proposal as written applies really well
9 to about 90 percent of certified organic
10 operations.

11 However, I am really reluctant about
12 this. And I really struggled with this. But I
13 really don't think that several classes of
14 organic farms should automatically qualify for
15 climate smart status.

16 And I can just mention a few of them
17 that seem to be, at least the way I understand
18 climate smart. In other words, a farming system
19 that actually is positive in terms of responding,
20 creating a positive response to climate change.

21 A few of them are, that I don't think
22 qualify. One is what we call deep compost

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1 vegetable production, which a lot of our small
2 scale farmers do in the Northeast and the Midwest
3 I believe. And actually can be quite successful
4 with it.

5 But compost is applied at
6 approximately ten times the amount or more than
7 is actually needed for nutrients. But it's used
8 as a weed preventive mulch. So, it's like a
9 surface mulch.

10 And this, if this is done year after
11 year, which is in these systems generally, it's
12 just like an incredible input of carbon materials
13 that is not, are not coming out in the output.
14 So, I don't see how that one is going to qualify.

15 Another one is hydroponics and
16 container production. Very energy and plastic
17 intensive producing high yields of kind of very
18 high value crops. But again, I don't think
19 there's a positive balance there in terms of the
20 climate.

21 Dairies, livestock operations, dairies
22 and poultry operations that import the majority

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1 of their feed, and don't have acres to apply the
2 manure to, and make a, sort of an internally
3 recycling system, I don't think they will make
4 it.

5 And finally, the use of heavy amounts
6 of plastic mulch in some of our berry and
7 vegetable operations. Again, that input, throw
8 away, you know, high energy and carbon intensive
9 mulches every year. I just don't think the
10 balance is there.

11 And so, I'm certainly open to the
12 fact, I would, or open to the possibility. I
13 would love to hear other people's thoughts on
14 this.

15 I believe that we really do need more
16 life cycle analyses of these kinds of systems.
17 Almost all the research that's done on climate
18 smart organic is done with basically soil based
19 systems, standard cash grain rotations, and that
20 sort of thing.

21 It's not done with these more
22 specialized facets of organic, which are part of

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1 our organic system. But I think don't really
2 make it in terms of the climate.

3 So yes. And I just want to reiterate
4 that I really do believe that 90 percent of our
5 organic farming operations are very climate smart
6 and climate friendly.

7 But I just really balk, I really
8 struggle, and don't feel comfortable with this
9 blanket sort of recommendation that all certified
10 organic farms automatically qualify for climate
11 smart.

12 So, I guess what I'd like to see is
13 this to go back to the subcommittee. I believe
14 it wouldn't take too much, it would take some
15 serious thought.

16 But it wouldn't, it's not a big huge
17 hurdle to fix this, and make it so that it really
18 reflects kind of the climate smart status of
19 organics. So, thanks.

20 CHAIR POWELL-PALM: Not a wrench at
21 all. Amy, please go ahead. No, I'm serious. I
22 think, I don't have a direct response to it.

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1 But, Amy, go ahead.

2 MEMBER BRUCH: I actually have a
3 question for you, Brian. Because I'd like to
4 have some dialogue here and open it up to the
5 full Board as well.

6 I think we're very fortunate to be
7 organic farmers. Because our standards are
8 clear. I am just questioning, when you say
9 climate smart there isn't currently a one
10 definition for that word.

11 So, I'm curious, when you're
12 mentioning it for your comment, what is your
13 definition, so we can calibrate as a Board what
14 we're talking about?

15 Because climate smart has different
16 facets to it. So, I'm just curious for your
17 interpretation.

18 MEMBER CALDWELL: Yes. That's, I
19 struggled with that one too. And I don't know if
20 I can articulate it perfectly. But it's
21 basically a farming system where the input, when
22 you balance the inputs of energy and carbon, and

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1 the, again, the kind of the life cycle of the
2 inputs, in terms of the energy that's required to
3 create them, and you balance that with the
4 outputs of the system, that, including the
5 buildup of carbon in the soil, which is a big
6 part of what we're doing here.

7 And we got to remember that that, the
8 input for that is the sunlight from the sun that
9 is the driving force of this plan. That's the
10 carbon that we're really trying to fix into the
11 soil, right.

12 Anyways, our inputs minus our outputs,
13 it needs to be a balance where the outputs are
14 bigger than the inputs. So, that's the way I'm
15 looking at it.

16 And I would love to hear some other
17 takes on it. Because that would really change
18 basically my conclusions on this I think.

19 CHAIR POWELL-PALM: Yes. Go ahead,
20 Logan.

21 MEMBER PETREY: Okay. This is like
22 share material now. So, a question like the

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1 inputs and the outputs. Is that per, in your
2 mind is that per season or per year? Because of
3 rotations we, you know, we rely on. And the
4 cover crops that come after the plasticulture,
5 you know.

6 And so, organics is the entire system.

7 And yes, strawberries or tomatoes, like Mr.
8 Paul, you know, mentioned, got to be on plastic
9 for the type of production.

10 But is it more climate smart than the
11 conventional counterpart, you know, its
12 counterpart there because of the entire system
13 that organics has built into the OSP?

14 MEMBER CALDWELL: Well that, thanks,
15 Logan. Yes. I think that's one of the ways that
16 this proposal could be I believe improved. And
17 that is that I think almost any organic system is
18 going to be more climate smart than its
19 conventional counterpart.

20 And certainly you want to use the
21 whole system. You don't want to just look at,
22 you know, one short season crop, and then forget

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1 about all the other good things that happen in
2 the rotation. It's got to be the whole rotation
3 and the whole farm.

4 But we are, so, in terms of suggesting
5 that all certified organic operations should be
6 eligible for Government climate smart systems,
7 we're not saying that, you know, that they're
8 better than their non-organic counterpart. We're
9 saying that they are climate smart. And I don't
10 think, I don't feel good about that. I don't
11 think that's quite right.

12 CHAIR POWELL-PALM: I think Dilip and
13 then Carolyn.

14 MEMBER NANDWANI: Thanks, Nate. This
15 is rather a clarification, maybe to Amy or
16 somebody else from the Board. This proposal is,
17 are we going to suggest that organic agriculture
18 in general is climate smart?

19 Or we are talking that each organic
20 agriculture or organic management practices, like
21 say whether the use of cover crops, or manure, or
22 compost, is climate smart, and certain organic

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1 management practices are not climate smart?

2 Are we doing that part? Or we are
3 just proposing this about in general organic
4 agriculture is climate smart? That's, I just
5 want to understand here what you're, thank you.

6 CHAIR POWELL-PALM: To answer these
7 questions that were posed by the administration,
8 we're posing that the regulations are climate
9 smart, not that the interpretation down the line
10 always lands how we want it to land.

11 But that as we look through where
12 we've cited the different points of the
13 regulation we were given if you turn to Page 3 of
14 the proposal.

15 When we look at the questions the
16 administration prioritized very specific
17 practices, cover crops, low till or no till,
18 nutrient management, buffers.

19 We were asked what of these qualifies
20 in organic? How does organic interact with these
21 very specific practices? And we're saying, per
22 the standards they all do. Or I think at least

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1 13 of the 14 are all baked into the standards.

2 And so, when we're looking to, is
3 organic generally, should it be considered
4 climate smart, they were not asking are there
5 specific practices that should be excluded.
6 They're asking, are these specific practices
7 included?

8 And that was the prompt. It's not a
9 freeform essay. It's a, we asked, we answered
10 very specific questions by the administration
11 about where do you fall on these particular
12 practices?

13 So, cover cropping, and pasture
14 practices. And organic resoundingly is head and
15 shoulders above, if I dare say it, it's not the
16 administration saying it, it's me saying it,
17 above conventional.

18 And if we can't say that, folks, we've
19 got a bigger problem on our hands. And so, if we
20 are going to message that internally and very
21 transparently, we're going to dice out the
22 details.

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1 But for this one we're saying, for
2 these practices requested organic is the
3 solution. And any time you're going to make an
4 organic claim for grant funding or NRCS programs,
5 or anything, organic folks who are certified are
6 going to be considered. They're not going to be
7 put into the back of the line. And that's a
8 risk.

9 And frankly, it is an organic versus
10 conventional. That's what we're up against. We
11 are up against a question of is organic even at
12 the table? And the jury is still somewhat out
13 with the administration.

14 This doesn't suddenly make everybody
15 love organics. But it was our attempt to try to
16 really clearly message that for what you're
17 considering climate smart these questions, which
18 frankly just don't address the concerns that you
19 raised as far as practices that you would want to
20 push out of that, off the table.

21 For these practices organic has it
22 baked in. Organic was the original climate smart

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1 solution. When they were thinking about what is
2 climate smart, really they just plucked from the
3 organic standards, which we should be singing
4 with our greatest praise, Hallelujah, because it
5 actually works.

6 Our system works. We have a market
7 for it. We should all be with one voice shouting
8 from the rooftops that we have something that
9 actually works, as opposed to having to reinvent
10 the wheel.

11 So, that question to Dilip, I'm sorry,
12 this is a very long answer to Dilip's question is
13 that we were asked about these particular
14 practices.

15 How do they correspond to the climate
16 smart prompts? And we answered that they're
17 baked right into the regulations.

18 MEMBER NANDWANI: Thanks, Nate.

19 CHAIR POWELL-PALM: Thank you. Nate,
20 or I'm sorry. Carolyn and then Nate.

21 MEMBER DIMITRI: I was starting to
22 think you were passing me over on purpose, Nate.

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1 So first I want to say something to you Nate. I
2 really admire and respect your desire to have no
3 conflict.

4 And I do think that there is been a
5 history of conflict on the NOSB and in organic.
6 And it comes out loud and clear in our public
7 comments, and many other areas.

8 So, like I recognize that you are
9 trying very hard to like navigate us through kind
10 of what could be land mines. So, I do think like
11 everyone on the Board that, well, there's nothing
12 --

13 Anyway, I don't think we're going to
14 personally, this Board will have a giant falling
15 out over this particular proposal. But that said
16 I do have some comments.

17 So, one is like just in interest of
18 full disclosure, also there are some new people
19 on the Board. When we got the 17 questions I
20 came back with a very snarky academic answer to
21 the 17 questions, which basically were like,
22 USDA, go ask your staff all of these questions.

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1 And don't ask us this. And Nate was much more
2 diplomatic, and wrote out point by point answers.

3 And I do see what you're saying about
4 practices and organics. But I have, what, two
5 thoughts, well, three thoughts actually.

6 So one is, when people read this,
7 people aren't going to be thinking we're talking
8 about the practices. They will think that this
9 is a statement on anything that's certified
10 organic by USDA. So, I think it's important to
11 keep that in mind.

12 Two, I think that, I agree with Brian.

13 I think that there are some cases where it's
14 just not going to be true. And I think in, and
15 those are the cases that I worry about. Because
16 I think that often those types of facilities are
17 able to produce at a much lower cost of
18 production.

19 And then there's this competitive
20 advantage that they have in the market. And they
21 make it harder for the other farms to compete in
22 the marketplace. And I think you see this in

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1 organic berries very clearly, right.

2 If we're just going to think about the
3 western operations, and the issues about lower
4 feed costs, and what this means for higher levels
5 of profitability. And that concerns me.

6 And I also think the climate smart
7 phrase is not defined yet. But there are plenty
8 of companies that do a really great job at
9 marketing based upon climate smart agriculture.

10 And so, I guess I don't really want to
11 add anything to some company's ability to say
12 that some hydroponic facilities, sorry Jerry, is
13 going to be climate smart, and that consumers
14 will be able to see it on a product and buy it.

15 And so, I don't know whether the right
16 thing is to send it back to committee. Maybe we
17 could make some small tweaks, so that it would be
18 more acceptable.

19 Because this is part of the public
20 record. And people are not going to like sit and
21 think about like all of the angst every one of us
22 has gone through as we look at this.

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1 So anyway, those are my thoughts.
2 Thank you for listening.

3 CHAIR POWELL-PALM: Sure. Nate.

4 MEMBER LEWIS: Yes. I think I'm
5 trying to synthesize my thoughts into something
6 not too raggedy.

7 But I hear you loud and clear, Brian.

8 And, Carolyn, you have repeated it as well, that
9 there are likely going to be some operations that
10 don't provide a net carbon sink, which I think is
11 a way, one way of describing kind of your
12 concern, as you've got production of food that is
13 continuing to mine the soil for carbon, or not
14 absorb more carbon than it's emitting in its
15 production practices.

16 And I'm not sure if I think that every
17 organic farms needs to be a carbon sink in order
18 for that organic farm to be climate smart.

19 And I certainly think that the
20 regulations as they are written have the
21 potential to be applied on any farm to be a
22 climate smart option.

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1 So, the reason I'm supportive of
2 getting this back to the USDA is because they've
3 provided us an opportunity to weigh in. And
4 they're seemingly trying to draw a circle around
5 everything that's climate smart.

6 And if we don't jump in that circle
7 the ship's going to be out of the harbor. And
8 then we're going to be kind of like clawing back
9 with, you know, we just do more hand wringing and
10 say, these types of operations, or this thing, or
11 that thing. And we parse it out like we usually
12 do.

13 I'm concerned we're going to miss the
14 ship, and we're not going to get included in the
15 VENN diagram like we are in a lot of other USDA
16 programs, where we're now trying to do little
17 fixes at RMA for crop insurance.

18 We're trying to do little fixes at FSA
19 to actually get our cost share program. Or, you
20 know, all these different things. I feel like
21 getting on the bus early is really critical with
22 USDA.

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1 We can come back and say, and actually
2 these types of operations, soil based operations
3 that don't cover crop enough I think could
4 potentially be not climate smart.

5 There's a lot, there's a whole bunch
6 of potential opportunities there to sort of carve
7 folks out. But I don't think we need to do that
8 before we respond to USDA about all the things
9 that already exist that meet what they seem to be
10 implying is their definition for this.

11 So, I want to get on the bus. I want
12 to be on the front of the bus. And we can kick
13 people off if we need to. But yes, I think I'll
14 just leave it there.

15 That's sort of the driving force
16 behind why I want to move this forward, no matter
17 how imperfect it may be. I think it's actually a
18 really good proposal. Thanks.

19 CHAIR POWELL-PALM: Wood, please go
20 ahead.

21 MEMBER TURNER: I just, I really like
22 Brian's definition earlier about sort of what

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1 climate smart means to you, in terms it's for
2 that carbon balance, if you will, on an
3 individual farm.

4 I just want to sort of, from my
5 standpoint, and I know this is neither here nor
6 there. But I think the frame is bad. I don't
7 love the frame. I don't love the fact that the
8 question we were asked is something related to
9 something a little bit buzzy called climate
10 smart.

11 I mean, I, the only, I fundamentally
12 believe that responsible agriculture should be
13 focused on storing as much atmospheric carbon as
14 it possibly can, period, the end.

15 But I don't like thee frame. I don't
16 like the, this sort of in or out climate smart
17 issue. And for me, you know, I look at Page 3 of
18 the proposal. And, you know, the chart that's in
19 the proposal is called principles of regenerative
20 agriculture.

21 And I guess the point that I want to
22 make is that I wish the paper were more about

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1 organic being regenerative. Organic is
2 regenerative.

3 I feel like there's so much
4 conversation from so many different angles in the
5 community about, you know, what we, you know,
6 what is this regenerative? What does that mean?
7 What does this mean?

8 And honestly, I feel like for me
9 fundamentally the issue that matters the most to
10 me, not whether organic is climate smart. And I
11 get the frame. I don't like the frame. Is
12 simply that organic is regenerative, period, the
13 end.

14 We should be singing that from the
15 rooftops in every way possible. And I wish we
16 were spending more time focused on that
17 particular issue, which I think is so clearly
18 outlined in the table on Page 3. So, I just
19 wanted to say that.

20 CHAIR POWELL-PALM: Thank you. Kyla,
21 please go ahead.

22 MEMBER SMITH: Thanks, everybody, for

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1 your conversations on this topic. I was sitting
2 here reflecting, and sort of landed similar to
3 what Nate Lewis had said. So like now we have to
4 say NPP or Nate Lewis, Nate 1, Nate 2.

5 Anyway, I'm thinking about unintended
6 consequences and timeline. So, that was what I
7 was thinking about too. And is it better to move
8 forward with the proposal and have a seat at the
9 table?

10 Or, and what's the unintended
11 consequences of that option and that action,
12 versus sending it back to Subcommittee, not
13 having a seat at the table. And what are the
14 unintended consequences of that action?

15 So, I generally, yes, Carolyn, if you
16 want to speak to that. That's an open question
17 anybody can respond to.

18 CHAIR POWELL-PALM: Sure. I think so.
19 Yes.

20 MEMBER DIMITRI: Okay. Jenny, I guess
21 I'm curious. It seems to me that USDA is down
22 the climate smart road already. And like,

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1 they're not waiting for this, are they?

2 DR. TUCKER: Well, waiting for it.
3 They're very interested in hearing from the
4 community. There are folks with, USDA is through
5 this work agenda item trying to help you tell the
6 story of organics. And there's a lot about
7 organics that is climate smart. And so, I can't
8 advise you what to do with this proposal.

9 CHAIR POWELL-PALM: No, no, no. No
10 worries.

11 (Laughter.)

12 DR. TUCKER: Really. I mean, really.

13 CHAIR POWELL-PALM: Thank you. Jerry,
14 please go ahead.

15 MEMBER D'AMORE: Yes. I've got a
16 really simple question. And sometimes things
17 come down to one word. When we first started
18 this, and it was under Carolyn's pen, I asked the
19 question about unintended consequences, and what
20 do we want of this document?

21 And what I got back made tremendous
22 sense to me at the time. And maybe life has gone

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1 on, and we've got other things we're talking
2 about.

3 But the answer was, we want to get in
4 the queue. We want to be in the queue that we by
5 and large, as the organic stepchild are not in
6 the queue.

7 You take a look at conventional and
8 what goes to conventional. And then you look at
9 organic and its, what it's contributing both in
10 terms of dollars and what's being planted to it.

11 It's, those are two different, those are vastly
12 different things.

13 So, it made a lot of sense to me then.

14 Now, to Brian, I'm sitting back. I'll take us
15 back to our oral comments just last week. And
16 I'm going, holy crap, hydroponic, hydroponic,
17 hydroponic.

18 Are we, first quarter of our time we
19 had 12 references to hydroponic. And I am
20 sensitive to that. And where I today got,
21 because I was going to follow on to that, to, and
22 say, okay, hydroponics is part of the discussion.

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1 I was going to contribute that I went
2 through and saw four different references out of
3 our oral comments that directly linked
4 hydroponics to climate smart agriculture and
5 said, doesn't work.

6 So, where am I going with all of this?
7 I'll take it back to your opening comments. And
8 if I misheard them then my whole speech here is
9 not worth much. But we've got a living document
10 here, do we not?

11 CHAIR POWELL-PALM: No.

12 MEMBER D'AMORE: What's that?

13 CHAIR POWELL-PALM: No.

14 MEMBER D'AMORE: That means this is
15 it?

16 CHAIR POWELL-PALM: This is it. We
17 have a living work agenda item. But for these
18 questions --

19 MEMBER D'AMORE: Okay. Excuse me.
20 That's where, I beg your pardon. A poor choice
21 of words. We've got stuff to do on this
22 document.

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1 CHAIR POWELL-PALM: Absolutely.

2 MEMBER D'AMORE: Okay.

3 CHAIR POWELL-PALM: Climate change
4 ain't over, folks. This did not solve it.
5 Shocker.

6 MEMBER D'AMORE: So, I stayed quiet
7 until this point because I thought I saw things
8 coming together in a way that made sense to me.
9 And with that, this does make sense to me.

10 I think we need to be in the queue.
11 And the queue makes sense to me. The origins of
12 that make sense to me. We're not in the queue.
13 Let's get in the queue.

14 CHAIR POWELL-PALM: Kim then Amy.

15 MEMBER SMITH: This is not perfect.
16 But I don't know if I can answer Brian's
17 questions and make it perfect in this format, or
18 in taking it back to subcommittee and trying to
19 redefine it.

20 Things that I wrestle with, with being
21 climate smart, as an industry there is a lot of
22 work to do. But this is a starting point to get

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1 us where we can go.

2 And I just haven't heard enough to say
3 if we take it back. That when we bring it back
4 up in the fall that we present a document. I
5 feel like we'll be six months behind.

6 And we have to start somewhere, I
7 guess is where I'm going with this. And I'm not
8 making, I won't, I hear you, Jerry. It's hard to
9 make sense of it.

10 But at the same time I would say we
11 have to sometimes live in a little bit of grey in
12 order to get to better black and white. And I'm
13 comfortable with this moving forward.

14 CHAIR POWELL-PALM: Oh, I'm sorry,
15 Frank. Amy and then you. That's right.

16 MEMBER BRUCH: I'm glad that this
17 topic and this work agenda item is actually a
18 living one. This topic, and we have to refer to
19 the scope.

20 I agree with what's been said. We got
21 to get on the bus. We got to be in the queue.
22 However, I believe we actually should be leaders

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1 in this area, and then in future areas with this
2 subject matter. And I think it's really
3 important.

4 Carolyn actually I think got us in the
5 conversation. Because there was a letter that
6 she wrote to the Secretary of Ag. Because in his
7 initial climate smart agriculture debut there was
8 zero references to organic agriculture.

9 We need to be leaders in this sector.
10 And I think we can look at this as somewhat
11 iterative as well. I think there's way more to
12 the equation than just carbon when looking at
13 climate smart agriculture and regenerative
14 agriculture. And we need to be leaders on those
15 next pillars. This is kind of a grey situation
16 that we need to be able to make black and white.

17 Water is an important resource that
18 needs to be considered in here. It's outside of
19 the scope.

20 But it can be part of the next
21 conversation. Social aspects with regenerative
22 agriculture and climate smart agriculture are

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1 really important. We need to be leaders in that
2 conversation.

3 And there's so many other subsets that
4 are just not being talked about, because we're
5 only focused right now on carbon. So, this is I
6 believe the first of many conversations. And the
7 organic sector needs to be the leader in this
8 area.

9 That's my thoughts. I'm curious what
10 the Board thinks. But then I also have one
11 question for you, Nate. Based on oral comments
12 there was also a correction --

13 CHAIR POWELL-PALM: Yes.

14 MEMBER BRUCH: -- that in this current
15 document we should probably talk about the need
16 for changes. So, two things there. Thank you.

17 CHAIR POWELL-PALM: Yes. I'm going to
18 go to Franklin, then come back. Franklin.

19 MEMBER QUARCOO: So, I'm of the view
20 that with all that is done in organic agriculture
21 we are more qualified than most to be in this
22 category. We don't have to be perfect in order

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1 to be in the group. And so, if we want to wait
2 until all the kinks are ironed out we will never
3 get onboard.

4 CHAIR POWELL-PALM: Hear, hear.

5 MEMBER QUARCOO: Thank you.

6 CHAIR POWELL-PALM: Thank you. Other
7 questions? Other comments? Sure, yes. We heard
8 from the, I need to give the script to ever
9 articular Mike Dill that we have some absolutes
10 that need to be adjusted.

11 And so, synthetic nitrogen instead of
12 synthetic fertilizers. And then most instead of
13 all. And so a friendly amendment in the cover
14 letter to correct those. Brian.

15 MEMBER JOHNSON: Nate, can I jump in
16 after Brian?

17 CHAIR POWELL-PALM: Oh, I'm sorry.
18 Yes. Actually, Mindee and Allison, please go
19 ahead. I'm sorry.

20 VICE CHAIR JEFFERY: Go ahead,
21 Allison.

22 MEMBER JOHNSON: Okay, thanks. Along

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1 the lines of synthetic nitrogen fertilizer, I
2 just wanted to raise that the question that USDA
3 is putting forward is not necessarily what is the
4 climate smartest. It's just what's climate
5 smarter, or climate smart as a baseline.

6 And the production and use of
7 synthetic nitrogen fertilizer accounts for 2.4
8 percent of global greenhouse gas emissions. So,
9 just the simple prohibitions on most synthetics
10 in organic, for me baseline is one of the reasons
11 that we can definitively say that organic is
12 climate smarter when the dominant practices rely
13 on those greenhouse gas intensive inputs.

14 And I think one of the reasons that it
15 has been, one of the reasons that there has been
16 so much focus on health soil and carbon
17 sequestration is that it's a way to avoid talking
18 about the greenhouse gas footprint of those
19 inputs. So, I think it's really important for us
20 to all remember to mention that key point.

21 And, Brian, I think, I appreciate you
22 raising the sort of range of climate benefits

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1 that we might see from different types of
2 production.

3 But that synthetic input piece is
4 present for every type of organic agriculture,
5 whether it's, you know, production of animal feed
6 or, you know, switching compost in for other
7 synthetic fertilizers.

8 So, I think we have a lot to stand on,
9 and shouldn't let the sort of dream of the
10 perfect get in the way of touting organics
11 climate benefits across the board.

12 CHAIR POWELL-PALM: Mindee, did you
13 want to go ahead?

14 VICE CHAIR JEFFERY: Sure. Thank you.

15 I really appreciate everyone's thoughts and
16 comments, and the great work of this document.

17 And from where I'm standing this is a
18 little bit different than the context that this
19 Board usually engages. Generally we are really
20 engaged with particulars, the weeds and seed, and
21 the minutiae of what it takes to produce food at
22 the scale of nations with a lot integrity.

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1 And in this moment, with this
2 document, for me the greater context of our
3 concern for the earth and for our future, we have
4 this opportunity to communicate that we
5 understand the scope of the work the USDA is
6 tasked with managing.

7 And I have to stand there and step
8 aside from the organic bubble, and really think
9 with them. For me it's with a lot of humility
10 and awe around what takes to shape and move a
11 nation.

12 And in this context organic has the
13 potential, like maybe the younger sibling of the
14 food system. This is a real opportunity for us
15 to voice the very specific and sound systems
16 approach.

17 That this organic legally enforceable
18 version of food production, it is climate smart.

19 And it deserves both the designation and the
20 elevated consideration by the USDA as such.

21 So for me this isn't about the
22 politics of the particulars. It's, this document

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1 provides those who may not be intimately
2 acquainted with the greater work of organic, this
3 provides them with the information they need to
4 produce greater understanding of our work.

5 And that this \$60 billion dollar
6 economy is moving the needle on being great
7 stewards of this our home climate. And that this
8 opportunity to voice that directly to those who
9 are tasked with managing the enormity of
10 agriculture in this country for me is, I want to
11 be there.

12 And our voice could be expressed very
13 clearly. And I'm going to really proud to
14 support this document with my whole heart and my
15 vote.

16 CHAIR POWELL-PALM: Thank you, Madame
17 Vice Chair. Brian, did you want to go next?

18 MEMBER CALDWELL: Yes. Thanks so
19 much. I really, really appreciate everybody's
20 thoughts on this. What I'm hearing is, and I
21 believe Nate has said it several times, that we
22 don't want the perfect to be the enemy of the

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1 good.

2 And I'm hearing from everybody that
3 it's kind of, maybe in the scientific literature
4 you have to be really careful about what you say.

5 But in communications that are not that parsed
6 and rigorous a little overstatement is not
7 necessarily a bad thing.

8 I think that this document has, makes
9 really, really powerful arguments in favor of
10 organic, okay. And I feel like my objections to
11 it are not as important as the goal I see that we
12 can achieve.

13 And you folks have convinced me of
14 this. And I think I'm going to change my mind on
15 it. And like I say, I really appreciate
16 everybody's thought. I think that we can say
17 that we put this through the wringer, and really
18 kind of like, you know, kind of pummeled it a
19 little bit.

20 But that the main thrust of it and,
21 you know, like I say, I'm going to say 90 percent
22 of the arguments in this paper are just really

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1 forceful and positive. So, I want to thank you
2 all for that.

3 CHAIR POWELL-PALM: Thank you so much.

4 And thank you for the debate. I really
5 appreciate you bringing up these concerns. Nate,
6 please go ahead.

7 MEMBER LEWIS: Yes. Just really
8 quickly. I really like Allison's idea about
9 climate smarter and climate smartest. And maybe
10 we can wrestle that at a future Board meeting.
11 Just some novelty awards as well.

12 CHAIR POWELL-PALM: Jerry.

13 MEMBER D'AMORE: Sorry, but Nate
14 prompted this one. And this is probably just an
15 older guy's issues. I've heard in this room
16 today back and forth two things. Organic is the
17 climate smart solution. Or it's a, an. So,
18 which one is it?

19 CHAIR POWELL-PALM: I have to say I'm
20 just an organic guy all the way. So, it's the
21 organic --

22 MEMBER D'AMORE: Okay. Okay.

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1 CHAIR POWELL-PALM: -- climate smart
2 solution.

3 MEMBER D'AMORE: Right. Okay.

4 CHAIR POWELL-PALM: Other thoughts.
5 Dilip, please go ahead.

6 MEMBER NANDWANI: I haven't seen a
7 clear definition of climate smart yet. I'm not
8 sure I might be wrong. And if we don't have one
9 I'd like to see near future. I don't know, is it
10 the USDA's or NOP's job, or whose exactly?

11 But in the near future I'd like to see
12 a clear definition what we call really climate
13 smart I think. But just thank you.

14 CHAIR POWELL-PALM: I am right there
15 with you. And no, we don't have a definition
16 yet. Other thoughts, folks? All right. With
17 that I'll hand it back to Amy. Brian, to make
18 sure I caught you right, did you want to put a
19 motion to send it back to subcommittee?

20 MEMBER CALDWELL: No.

21 CHAIR POWELL-PALM: Thank you. All
22 right. So with that I think we're going to the

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1 vote. But --

2 MEMBER BRUCH: Yes. Sorry, what?

3 CHAIR POWELL-PALM: Yes. So any other
4 discussion before we go to the vote? So we have
5 a motion. It was motioned out of subcommittee by
6 myself, and then seconded by Amy Bruch. And I
7 think actually I'm supposed to hand this off to
8 you now as Chair. So, let me shut up.

9 MEMBER BRUCH: Okay. I guess, are we
10 ready to vote? Or is there a motion to return it
11 back to subcommittee?

12 CHAIR POWELL-PALM: No motion.

13 MEMBER BRUCH: Okay.

14 CHAIR POWELL-PALM: All right.

15 MEMBER BRUCH: Well, I'll just read
16 the motion for the record then. We have a motion
17 to accept the proposal on organic as climate
18 smart agriculture. And we're going to go around
19 at the Board table and vote. And I'll record the
20 votes here.

21 CHAIR POWELL-PALM: And we're going to
22 start with Javier Zamora, absent. And then,

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1 Allison, if you would go next.

2 MEMBER JOHNSON: Yes.

3 CHAIR POWELL-PALM: Brian.

4 MEMBER CALDWELL: Yes.

5 CHAIR POWELL-PALM: Nate Lewis.

6 MEMBER LEWIS: Yes.

7 CHAIR POWELL-PALM: Dilip.

8 MEMBER NANDWANI: Yes.

9 CHAIR POWELL-PALM: Jerry. Kyla.

10 MEMBER SMITH: Yes.

11 CHAIR POWELL-PALM: Amy.

12 MEMBER BRUCH: Yes.

13 CHAIR POWELL-PALM: Mindee.

14 MS. LEE: I would like to hear Jerry's
15 vote, because I couldn't, if you don't mind.

16 MEMBER D'AMORE: Yes.

17 MS. LEE: Thank you very much. I want
18 to get the record right for Michelle. And Mindee
19 is a yes.

20 CHAIR POWELL-PALM: Mindee is a yes.

21 Kim.

22 MEMBER HUSEMAN: Yes.

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1 CHAIR POWELL-PALM: Franklin.

2 MEMBER QUARCOO: Yes.

3 CHAIR POWELL-PALM: Wood.

4 MEMBER TURNER: Abstain.

5 CHAIR POWELL-PALM: Logan.

6 MEMBER PETREY: Yes.

7 CHAIR POWELL-PALM: Carolyn.

8 MEMBER DIMITRI: Abstain.

9 CHAIR POWELL-PALM: And the Chair
10 votes yes.

11 MEMBER BRUCH: All right. We had to
12 tally based on our sheet here. So, we had 12
13 yes. We had two abstentions. We had zero no.
14 We had one absent. We had zero recusals. So,
15 the motion passes. We needed a two-thirds vote
16 there, two-thirds majority vote. Motion passes.

17 CHAIR POWELL-PALM: Thank you,
18 everyone. Thank you Board. Back to you.

19 MEMBER BRUCH: All right Now we're up
20 for our second item, which is a discussion
21 document. This is a really important one for the
22 community. And I really appreciate Carolyn's

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1 lead on this.

2 We had a research forward based
3 approach on this document, the crop insurance
4 work agenda item. And we are looking to build on
5 this to make recommendations for a future
6 proposal.

7 But in the meantime, Carolyn, I'll
8 have you kick us off for the discussion document.

9 Thank you.

10 MEMBER DIMITRI: Thank you. Michelle,
11 where is the, oh, thank you, Michelle. Now you
12 can show me how to use it. Okay. Okay. Thank
13 you.

14 Okay. Thank you, everyone. So, I
15 just have a, like a few background things to say.

16 My professor hat is coming on. So, I apologize
17 for people who hate school.

18 So, partly this is part of a larger
19 research project that I'm working on to try to
20 improve farm programs for organic farmers. And
21 the crop insurance part I think fits really well
22 into the NOSB work.

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1 And so, many people on the Board and
2 out here have been interviewed by my team of
3 researchers who have been doing a really nice job
4 of tracking people down and asking them lots of
5 questions.

6 Interestingly enough, Liz talked to
7 them for three hours, which I thought was so
8 impressive.

9 So, I am going to take us back through
10 time a little bit here. And part, and there's a
11 reason for this. And I think partly looking at
12 how farm programs have evolved over time is
13 really helpful when we try to think about how we
14 can change them going ahead.

15 So, crop insurance was one of the very
16 first farm programs, created in 1938. The target
17 crop at that time was wheat. And one little
18 known fact that I'm sure Amy loves is that you
19 used to be able to pay your premium in actual
20 wheat, rather than money.

21 But farmers didn't really like crop
22 insurance. And there was very slow adoption of

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1 crop insurance over time. And so, in the 1980
2 Farm Bill that bill said that the insurance
3 premiums would be subsidized by the Federal
4 Government.

5 And then at that point in time was
6 created the system that we have now, where you
7 have private sector agents selling the insurance.
8 And still farmers didn't like it.

9 So, in 1994 the subsidy was increased.
10 And then there became a lot of requirements to
11 get crop insurance if you were going to enroll in
12 any farm program. And so, you do see this large
13 increase at this point in time. And again, in
14 2000 the premium subsidies increased.

15 And then we all know when the
16 Agricultural Act of 2014 there was this major
17 shift in farm policy to go from supporting farm
18 income to managing risk.

19 And so almost all of our farm programs
20 at this point in time, you know, are couched as a
21 form of risk mitigation. And there are very few
22 direct payments left.

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1 So, okay, let's see. What's next?
2 And just ERS, the economic research service makes
3 these really great charts. And this basically
4 just shows for the main commodity crops, the use
5 of crop insurance by acre.

6 And so, you see between 1994 and 1995
7 there is that big jump in acreage being insured.

8 And that was really because of the tying to
9 being eligible for any farm program at that point
10 in time.

11 Okay. So, if you, so there's a lot of
12 discussion about farm, crop insurance. And
13 there's a lot of, been a lot of discussion about
14 with the risk management agency.

15 And one of the problems is because
16 they're a program agency, and because organic is
17 so small, it's really hard to understand, like
18 what is actually the extent of usage of crop
19 insurance.

20 And so the RMA has this summary of
21 business. And they report kind of weird things.
22 And so, one thing they report is the share of

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1 acres insured by crop insurance. And so, the
2 orange bar is conventional, and the blue bar is
3 organic.

4 And so, you see for wheat, and
5 soybeans, and corn -- I was kind of surprised by
6 apples. You do have almost all of the farmland
7 for conventional under, being insured. And for
8 wheat you actually have a greater share of acres
9 being insured.

10 And then, there's this part of the
11 Farm Bill that requires that crop insurance be
12 actuarially fair, which means that the payments
13 that come out, plus some cost of administration
14 have to be roughly equal to the subsidies and the
15 premiums that are being paid.

16 And so, the thing that you, I think is
17 very striking here is, if you look at these loss
18 ratios -- Okay. So, if it's one it basically
19 means like what's coming in is going out.

20 So, if it's less than one then
21 someone's pocketing some money. And if it's more
22 than one then the federal government, also known

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1 as the taxpayer, is paying out money.

2 And so, for organic crops, with the
3 exception of apples, the loss ratios are very,
4 very much higher than they are in the
5 conventional sector.

6 And so, I have a lot of questions
7 about why the risk management agency has these
8 set up as two separate risk pools. But that's
9 what they have.

10 And so, I think when you think about
11 moving ahead, and making crop insurance work you
12 also have to deal with this reality that from an
13 economic perspective it doesn't seem to pay,
14 because there's more money going out than coming
15 in.

16 And so, the, I, people know about this
17 study that NCAT did with this professor, Eric
18 Belasco. And they collected a lot of data using
19 OREI funding, to try to understand why organic
20 farmers aren't using crop insurance.

21 And so, through their survey they had
22 about, I don't, I think like 1,400 farmers that

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1 answered their survey. And this reports the
2 percent of their farmers that use crop insurance.

3 And so, from the people that they
4 talked to, the field crop, which is not a
5 surprise, producers were using crop insurance at
6 higher rates than other producers. But you still
7 see it's only about 25 percent.

8 And, I mean, they could have some
9 sample selection bias, and that's why the numbers
10 are low. But I think overall you see fairly low
11 adoption levels.

12 And something that my research team is
13 trying to do is see if they can look at a state
14 or even a county level, to try to compare
15 adoption rates by commodity for organic and
16 conventional crop insurance. I'm not sure it's
17 going to be possible. But they're hard at work
18 doing that right now.

19 And so, the research findings
20 regarding the use of crop insurance, most of this
21 work was done by Belasco and Fuller. They really
22 can't say anything about whether the size of the

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1 farm or the diversity has very much to do with
2 the likelihood of an organic farmer using crop
3 insurance.

4 And that basically in order to get
5 conventional farmers to use crop insurance you
6 have to give higher subsidies. And pretty much
7 everyone accepts that organic farmers have lower
8 insurance participation.

9 And the reasons that farmers give for
10 not using crop insurance, I think these are
11 things that the public comments reflected, and
12 everyone knows this pretty well.

13 It's very expensive, or the farmer's
14 not familiar with crop insurance. Or organic
15 farmers don't need it or they don't want it. And
16 this comes from the USDA's organic production
17 surveys that they do every couple of years
18 through the organic data initiative.

19 Okay. So, let, oh, so here are the
20 questions. So, I guess I have a couple of
21 thoughts. And so, when I think of what I've
22 learned as I've gone through this, and from

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1 listening to people talk about it is, we have a
2 couple of groups of producers.

3 We have the people who use crop
4 insurance now, like Amy. And there are, that
5 pool of people has, they have very strong ideas
6 about how to make it work better for them.

7 The diversified operations are in a
8 different pool. And I think that there are
9 plenty of them who want to use crop insurance,
10 but find it doesn't work for them.

11 And even though the whole farm revenue
12 insurance instrument was created for them, what
13 you see is people are using it like, the usage
14 rates are declining over time. And I think
15 that's problematic. And it also points to the
16 complexity of the system.

17 And I think that there's a group of
18 people who think crop insurance isn't suitable
19 for them, but do want to manage their risk. And
20 I think about as we go ahead, like thinking about
21 that group of farmers as a separate category.

22 And then, dairy producers. That kind

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1 of came to me yesterday in the NOC pre meeting.
2 They need better support as well. And probably
3 their needs are going to be different from say
4 diversified operation needs.

5 So, I have a couple of other thoughts
6 to sort of launch our discussion. So, one is, I
7 do have a lot of research in progress right now.

8 And I think at some point this summer I will be
9 able to share some of that with people.

10 And I have to think about the forum
11 for that.

12 And the other idea that I had, which I
13 think might be a little crazy. But I think it
14 could be really helpful, would be to ask the
15 Secretary of Agriculture to have USDA create a
16 farm policy task force that has representatives
17 from all the different USDA agencies to
18 understand like how to improve the program
19 structure and the implementation.

20 So, I think that means you would have
21 some of the economists from Economic Research
22 Service, who think about farm policy and how to

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1 design farm policy from a very broad sense, like
2 what kind of incentives do you want to set out.

3 And then you also have program
4 implementers like the Risk Management Agency, or
5 NRCS. Like, how do they actually make those
6 programs work better?

7 And I guess I would like to see a task
8 force that worked really hard for like a year and
9 then wrote a report. And then we could read it
10 and see what they had to say.

11 But that is just one wild thought that
12 I had. And what I'd like now to do is turn the
13 discussion over to the group.

14 MEMBER HUSEMAN: I have a question for
15 you. If you go back one slide.

16 MEMBER DIMITRI: Let's see. Maybe.

17 MEMBER HUSEMAN: If we were to put
18 that into a pie chart, do you know what that
19 would look like?

20 MEMBER DIMITRI: Yes, I do. It's in
21 the -- yeah. I think maybe half of the people
22 don't need it or want it. Yeah.

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1 I didn't put it as a pie chart that's why.

2 MEMBER BRUCH: Carolyn?

3 MEMBER DIMITRI: Yes.

4 MEMBER BRUCH: When -- this chart
5 here, I do have a question. It's too expensive.
6 What's the rest of the story? Is it because the
7 coverage is not adequate, or they don't need it
8 or want it Y the coverage isn't adequate? Do we
9 have kind of the rest of the story with these
10 reasons in the survey?

11 MEMBER DIMITRI: No, because I think
12 when USDA does a survey, they just -- it's like
13 check, and people check it. And there really
14 isn't room to add more information.

15 MEMBER BRUCH: Okay.

16 MEMBER DIMITRI: I mean, I actually
17 haven't looked at the survey instrument, which I
18 know will be on the USDA website, so that's
19 something I could do later.

20 But usually, they ask -- they give you, like,
21 four reasons, and then you either -- you know,
22 you just pick one of the four reasons.

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1 MEMBER PETREY: So if they took out
2 "don't need or want" it probably -- that just
3 seems -- that does seem vague that "don't need or
4 don't want" could attribute to those other
5 points.

6 MEMBER DIMITRI: Yeah.

7 MEMBER BRUCH: Yeah. I think there's
8 a lot more to the story there. I guess speaking
9 --

10 MEMBER DIMITRI: Oh yeah.

11 MEMBER BRUCH: Yeah. So if it's
12 possible to understand, yeah.

13 From my perspective, you know, I've
14 had experience as a conventional farmer and
15 interactions with crop insurance in my area.
16 I've had those same experiences, interactions, as
17 an organic farmer, and unfortunately, there are
18 two different types of scenarios.

19 And I just think, one, we're looking
20 at recruiting transition -- more transition
21 producers into our environment. And we have a
22 lot of -- I call them "figurative risks" when we

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1 go into producing crops organically. We have
2 market instability, uncertainty. We -- and I
3 mean, we do not have transparency with our
4 markets as conventional producers have,
5 especially with transition producers. They're
6 committing now, understanding the market
7 situation currently, for what they will do in 36
8 months for their trades. So it's a real
9 uncertain process there. We have markets that
10 are -- the handlers are going bankrupt. We have
11 other figurative storms.

12 So when I think of literal, actual
13 storms that occur on our farms as organic
14 producers, we should have coverage that we can
15 count on or at least be able to supplement the
16 gap that was noted by several producers in our
17 public comments.

18 Right now -- and I realize crop
19 insurance can be extremely complicated in terms
20 of a subject matter, but I think we all are
21 familiar with insurance whether we have it on our
22 cars, our vehicles, our houses, health insurance.

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1 When we have an asset worth X dollars
2 -- let's look at a house. If you have a house,
3 and you're a conventional producer, that house
4 can get adequate coverage.

5 If you are a organic producer that has
6 a home, you automatically get a discount factor
7 that's not associated with anything of your own
8 production history. So I think that really needs
9 to be looked at for potentially even equity,
10 where there's a just a real big disadvantage
11 right from the start when you have production
12 experience, and all of a sudden you say, "I want
13 to transition," versus somebody that has zero
14 production experience that says, "I want to be a
15 conventional farmer."

16 We need to provide support for these
17 producers. And it goes across the board.
18 There's several risk-management tools out there,
19 but we're focusing right now on crop insurance,
20 and we have to make it function, so the reason
21 people are not buying it is not because it
22 doesn't function for them.

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1 Thank you.

2 MEMBER PETREY: And this might be --
3 or either -- anybody. So you see it's not
4 working for the farmer and then look at the loss
5 ratio. It's not working for the government
6 either. It's not working for anybody.

7 And so how do we get it to where it is
8 working? Because I would imagine, it's not
9 working for the rent farmer because the payout's
10 not there. But whenever it is used, it's not
11 working for whoever's paying to. At least,
12 that's what I was -- excuse me -- comprehending
13 with that. Does that seem right?

14 MEMBER DIMITRI: Yes. And I think
15 that's why I question why they have to be in
16 separate risk pools. Why can't you just throw
17 all the organic farmers and conventional farmers
18 together in the same risk pool?

19 I'm sure there's an actuarial reason
20 why people wouldn't want to do that, but there
21 are not that many organic farmers.

22 CHAIR POWELL-PALM: I'm just going to

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1 jump in.

2 One thing about that actuarial data.
3 Amy and I had the privilege of speaking to RMA a
4 couple of times, and a lot of it boils down to
5 that the data set for organics is somewhat skewed
6 in that, one, just the data collection is kind of
7 iffy for getting folks to respond and getting the
8 good numbers.

9 But when we look at who is organic,
10 historically, lots of times, it's just been folks
11 who are on marginal land. They were at risk of
12 almost going bankrupt, and so organic saved them.
13 They're not the banging producers who have the
14 best yields.

15 So as organic grows, and as folks like
16 Amy get in the game, really professional farmers
17 who are doing excellent work getting incredible
18 yields, I think there's going to be a lot more
19 data to support that it is less of a risk.

20 Nate.

21 MEMBER LEWIS: I'm sort of thinking
22 back on my advocacy days in bringing organic

1 farmers to D.C. and setting up meetings with RMA
2 and found them to be actually fairly productive.

3 I think for the farmers, they remain
4 frustrated, but we were able to get incremental
5 change from RMA when we sat down, explained the
6 problem very clearly, identified some data that
7 they needed to adjust their policies. But those
8 were successful because we heard from people what
9 the specific issues were, and we got them in the
10 room.

11 I think we have a unique opportunity
12 here to advise the Secretary on all sorts of
13 risk-mitigation measures that organic farmers
14 need. And we can play a critical role as the
15 clearinghouse for that.

16 So we're in a Farm Bill cycle. The
17 Farm Bill's going to pass at some point, and then
18 USDA will have the chore of implementing it. If
19 they have a go-to place for the list of issues
20 that are preventing organic farmers from
21 accessing it, whether it's EPH in western Kansas
22 or T-yields in Michigan, then they can respond to

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1 us or those farmers with some data requests.

2 And I think that they actually want to
3 change to sell more policies. That tends to be
4 their goal. I don't particularly want to do
5 RMA's job for them right here. But I think that
6 may be a good way to kind of think about how we
7 approach it.

8 But I also was compelled by Roland's
9 comment this morning, which was that risk
10 management for a small, diversified operator in
11 Georgia may look like row cover. And so I want
12 to think about risk management in a broader
13 category that USA has a suite of programs, and
14 they all -- not all of them -- many of them can
15 be thought of as risk management depending on the
16 scope and scale of the operation.

17 So that may be any context within
18 which we look at a whole host of USDA programs
19 that we then can provide comments to the
20 Secretary on how best to suit -- to curate those
21 programs to reduce risk for organic producers
22 regardless of scale, location.

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1 Some folks are going to want crop
2 insurance. Other folks are going to want
3 technical assistance through NRCS, whatever the
4 issue may be. So that may just be a framework
5 within which we can continue the conversation and
6 turn it into a productive output that the USDA's
7 going to listen to.

8 CHAIR POWELL-PALM: I just wanted to
9 elevate one thing you said there, Nate. From
10 your experience working on Farm Bill-related crop
11 insurance changes for organic, could you -- do
12 you have a little bit of the history on the
13 contract price addendum?

14 MEMBER LEWIS: Yeah, I'll have to sort
15 of dust off those cobwebs. My interactions with
16 RMA were, like, among the first things I tried to
17 forget, I have to tell you.

18 But, no, the contract prices in them,
19 I think, was a tool that they put out recognizing
20 that their -- particularly inorganic -- many of
21 the crops are contracted for or contracted so
22 folks aren't looking for what the price is on the

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1 Chicago Board for blue corn for corn chips or
2 whatever. I don't know exactly what the thing
3 was. And also folks are reluctant to share too
4 publicly what those contract prices are because
5 those are private business dealings.

6 So RMA was able to sort of bridge that
7 gap where enough contracts were given to them in
8 privacy, in confidentiality, that they were able
9 to adjust the caps that they had on the contract
10 price addendum to either create a whole new price
11 selection for a particular variation of a crop or
12 to increase the cap on how much higher than the
13 corresponding commodity.

14 So in the case of blue corn, if there
15 isn't a blue corn price selection, which I think
16 there is now, but it would -- you could be up to
17 250 percent of the value of yellow corn or
18 something like that.

19 But it was about, again, getting the
20 right people in the room and getting them all the
21 right information so that they could no longer go
22 back and say, "actuarially sound," which was, you

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1 know, that's what they always say. So asking
2 them, "Well, what do you need to be actuarially
3 sound and do what we want you to do?" and then
4 figuring out, you know, how do you assemble that
5 data.

6 CHAIR POWELL-PALM: And the only
7 reason I bring that up is I think both of our
8 calls with RMA were extremely productive, Amy and
9 I, and that it really does seem like their
10 inclination is to be very curious as to how to
11 help organics do better and move forward.

12 And I think, just as evidence, the
13 contract price addendum is the coolest thing that
14 I feel is unique to organic. If you don't know
15 about it, definitely do a little research. It is
16 worth the read because it is unique to organic
17 that we are able to protest ourselves against a
18 contract that does not extend over to
19 conventional. And so it's one thing that is
20 actually because of work like this document, the
21 RMA is able to make products that are really
22 uniquely good for us. So I both applaud Carolyn

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1 and Amy for the work that has tangible impacts on
2 our communities.

3 MEMBER BRUCH: And one thing to add
4 about contract price addendum, it's not only for
5 organic producers. It's also for transition
6 producers too, so that -- I agree. That's one
7 recommendation that does provide extreme benefit
8 to our community.

9 And I'm really thankful for the list
10 that different commenters provided us because
11 there are some real detailed ways that we can
12 look to try to improve things.

13 But, Nate, I also agree with your
14 information. We need to aggregate voices and
15 look at multiple methods of risk management here.

16 CHAIR POWELL-PALM: Brian.

17 MEMBER CALDWELL: Yeah. I spoke just
18 last week with an insurance agent who was at a
19 meeting, and I was just trying to get
20 information. And I was really surprised that in
21 the whole FARM program, she said that CSAs could
22 not be covered because the record-keeping

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1 requirements just did not fit with the CSA model.

2 And so that, certainly, is something that -- a
3 barrier that could be probably pretty easily
4 overcome.

5 CHAIR POWELL-PALM: That's one good
6 form. We just need one good form to fix that
7 problem.

8 Dilip.

9 MEMBER NANDWANI: One of the point you
10 mentioned, Carolyn, about high ag subsidies for
11 conventional farmers think I read that. Is there
12 any difference in the subsidies for organic
13 farmer? Does it make difference?

14 And the second point, I think, is it
15 acreage because organic farmer, they may have a
16 less ag rate, and that may result in -- it makes
17 too expensive for them?

18 MEMBER DIMITRI: I'm going to kick
19 those questions over to Amy, who has crop
20 insurance on conventional and organic land --
21 crops.

22 MEMBER BRUCH: Can you repeat the

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1 question, Dilip, please?

2 MEMBER NANDWANI: Well, I was saying
3 that in one of the points she mentioned in the
4 slide that the highest subsidies for conventional
5 farmers. So is there any difference in the
6 subsidies for organic and -- organic farmers and
7 conventional or they're applicable to the same
8 subsidies to the organic and conventional. Does
9 it make difference?

10 And the second was the acreage, also.
11 Too expensive, is it because organic farmers,
12 they have less at creating that could be one
13 reason because going for too expensive for them
14 -- or to afford the crop insurance.

15 MEMBER BRUCH: Yes. Well, and I can
16 just speak to this in my area. And this relates
17 to coverage, subsidies, and your history. And
18 this was an example.

19 One of the public commenters
20 mentioned, the oral commenters, it seems like --
21 at least in my general growing area, which is an
22 area that's pretty traditional to grow corn and

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1 soybeans -- there is a discount factor that's
2 provided to transition producers. In my county,
3 it's 65 percent. So if I transition, I get a
4 lower base-level evaluation, my T-yield. It'll
5 be 65 percent of a conventional producer.

6 So, right off the bat, I am starting
7 with less coverage, even though I do have
8 experience because my conventional experience
9 does not relate at all to transition.

10 So I think that getting individualized
11 -- and I know this is challenging -- but producer
12 history to factor in does set -- I think it
13 reduced risk for RMA because T-yield, your
14 transition yields that set the baseline of
15 insurance if you don't have practice history, it
16 can be aspirational for some in different growing
17 areas that aren't used to growing corn. These
18 yields can look aspirational, and that's where
19 you're getting high payouts, high ratio payouts
20 that don't make sense for RMA.

21 And in my area, where the base-level
22 yields that I get assigned are just incredibly

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1 depressed from the output that I can produce in
2 my field. So I'm in a case where I'm
3 self-insuring. It feels like I'm farming in
4 Brazil without crop insurance, essentially. Even
5 though I am one of those members that purchases
6 crop insurance, I don't see the benefit if I have
7 a climatic event for the crop insurance to cover
8 any amount of my losses. So what I'm investing
9 out of that crop all comes out of my back pocket.
10 Even if I wanted a coverage level, I'm not able
11 to get it, essentially. So it's -- I mean,
12 catastrophic insurance at best.

13 So the subsidies are slightly
14 different -- getting back to your question --
15 based on the amount of dollars in coverage that
16 we can get. So there is a slight scale
17 difference on the subsidies.

18 And then the expense of it -- there
19 was a -- one of the survey questions asked for
20 the cost of it. I, in general, and with TOGA,
21 which is one of the organic initiatives for
22 transition, it provides us a discount on

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1 insurance. I'm not finding that the cost is
2 necessarily the issue. It's the coverage that's
3 the issue.

4 So even though the price for my
5 coverage is pretty nominal, it's actually really
6 expensive because I'm not getting anything for
7 the dollars that I'm spending. So it's just kind
8 of interpretation of the word expense,
9 interpretation of the word subsidy. It really --
10 if you're not getting adequate coverage, then it
11 definitely is an expensive product.

12 Did that answer your question?

13 MEMBER NANDWANI: Yes. Thanks for
14 comprehensive answer.

15 MEMBER BRUCH: It can get a little
16 complicated. I try to not get too much in the
17 weeds but thank you.

18 CHAIR POWELL-PALM: Yeah, Logan, go
19 ahead.

20 MEMBER PETREY: Okay. So do you
21 expect whenever you have crop insurance, I guess,
22 more in the conventional setting, do you expect

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1 to use it almost every -- like, is there going to
2 be a use of it?

3 Like, car insurance -- I'm probably
4 not going to get my bang out of it, but I hope
5 not. You know? I hope I don't get in a wreck
6 and have to use it, but -- and so when you're
7 saying you're not -- it's not justifying that you
8 spent? How often do farmers normally see that
9 payout?

10 MEMBER BRUCH: Yeah. I mean, that's
11 just a matter of the weather.

12 In my area with irrigation, I'm not
13 subject to drought conditions, necessarily. I
14 have to still be a good steward of my water
15 resources, but drought isn't a peril that I have
16 to face compared to a lot of the country. So, in
17 general, my only risk factor with insurance is if
18 it's going to hail or not and to the level extent
19 of damage I might have on my crop.

20 If I have, let's say, 30 percent crop
21 damage, my federal crop policy will not cover any
22 of that damage because I'm over yielding where

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1 the trigger comes into play. So, therefore, I
2 consider it expensive because it doesn't provide
3 me any value. The 30 percent loss came right out
4 of my pocket even if I wanted to insure my crop
5 with federal crop.

6 Where if I was a conventional
7 producer, my history, my yield history, would
8 have provided me an insurance payout if I had 30
9 percent damage because I would have -- I would
10 have impacted the trigger level, the level of
11 support, my safety net.

12 So I don't farm for insurance at all,
13 but I do like to do risk management because
14 that's one of the, I think, regenerative aspects
15 of being an organic farmer and the legacy factor.

16 I have to make sure my farms are going to be in
17 business next year and factors, climatic factors,
18 outside of my control. I should be able to
19 engage policies that are available to
20 conventional producers that are going to be
21 adequate for my organic farm.

22 MEMBER PETREY: Right. And I'm sure

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1 banks like it, too, to make sure they're going to
2 get some money back.

3 MEMBER BRUCH: Yeah.

4 MEMBER PETREY: And with the
5 historical yields, what I was learning from some
6 of the commenters, oral commenters, is that it
7 has to be on that field or that farm year after
8 year. And I mean, that does not fit in the
9 organic.

10 So, like, putting them in the same
11 pool, I understand on the money side, but as far
12 as the requirements, I think that that needs to
13 be tailored to organics because that will take a
14 decade to get sufficient information or data
15 yield if they base it on that.

16 MEMBER BRUCH: Yes, absolutely. There
17 is one positive change that did occur. So if you
18 are -- if your farms, if you're banking on a new
19 transition farm in your particular county, you're
20 able to move over your yield history.

21 So if you have one transition farm in
22 the county, and you've had it a couple of years,

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1 you will use that new yield history to then feed
2 into the four numbers of the transition yield
3 that you're given. So you already start
4 replacing. But when you're in transition only 36
5 months, it's really, really hard to build up that
6 APH.

7 And then, again, the clock starts over
8 when you're organic, so I think there's a real --
9 yeah -- challenge there for building that yield
10 history with our crop rotations.

11 MEMBER TURNER: I'm just going to keep
12 the Amy panel going. I'm going to keep asking
13 Amy questions.

14 Amy, just totally off-topic. Well, a
15 little bit off-topic. But I'm curious if you --
16 just thinking about insurance -- do you find that
17 there's some built-in resilience to organic --
18 your organic acreage compared to conventional?
19 And sort of how do you -- how does that factor
20 into some of these decisions?

21 MEMBER BRUCH: Yeah. That's a good,
22 good point as well. And I do believe organic

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1 systems do have a higher level of resiliency,
2 especially when it comes to drought.

3 Building -- increasing our soil
4 water-holding capacity is really important, and
5 with increased organic matter, we do have
6 increased water-holding capacity, so I think
7 fighting drought, we do have some additional
8 resiliency there.

9 In terms of hail, that kind of is a
10 nondiscriminatory, I think, type peril. It
11 impacts, I think, everybody the same. Our tools
12 to recover are definitely different than what a
13 conventional producer has.

14 I do believe, also, wind is a big
15 factor. So the resiliency, I think, of the
16 nutritional level in our soils does make more
17 resilient crops to handle wind pressure. So I
18 think it just depends on the peril, but there is
19 a competitive advantage there.

20 MEMBER LEWIS: I think I'll just add a
21 comment that regardless of a producer's ability
22 to sort of self-insure through multiple cropping,

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1 resiliency, row cover, whatever that may be,
2 there's oftentimes a financial reality that you
3 can't get your operating loan without crop
4 insurance regardless of whether it actually
5 covers your crop or not.

6 So in terms of sort of the growing the
7 acres of concept, there are a lot of folks who
8 are going, "Well, I don't have a choice to not
9 get crop insurance," and so, I think, working to
10 making it a more functional product. I'm not
11 advocating -- I don't like the insurance industry
12 in general, but it is a necessary element for a
13 lot of conventional financing.

14 MEMBER BRUCH: Yeah. There is one
15 other topic I wanted to discuss was diversity.
16 That comment is built into the document quite a
17 bit, and there was a lot of comments on that.

18 I think diversity needs to be defined
19 and interpreted. I actually would love to have
20 more diversity on my farm. But again, for risk
21 management purposes, I try -- I don't do this
22 always -- but I try to plant crops that have

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1 insurable attributes. So I am limited extremely
2 on what crops I can grow if I follow that
3 philosophy.

4 I have one legume that is insurable.
5 The others that I plant, I have zero coverage on.
6 They're important crops, but I think as we're
7 looking to build markets for rotational crops, I
8 think I mentioned it in my opening comments, too,
9 that -- or my opening question to Jenny --
10 hand-in-hand we have to have RMA as a partner in
11 that.

12 What's normal in terms of crop
13 rotation for a conventional producer is different
14 than what's normal for a crop rotation for
15 organic producers, and crops that make sense, we
16 need to be able to have insurance for those.

17 There is a process currently to be
18 able to get insurance. It's called a written
19 agreement. I've gone through them. It takes --
20 usually, you're three years of trying that crop
21 to provide to RMA that history. They often --
22 it's kind of the chicken and the egg. They often

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1 say, "Well, we haven't had too many requests in
2 that category, therefore, we can't provide
3 blanket coverage in that category." And farmers
4 don't necessarily always want to request
5 insurance that they're not going to be granted,
6 or it will be subpar.

7 So I think diversity could increase,
8 but it's also going to take not only markets to
9 increase our diversity but also some crop
10 insurance on things that make sense.

11 CHAIR POWELL-PALM: Amy, on written
12 agreements, it seems like there's a real
13 opportunity for either universities or other
14 folks may be in more the research space to start
15 growing every imaginable crop immediately on
16 their farms, reporting it to RMA so that we can
17 get actuarial data across every county.

18 And so for me, I have to do a written
19 agreement on flax. And flax is a crop that's
20 great for my system, really great for my markets,
21 great for my soil, but no one else grows it, so I
22 have to do a written agreement.

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1 And I'm just thinking how quickly can
2 we as a community come up with solutions to try
3 to figure out what crops could we ever dream of
4 growing in a county and just start growing them
5 to get that three years and to get sufficient
6 acreage to make it so you can get blanket
7 coverage. And that seems something that's very
8 actionable in our community either through
9 universities or just through more strategic
10 planting so that we plant enough acres to start
11 getting actuarial recognition from RMA for every
12 crop.

13 Would you agree with that?

14 MEMBER BRUCH: 100 percent. I think
15 this is just a big community effort. We need to
16 be all talking the same language. It's a
17 complicated issue, but I do think we can move the
18 needle.

19 We've seen some changes that have been
20 very positive that we highlighted here. And we
21 need to articulate a list of additional items
22 that can provide similar type coverage when we

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1 are transitioning or when we are organic
2 producers.

3 MEMBER DIMITRI: I'm kind of curious
4 what people think about a USDA Task Force to put
5 some of their highly specialized knowledge to
6 this topic, the broader topic of farm programs
7 for organic farmers, excluding cost share.

8 MEMBER BRUCH: I love Task Force. I
9 think they're great. We need to have
10 cross-functional people on the team, though. We
11 need to be able to look at this through farmer's
12 eyes, through RMA's eyes because it has to work
13 for both. It can't just be one benefits and not
14 the other, so we need those two folks in the
15 equation.

16 We need adjusters in the equation, the
17 insurance adjusters that visit our fields that
18 maybe don't have the knowledge on organic
19 production and the ins and outs of it. And then
20 we need agents, also, in that category.

21 So I would think all four of those
22 representatives are really important with Task

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1 Force, and I'm all in favor of that.

2 MEMBER DIMITRI: One of my personal
3 pet peeves is -- like, I understand how farm
4 programs have evolved over time, but it just
5 seems that maybe organic farmers need something a
6 little bit different than what exists for
7 conventional farmers and their -- I don't know.

8 I guess I would like to see some
9 creativity in thinking about how to better meet
10 the needs of organic farmers rather than tweaking
11 these systems that obviously every time this
12 happens the tweaks are not really very -- I don't
13 want to say they're not effective, but they don't
14 really take care of what is needed.

15 CHAIR POWELL-PALM: Kyla.

16 MEMBER SMITH: Yeah. So right now the
17 ACA, the Accredited Certifiers Association, has a
18 working group going on about assessing resources
19 for government programs to help producers better
20 utilize those programs.

21 And so some things that are being --
22 so anyway, I wonder if that's a similar idea as

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1 this task force that's already sort of underway,
2 and we could see what the deliverables are from
3 that working group.

4 Some things that are being discussed
5 are everybody's favorite topic, the Common LSP,
6 or Universal LSP, as well as just how to
7 streamline resources or -- anyways, there's lots
8 of ideas floating around, and -- I don't know.
9 Maybe we could start there, and if that doesn't
10 give us what we are looking for, we can pursue
11 this other idea.

12 CHAIR POWELL-PALM: Other questions on
13 crop insurance? Looking at the discussion
14 document, so we've got more of this coming. All
15 right.

16 MEMBER BRUCH: All right. Thank you,
17 Carolyn, so much for leading this very important
18 topic. Looking forward to continuing the
19 conversation.

20 Any final comments?

21 MEMBER DIMITRI: I just want to thank
22 you for all of your wonderful crop insurance

1 experience, yours and Nate's, to just make my
2 hair straight -- show how important this is.

3 MEMBER BRUCH: Teamwork.

4 Okay. Well, moving on. This is our
5 third work agenda item to tackle. And this is on
6 enforcement oversight to deter fraud.

7 Carolyn, can you pass down the
8 clicker?

9 Okay. All right. And I want to thank
10 members of the Board for providing me farm
11 pictures for this presentation. It's fun to kind
12 of show and tell some of our ag pictures, so
13 enjoy that with the content.

14 And this document is a result of a
15 collaborative effort, both on our subcommittee
16 and as well with my counterpart here, the Chair,
17 Nate. So feel free to jump in.

18 I just have a few slides that kind of
19 organize the discussion document. We'll get into
20 public comments, and then we'll open it up for
21 full-board discussion.

22 So this particular topic on oversight

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1 improvements to deter fraud is relating to
2 consistent location information.

3 So for certified operations, this is
4 our current state. The challenge is location
5 information must be more consistently recorded
6 and managed across certifiers. The solution
7 consistent location identification for all
8 certified operations domestically and
9 internationally to report the location
10 information by -- we mention in the document --
11 GPS coordinates was an example.

12 So, in summary, we're basically
13 building on the basic conditions. In the fall,
14 the NOSB recommended that we record certified
15 acres on organic certificates. Now we're
16 building on that. Now we're saying we actually
17 need to know by a field-level or parcel-level
18 where these acres are located. So they kind of
19 dovetail together.

20 It's a two-pronged approach, and we're
21 really looking in the goals of all of our
22 oversight to deter fraud. Documents are based on

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1 the consistency aspect. In this case, we are
2 recommending that certifiers are deploying the
3 same approach, and if that is done, inspectors
4 can spend more time fighting the fraud instead of
5 finding the farm.

6 And then on enforcement, we are --
7 this document can provide increased robustness of
8 crosschecking among certifiers, and that's both
9 based on reconciling land use affidavits and
10 managing revoked operations. It can facilitate
11 more effective unannounced inspections, finding
12 the certified operation without the inspector but
13 by following the guidelines of unannounced
14 inspections that was pointed out by public
15 comments. We still need to be following those.

16 And then conduct aggregated analysis
17 of high-risk regions or countries. And this can
18 be possible when there's a common language about
19 the location of a certified operation.

20 So getting into the discussion
21 document itself, it supports SOE implementation
22 with crosschecking, unannounced inspections, and

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1 verification.

2 The public comments, "Our belief is
3 it's low burden." And there are some certifier
4 comments that mentioned the fact that it was low
5 burden just because it is a one-time collection.

6 "Geolocations do not move around."

7 In scope, for this discussion document
8 is not only fields but production units with
9 grower groups handling locations, facilities,
10 importers, brokers, et cetera, so all certified
11 operations is what we're looking at.

12 And through public comments, we wanted
13 to provide some clarity. One, we're not
14 requiring those who do not use technology to use
15 technology with this discussion document. We're
16 not indicating annually where you plant each crop
17 and measuring the nearest feet. This is just
18 looking at the field or parcel identification.
19 Geocoordinates, uncertified operations should not
20 move around.

21 Privacy, we're not intending that this
22 information be public facing. That was another

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1 concern by some of the written comments. We're
2 not indicating that this information be public.
3 Just for certifiers to utilize.

4 And then we still -- in the
5 discussion, we need to articulate a little bit
6 more. There was confusion around "field" and
7 "parcel" and just the nomenclature around that.

8 So getting into public comments, we
9 had great participation in public comments, and
10 it was really from a variety of different members
11 of our community. Seven certifiers, one
12 inspector group -- or one inspector plus one
13 inspector group supported this. Several farmers,
14 including two from the Plains community,
15 expressed favor in this discussion document. Two
16 activist groups and three advocacy groups all
17 supported this.

18 There are three commenters that listed
19 limited support. However, I hope that clarity
20 that we provided would garner a little bit more
21 support from those groups.

22 In general, with public comments, the

1 what of this discussion document seemed to be
2 pretty unanimous. It was more or less the how.
3 How are we going to accomplish this? And that's
4 what I also look forward to discussing in this
5 group.

6 There were great solutions, great
7 no-tax solutions, that were discussed such as
8 approved parcel number or the tax ID, legal
9 addresses, maps. So basically, trying to get a
10 very similar language so we can manage the data
11 more effectively and do these cross checks
12 amongst certifiers, again, speaking the same
13 language.

14 It was mentioned about FSA and RMA use
15 a similar system. And we did look at this in our
16 subcommittee. However, not all producers are
17 doing those farm programs, FSA or RMA, and it
18 isn't necessarily used internationally. So we
19 were looking for both a system that could work
20 domestically as well as internationally.

21 So that's a brief summary on public
22 comments. I really appreciate the ones that we

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1 received.

2 And then one thing to highlight in
3 public comments provided some of the Stata as
4 well as data that was in our discussion document
5 of the geocoordinates in practice. There are
6 several groups.

7 We want to be the gold standard for
8 doing transparency and verification, and some
9 certifiers are putting the geocoordinates into
10 practice. We learned that the Mexican organic
11 standard requires this from every field-level
12 operation. Europe, some aspects of grower groups
13 within the European community, this is a
14 requirement for them to understand where the
15 grower groups are located.

16 It was mentioned through public
17 comments about FDA and their new Food
18 Traceability Rule that some crops and products
19 will have further scrutiny on the traceability
20 and transparency there.

21 And then RMA for organic farms
22 actually required geocoordinates and maps showing

1 our borders and et cetera. That is a requirement
2 of RMA for our organic producers.

3 And now I just want to turn it over to
4 the Board for discussion. We do have two
5 recommendations within this discussion document.

6
7 So one about consistency just of how
8 we're communicating location information. And
9 the second one is about land affidavits that they
10 can be reconciled with GPS-type location
11 information as well, so you have that complete
12 tracking history of when a farm comes online to
13 if that same farm switches hands. To other
14 members in our community, that whole history
15 would be available.

16 So, with that, Nate, I want to turn it
17 over to you first. Do you have anything to add
18 before we open it up?

19 CHAIR POWELL-PALM: Can I get the
20 clicker real quick? Just going to go through a
21 couple of these things in the context of public
22 comments.

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1 Let's skip forward.

2 In my head, this is a big beautiful
3 nothing burger. And I'm always so surprised how
4 you grillers can really make something out of
5 what I perceived to really be nothing. And so I
6 wanted to go over that a little bit.

7 I appreciate all the groups who
8 represented farmers. It was really nice, but
9 there is a certain piece that I would say if I
10 were hunting through those comments, and I were
11 not in the organic community, I would be like,
12 "It doesn't sound like you guys have any control
13 over the system at all," based on the comments.

14 For example, when we say that -- in
15 one of the comments we saw that "Fields might
16 move around, and we might switch in and out of
17 organic." Not a great look big picture. And so
18 just thinking about -- and this is where I think
19 Amy and I have tried to really say, "Call us,
20 folks." Like, pick up the phone, email us if you
21 have that fixable of a question.

22 We are so excited to help you suss

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1 that piece out because it took all the way
2 through almost two days of comments for us to
3 talk to the member of the Plains community who
4 said for clarification, he said, "Field being
5 something a little different to us, but parcel
6 totally makes sense."

7 And there was a lot of talk about
8 religious persecution, almost saying that we
9 weren't going to be accepting or paying attention
10 to the needs of the Plains community. And
11 hearing from the Plains community directly, it
12 was a very quick fix for that sort of language.
13 So the faster we can do that -- and we do. I
14 mean, we really encourage you to contact us with
15 those sort of questions because it was -- it got
16 very complicated very quickly when it was a
17 one-word correction.

18 Now, what that word is is still kind
19 of up in the air because as we were talking to
20 our certifier, trying to describe or find a word
21 that is applicable to the world of a unit of land
22 that is sort of legally describable is going to

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1 be unique. And I'm glad it's a discussion
2 document because we need your all's input on how
3 we can find that right word or that set of terms.

4 And so we look to having the same word a county
5 in Ohio or a county or a province in Ukraine, we
6 want to try to figure out what is that word that
7 captures what we're talking about.

8 And what we're talking about is a
9 legal tax descriptor, basically. What is that
10 identification that would live with that property
11 when you go to buy it, or you go to sell it
12 that's not going to change until you legally
13 subdivide it? That's what we're after.

14 And a big inspiration for this is that
15 certifiers, if they have a question about a field
16 that's been revoked or a producer that's been
17 revoked, and they want to call each other, right
18 now, you basically have to talk in pictures.
19 You're like, "This is a picture of the field and
20 its location. This is generally where it is."
21 There's not a good vernacular that's consistent
22 across certifiers saying, "This is a legal

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1 description. Is so-and-so certifying this with
2 you right now? He sprayed it out last year, and
3 so we have some concerns." That's the point of
4 this.

5 And I am eager for happy hour tomorrow
6 for you all to explain to me how we can write
7 better so that we can save a ton of time
8 discussing these things that, in my head, are
9 very simple.

10 So as we think about going forward,
11 that request remains. How do we come up with the
12 right terminology to describe these units of land
13 so that we can make a recommendation that
14 captures the globe? And it might be a set of
15 terms. It might be one term that is more
16 comprehensive, but that's what we're on the hunt
17 for. We haven't quite come up with it yet.

18 This is in no way -- no way -- and has
19 never been -- and this is also something that I'd
20 really love everyone's input on how to write
21 better -- a public-facing piece of data. No
22 public gets to see what these parcel numbers are.

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This is for certifiers and to help certifiers become consistent across each other. And so how we can make that more clear -- because I thought that was clear in the document -- we'd love y'all's input.

7

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12

In talking about facilitating unannounced inspections or cross-checking -- cross-checking is a term that we're getting a lot of action with in SOE. And so how do certifiers talk to each other more effectively to help bust fraud?

13

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And so as we just said with cross-checks, we're going to be able to have a common language. Is this field, this identifier, something that you've dealt with, certified or certifier, to try to figure out what fields are getting double certified, what fields are coming back into organic production a year after being sprayed, how can we get it, so we have a way for certifiers to better cooperate with each other that goes beyond just sharing hand-drawn maps or

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1 legal descriptions?

2 One note on legal descriptions versus
3 addresses. And I apologize, Madam, I'm going a
4 little long, but I'm almost finished up. When
5 representing stakeholders -- and I say this with
6 all due respect -- understanding what is -- what
7 the sort of ground-truthing comments.

8 So we had a comment that said,
9 "Doesn't every field have an address?" No.
10 Every field has a legal description. Houses have
11 addresses. And so try to, as best as we can, to
12 set a common denominator for what we're talking
13 about when we're talking about this.

14 Again, encourage your feedback on how
15 we can write better because I was surprised that
16 the feedback that we got that it was just
17 confusion about what we're talking about. So
18 possibly more background information can be on us
19 to provide.

20 But it seemed like there was a lot of
21 opinions in public comments addressing this topic
22 that did not necessarily -- that we could have

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1 probably brushed over with some better background
2 information. So that's on us.

3 But to facilitate more unannounced
4 inspections, if I'm an inspector, and I have --
5 we've received a complaint about a field, right
6 now I'm mostly going to have to go ask that
7 operator, "Where is this field?" There's not a
8 consistent way for a certifier to really know
9 exactly where that field is.

10 Now, again, legal description, we
11 don't need to go to the middle. We just need to
12 know what that legal description is because you
13 can put that legal description into any county,
14 ArcGIS, into any Google Maps, and we'll be able
15 to go see it. So it just allows us a little bit
16 of a backstop, so we're not just being led around
17 by the nose by a producer who may not be
18 following the rules.

19 And that's all I've got. I hand it
20 off to the rest of the Board.

21 Logan.

22 MEMBER PETREY: I have kind of a funny

1 comment as far as the terminology and how it can
2 differ across growing regions. And this is not
3 pertaining to this.

4 But so, in probably most of the world,
5 when you say "plow" that is to, like, bottom
6 plow. Okay. Well, in the southeast sometimes we
7 think that just means "cultivate." I don't know
8 how that got messed up.

9 And so we work with California
10 companies in southeast, and so we've had some
11 California folks call over to the Southeast
12 growers and say, "How are your carrots looking?"

13 It's like, "Look great. We're plowing them."

14 And they're like, "Why are you plowing
15 them? You're flipping them over, and we're not
16 going to have carrots?"

17 And it can be a major -- I mean, it
18 can be a bad miscommunication. Let's just say
19 that. So I completely understand. I can see how
20 people can get flustered with that, but it does
21 happen in the farming. It's actually a joke a
22 lot of times when we see it from the West Coast

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1 to the East Coast how different our language is.

2 So it can be a big difference.

3 CHAIR POWELL-PALM: Thank you for
4 that. Yes, absolutely.

5 We try to teach organic inspectors how
6 to get a grip on sort of colloquialisms, and it's
7 tricky. I mean, a lot of words for a lot of
8 different things, which is why we invite all fill
9 the bucket with what we should be calling these
10 units so that we can try to get it right across
11 the country and across the world.

12 Other thoughts?

13 MEMBER BRUCH: Oh, I was just going to
14 add with that, Logan, I think it's interesting.
15 We have that challenge a little bit here.

16 But listening to the oral comments,
17 there was one certifier that mentioned certifying
18 operations overseas, and he said GPS is the
19 common language overseas, so I thought that was
20 interesting.

21 It's interesting to understand that
22 Mexico actually deploys this, and that's a

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1 requirement of their organic program for the
2 GPS-type coordinates.

3 In doing the research to put in our
4 document, I thought it was interesting because
5 the U.S. Space Force is actually the ones that
6 uphold GPS coordinates. And our tax dollars go
7 to supporting GPS systems and that it can be a
8 system that's accessed internationally.

9 So I think, to me, solving it
10 internationally is probably going to be easier
11 maybe than solving it domestically. But I know
12 we can do it, so thank you.

13 MEMBER HUSEMAN: It just sounds like
14 maybe we need a glossary of terms when we put
15 together something.

16 CHAIR POWELL-PALM: I love it. Yes.
17 Kyla.

18 MEMBER SMITH: Yeah. So I was going
19 to just sort of say the same thing as what Kim
20 just said is whatever word you land on just
21 provide a definition because the definition that
22 is in the regs currently is "field." There's no

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1 definition of parcel. There's no definition of
2 anything else besides field, so if we're going to
3 land on a different word, I would recommend a
4 definition.

5 And then the other thing that I caught
6 in the comments, which I'm curious to hear others
7 take on is, you know, Amy, you were talking about
8 consistency, and there were some commenters from
9 certifiers about being able to utilize more than
10 one tool. And so I wonder how we can do both,
11 how we can be consistent but not get too narrow
12 that then the how doesn't work.

13 MEMBER BRUCH: Yeah. And I'm glad you
14 called that out because I think, definitely, we
15 want to be accommodating to multiple means for
16 the end result. And what's interesting is parcel
17 identification, legal address, or GPS can all get
18 us to where we need to go, street address,
19 potentially, if there's a street address
20 associated with it.

21 What's interesting, though, a lot of
22 people confuse street address with mailing

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1 address. So mailing address -- and I used to
2 have one of those. That was kind of pre-911-type
3 updates on our address is Route 2, Box 176 --
4 that will not yield a GPS coordinate at the end
5 of the day. It will not yield the
6 field-level-type information. So I do think that
7 there are multiple ways.

8 And some certifiers listed the
9 different ways they're doing this. I think GPS
10 is more universally, internationally accepted,
11 but I do think that there are a few different
12 ways to ultimately lead to a GPS coordinate.

13 CHAIR POWELL-PALM: Nate.

14 MEMBER LEWIS: Just quickly to add on
15 to Kyla's comment. Field is the defined term,
16 but the land requirements do include farm parcel
17 as a -- it's field or farm parcel to have the
18 following requirements, so that may be some
19 language to choose from and utilize just to keep
20 consistency with the regulations.

21 CHAIR POWELL-PALM: Thank you.

22 MEMBER BRUCH: Perfect. Any other

1 general thoughts?

2 I think I feel really good with
3 providing clarity on the field, parcel. I think
4 that was really helpful and will provide the
5 community with good feedback.

6 Are there any other thoughts on the
7 document itself?

8 CHAIR POWELL-PALM: One thought on the
9 burden question. Just a little background. I
10 love Kyla's take on this.

11 In bringing on fields, there's usually
12 a few different ways to do it. You might get it
13 at the application period in the very beginning.

14 Get a land application. It might be in the
15 middle of the season that they submit a new land
16 application.

17 We have an annual inspection for all
18 producers, but we oftentimes have spot
19 inspections for a season over where staffers or
20 independent contractors just do a quick check up
21 on something in the field.

22 So I was again interested in how much

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1 was made of the concern that we would put Amish
2 inspectors out of work with this possible tech
3 integration.

4 And this is where I was hoping to hear
5 more from more certifiers because it is again
6 very doable. Lots of infrastructure, if that
7 annual inspection, it doesn't get done and
8 there's a spot inspection afterwards by possibly
9 someone who does have GPS accessibility.

10 Trying to gear up for how we tackle
11 things like this as a community seems like,
12 again, this was fairly low-hanging fruit, so
13 figuring out how we get more folks with big ideas
14 for solutions would just be a request I make to
15 our community as we look to future examples of
16 running through this.

17 And I think it's problem -- the
18 problem is we don't hear from everybody. We
19 don't hear from all 74 certifiers on how they
20 would maybe go about tackling this, but trying to
21 come up with solutions for us so that we can
22 parse them out as well would be great.

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1 (Off-microphone comments.)

2 CHAIR POWELL-PALM: You don't have to.

3 MEMBER SMITH: I like how you say I'm
4 going to ask a question and then you just make a
5 bunch of statements.

6 So yeah. A couple of things that I
7 was thinking of is that inspection scheduling is
8 complicated, right? There's a lot of things that
9 go into it to try to match up a qualified
10 inspector with an operation to keep costs low and
11 all the things and also rotate inspectors.

12 And so that's the first thing that
13 sort of came to mind is just that that's like one
14 additional factor that goes into the variables of
15 inspection scheduling, not that it can't be done.

16 It's just devil's always in the details and just
17 like one more thing that we have to figure out
18 the how on and get back there to do this thing if
19 --

20 Anyway, that's why I do think that
21 having these -- more than one tool to get at this
22 information would also help facilitate -- anyway,

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1 just help facilitate the action that certifiers
2 and inspectors are going need to do to implement
3 this recommendation.

4 MEMBER BRUCH: Thank you, Kyla.

5 Any more discussion? Okay. Seeing
6 none, thank you very much. I really appreciate
7 it. That is our complete work agenda items from
8 CACS.

9 And I will turn it back over to you,
10 Mr. Chair.

11 CHAIR POWELL-PALM: All right. Thank
12 you, Madam Chair.

13 We are pretty much wrapped up for Day
14 One, folks. We're going to recess until tomorrow
15 at 10:00 a.m. when we'll get kicked off with a
16 introduction from Tony Dorn with NASS.

17 Any questions from the Board before we
18 call it a day?

19 MEMBER DIMITRI: Maybe we can ask Tony
20 about that question about the crop insurance, the
21 vague one: costs too much, don't need it, don't
22 want it. That would be the person to ask.

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1 I'm just saying that because I'll
2 forget by tomorrow. Someone else, hopefully,
3 will remember.

4 CHAIR POWELL-PALM: So, everyone, if
5 you would stay. The AV team is going to flip the
6 cameras, and you can all wave to the folks at
7 home and everyone watching. So stay in your
8 seats. Don't run away just yet.

9 Not a lot of waving going on. There
10 we go.

11 All right, team. Thank you so much.
12 Thank you for a great first day. And thank you
13 to my fellow board members. We'll see you
14 tomorrow.

15 (Whereupon, the above-entitled matter
16 went off the record at 4:44 p.m.)

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UNITED STATES OF AMERICA
DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

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NATIONAL ORGANIC STANDARDS BOARD

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SPRING 2023 MEETING

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WEDNESDAY
APRIL 26, 2023

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The Board met at the Crowne Plaza
Atlanta Midtown 590 West Peachtree Street, NW
Atlanta, Georgia, at 10:00 a.m., Nathaniel
Powell-Palm, Chair, presiding.

BOARD MEMBERS PRESENT
NATE POWELL-PALM, Chair
MINDEE JEFFERY, Vice Chair
KYL A SMITH
AMY BRUCH, Secretary
BRIAN CALDWELL
GERARD D'AMORE
CAROLYN DIMITRI
KIMBERLY HUSEMAN
ALLISON JOHNSON
NATHANIEL LEWIS
DILIP NANDWANI
LOGAN PETREY
FRANKLIN QUARCOO
WOOD TURNER

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NOP STAFF PRESENT

MICHELLE ARSENAULT, Advisory Committee Specialist

JARED CLARK, National List Manager

FRED DAVID, Assistant Director, Standards
Division

ERIN HEALY, Director, Standards Division

ANDREA HOLM, Agricultural Marketing Specialist

ALEXIS McINERNEY, Program Analyst

JOHANNA MIRENDA, Agricultural Marketing
Specialist

JENNIFER TUCKER, Ph.D., Deputy Administrator

ROBERT YANG, Director, Accreditation Division

PENNY ZUCK, Agricultural Marketing Specialist

ALSO PRESENT

TONY DORN, USDA National Agricultural Statistics
Service, Chief, Environmental, Economics and
Demographics Branch

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A-G-E-N-D-A

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

2 10:00 a.m.

3 CHAIR POWELL-PALM: We are officially
4 back from recess for Day 2. To kick us off,
5 Jerry just had some small announcements. And
6 then we're going to hand it off to our guest
7 speaker.

8 Oh, go ahead, Michelle, sorry. Oh,
9 thank you, for the folks at home.

10 (Simultaneous speaking.)

11 CHAIR POWELL-PALM: Go ahead, yeah.

12 MEMBER D'AMORE: Good morning, all.
13 I'll make an announcement here that some of you
14 are privy to just in terms of the last couple of
15 days. I can now tell my team, the team here, why
16 I'm feeling so bad.

17 I'm going through an allergic reaction
18 to amoxicillin, something I've never, ever taken
19 in my life. It was given to me in a root canal
20 on Thursday. And Monday was brutal for me here.
21 And I'm getting better now, and I'm not
22 contagious. That's what I want to share.

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1 (Laughter.)

2 MEMBER D'AMORE: So thank you.

3 CHAIR POWELL-PALM: Thank you. With
4 that, I'm going to hand it over to Dr. Tucker to
5 introduce our guest for today.

6 DR. TUCKER: Hello, everyone. First
7 thank you for coming back for Day 2 for folks
8 both in the room and online, so great
9 conversations yesterday. So thank you again to
10 the Board for all your work.

11 I am really pleased to introduce Tony
12 Dorn. He is here to talk about some recent work
13 that the National Agricultural Statistics Service
14 has done. One of the things we often talk about
15 in organic is data and so last meeting we had
16 somebody from the Organic Farming Research
17 Foundation come to talk about some really
18 interesting data.

19 We generate some interesting data in
20 USDA, so this time we thought we'd bring somebody
21 from USDA. So Tony is here to do that with us.
22 He is the branch chief of the Environmental

1 Economics and Demographics Branch of the USDA
2 National Agricultural Statistics Service, NASS.

3 His branch is primarily responsible
4 for the analysis, estimation, and dissemination
5 of NASS statistics for a wide variety of data
6 series, including census of agriculture, organic,
7 the farm labor report, and much more.

8 So Tony has more than 30 years with
9 USDA. He's worked in four of the six divisions
10 within NASS. He's been in the South Carolina,
11 North Carolina, Wisconsin, and Puerto Rico field
12 offices. So Tony's received two USDA Secretary
13 Honor Awards during his time in the branch. So
14 Tony comes with a Master's in Economics from
15 South Dakota State University.

16 So, Tony, thank you for making the
17 trip down here. It is super to have you here.
18 Thank you.

19 MR. DORN: Thank you.

20 (Applause.)

21 MR. DORN: All right, thank you,
22 everybody, good morning. Today I will share with

1 you the results of the 2021 Organics survey. And
2 first I would like to thank all the producers,
3 the farmers who responded to this survey, to
4 really make these results possible.

5 And thank you to the cooperators,
6 including the USDA Risk Management Agency and to
7 other federal, state, and regional partners like
8 yourselves to support organic foods, and the NASS
9 team who helped produce these results.

10 As far as the history of the organics
11 data series, one thing to keep in mind is that
12 2021 was the seventh organic release by NASS.
13 The 2021 release was produced in cooperation with
14 the USDA's Risk Management Agency. The 2019
15 organics release was the sixth by NASS, and this
16 was a planned census special study. The 2008
17 Organics Production Survey was the first organics
18 release done by NASS.

19 Other NASS releases on organics
20 include 2011 which included certified organic
21 operations only, 2014 which included certified,
22 exempt, and transitioning land, and 2015 and 2016

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1 which included certified organic production.

2 Looking at the big picture, the 2021
3 organics release is a census of all known
4 operations with certified or transitioning
5 organic production in the United States. The
6 sources for the sampling frame were producers
7 identified as certified organic or transitioning
8 to organic certification in NASS's list and the
9 AMS National Organic Program list of farms.

10 This release includes data at the
11 commodity level for acreage, production and sales
12 for organic crop and livestock commodities, as
13 well as marketing and production practices, crop
14 insurance usage, production expenses, and acres
15 transitioning into organic production. Also, all
16 US states were included in this release.

17 As far as response rates like previous
18 years, in 2021 the majority of responses were by
19 mail, 39 percent. Phone responses were second
20 with 34 percent, online responses were 20
21 percent, and seven percent were from field
22 enumeration.

1 On an additional note, the overall
2 response rates were 42.6 percent in 2021 which
3 compares with 59.4 percent in 2016.

4 Taking a look at certified organic
5 farms, the steady increase continued in 2021.
6 There were over 17,000 organic farms, an increase
7 of five percent from 2019. As the chart on the
8 right shows, there's been a steady trend in the
9 increase of the number of organic farms since
10 2008.

11 As far as total certified organic
12 land, 2021 showed similar results from 2016 with
13 4.9 million acres, and 11 percent decrease from
14 2019. Organic crop land remained strong at over
15 3.6 million acres, a three percent increase from
16 2019. Organic pasture and rangeland decreased
17 over 30 percent which follows the decreasing
18 trend since its peak in 2016. As you can see on
19 the bar chart on the right, acreages have varied
20 some over time.

21 Considering the top states as far as
22 the number of organic farms, California remains

1 the top state with over 3,000 farms. The
2 comparison bar shows California's impact compared
3 to the other states.

4 Wisconsin and New York were at second
5 and third place, both with over 1,400 farms.
6 Pennsylvania was fourth with over 1,100 farms,
7 and Ohio rounded out the top five. Iowa,
8 Washington, Indiana, Vermont, and Minnesota
9 rounded out the top ten. Most states increased
10 in the number of farms from 2019.

11 Now considering the top states as far
12 as land, California is also the top state with
13 almost one million acres. New York and Montana
14 are second and third, both with over 300,000
15 acres. Wisconsin, Texas, Oregon, Idaho, and
16 Vermont all have over 200,000. Colorado and Iowa
17 round out the top ten. There was a decrease in
18 organic land in California which led to the
19 overall decrease in the United States.

20 Diving into the top states by sales,
21 California was the clear leader at over 3.5
22 million in sales. Washington and Pennsylvania

1 are next with over a billion in organic sales.
2 The rest of the states are fairly close together
3 with Texas, Oregon, New York, Wisconsin, North
4 Carolina, Michigan, and Colorado rounding out the
5 top states. While sales in California decreased
6 slightly, sales in Washington, Pennsylvania, and
7 Texas showed strong increases. In order to
8 get a geographic idea of organic sales by state,
9 we can see how the leading area is the Pacific
10 coast with California as the leader and
11 Washington as second in sales. The northeast and
12 Great Lakes are also strong areas for organic
13 sales with Pennsylvania, New York, Wisconsin, and
14 Michigan also in the top ten. These top ten
15 states account for 73 percent of organic sales in
16 the United States.

17 As far as the market value of
18 certified organic products sold, all categories
19 increased from 2019. Crop sales were over \$6
20 billion, an increase of six percent. Livestock
21 and poultry sales were almost \$2.2 billion, up 32
22 percent. Livestock and poultry, which consists

1 mostly of organic milk and eggs, totaled almost
2 \$2.9 billion, an increase of 15 percent over
3 2019. Total sales of organics were \$11.2
4 billion, an increase of 13 percent from 2019.

5 Now turning to the sales by top
6 commodities, we see that milk is the largest
7 commodity with over \$1.6 billion in sales.
8 Broilers and eggs are second and third, each with
9 over a billion dollars in sales. Apples and corn
10 are next with over \$400 million each.
11 Strawberries, cattle, and grapes have over \$300
12 million in sales, and lettuce and soybeans round
13 out the top ten commodities.

14 Looking at the change in sales of the
15 top ten commodities, we see that only grapes and
16 lettuce decreased from 2019 to 2021, but all
17 other commodities increased. At over \$1.6
18 billion, milk increased three percent from 2019.
19 Broilers, eggs, apples, and corn all increased
20 over 30 percent from 2019. Strawberries and
21 cattle had moderate single digit increases. And
22 lastly, soybeans increased but were at a level of

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1 sales similar to 2016.

2 Now turning just to the top crop
3 commodities, we can see that the sales ranges are
4 fairly close with apples being the top commodity
5 with over \$600 million. Corn, strawberries,
6 grapes, and lettuce round out the top five crop
7 categories in sales.

8 As far as the changes from 2019 to
9 2021, we see that all the top crop commodities,
10 except grapes and lettuce, increased. As
11 mentioned on a previous slide, soybeans had a
12 strong increase in sales. Sales of all crop
13 commodities were over \$6.1 billion, an increase
14 of six percent over 2019.

15 Now turning to the top poultry and
16 livestock products in sales, we see that milk,
17 broilers, and eggs are the top three commodities,
18 all with over \$1.2 billion in sales. Cattle and
19 turkeys round out the top organic livestock
20 commodities. Sales of all livestock and
21 commodities, and all livestock products, were
22 over \$5 billion, an increase of 22 percent from

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1 2019.

2 As far as changes from 2019, all the
3 top organic livestock and livestock products
4 increased. Milk increased three percent from
5 2019, while broilers and eggs increased over 30
6 percent each.

7 Now shifting to organic marketing
8 practices, as shown by the instructions and
9 questionnaire at the top, data we have collected
10 for edible agricultural products for human
11 consumption, the products that were resold were
12 excluded in the table. And we see that direct to
13 retail markets and institutions, and direct to
14 consumer sales were both marketed by over 3,000
15 farms. Value-added products are marketed by
16 almost 1,500 farms.

17 And what stands out in the right
18 column is that direct to retail markets and
19 institutions had a much larger proportion, over
20 \$2 billion in sales, than direct to consumer
21 sales, even with almost the same number of farms.

22 Value added products had over \$700 million in

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1 sales.

2 Now looking at the top organic
3 production practices by the number of farms, we
4 see that the top production practices are fairly
5 consistent. The top production practice was
6 buffer strips or border rows to isolate organics
7 at almost 11,000 farms. The rest of the top
8 production practices were used by over 6,000
9 farms.

10 Comparing 2021 to 2019, we see that
11 all the top production practices increased in
12 2021 except applying animal manure which was down
13 slightly. Use of no-till or minimum till
14 increased the most from 2019.

15 Now we'll take a look at the major
16 challenges for certified organic farmers based on
17 the percent of farms. As you can see, the price
18 issues, and especially market access challenges,
19 decreased from 2019 with market access challenges
20 dropping 20 percent. Other challenges that
21 produced this phase remain similar to 2019.

22 Considering the future production

1 plans for certified organic farms, there wasn't
2 much to change. Most farms plan to maintain the
3 current level of production in the future, 44
4 percent, which is unchanged from 2019.

5 As far as transitioning land on
6 certified organic farms, both farms and acres of
7 land transitioning decreased from 2019. So while
8 the acreage of organic land will continue to
9 increase in the future, it's increasing at a
10 slower rate.

11 There was a 16 percent decrease in
12 certified farms with transitioning land from 2019
13 to 2021 at over 1,500 farms. Both acres of crop
14 land and acres of pasture and range land had
15 double digit decreases from 2019. This followed
16 the trend in a decrease in organic land.

17 Turning to non-certified farms with
18 transitioning land, we see that there were over
19 650 farms and over 62,000 acres of transitional
20 land on non-certified farms. Most of the land,
21 over 45,000 acres, is crop land, and over 16,000
22 acres is pasture or range land.

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1 While the number of non-certified
2 farms with transitional land decreased seven
3 percent from 2019, acres increased two percent.
4 The increase in land was driven by a 15 percent
5 increase in crop land even though there was a 20
6 percent decrease in pasture and range land.

7 Next we'll take a look at organic
8 farms by sales class. The sales class of less
9 than \$10,000 had the fewest percent of farms at
10 11 percent. The sales class of \$10,000 to
11 \$99,000 had the highest percent of farms at 39
12 percent. The largest sales class of farms,
13 \$500,000 or more, represented 18 percent of the
14 farms. As far the percent of sales, the sales
15 classes below \$500,000 accounted for a small
16 portion of sales. But the largest sales class of
17 \$500,000 or more had the vast majority of sales
18 at 86 percent.

19 And this is the general contact
20 information in case anybody has questions or
21 anything at any time. And our email's always our
22 first name and last name at USDA.gov. And all

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1 other information is available on the NASS
2 website at www.NASS.USDA.gov.

3 CHAIR POWELL-PALM: Thank you.

4 (Applause.)

5 CHAIR POWELL-PALM: Questions for Tony
6 from the Board?

7 (Simultaneous speaking.)

8 CHAIR POWELL-PALM: Nate, please go
9 ahead, then Dilip.

10 MEMBER LEWIS: Thanks so much for the
11 presentation, I appreciate it. So the Board
12 often, or every year provides a list of research
13 priorities to NIFA to shape their grant programs
14 for organic research.

15 And I'm curious if you think that a
16 similar type of recommendation from us around
17 what data collection we need added, or removed,
18 or shaped, what would be useful for these surveys
19 moving forward. Like, how would it be best to
20 package that for NASS so that we can hear from
21 stakeholders what kind of data needs there are.
22 And we can pass that along to you in a way that

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1 you can actually utilize.

2 MR. DORN: Yeah, thank you for that.
3 That's a good question. So we do have the
4 ability to -- the organic survey is usually a
5 census follow-on. But we also do have the
6 special studies, you know, in cooperation with
7 other USDA partners.

8 So if you have questions and data that
9 you need that's not on there, or you think maybe
10 it shouldn't be on there, it isn't needed
11 anymore, there are several ways to approach that.

12 You can contact us directly and make a
13 recommendation, just with an email or a phone
14 call.

15 Or otherwise we have a Federal
16 Register note that goes out and usually is
17 available. I'm not sure if you're aware of
18 those, but we solicit feedback when we're
19 prepping for a survey as required by OMB. So
20 that's another way to give feedback formally
21 through that arena.

22 And also, you know, the census of

1 Agriculture has a few questions on organics too,
2 so that's another area that would be a little
3 more limited, obviously. Organics is the focus
4 of the entire questionnaire. There'd be more
5 flexibility in the organic survey, but either
6 way, I mean, just contacting directly or through
7 the Federal Register notice, we'll be glad to
8 consider any kind of changes in that too and
9 meet the data needs. Because we want to reflect
10 the current data needs that are out there. So
11 currently we'll entertain those.

12 CHAIR POWELL-PALM: Dilip and then
13 Brian.

14 MEMBER NANDWANI: Thank you for the
15 presentation. This is a very valuable
16 information as a researcher and education
17 perspective with the university. Couple of
18 simple question probably, I'm not sure you have
19 those answers but I'll try.

20 So decreasing organic land from 2019
21 to 2021, is that correct? Did I -- right?

22 MR. DORN: Yes.

1 MEMBER NANDWANI: So what can you tell
2 about any reason if you have come across during
3 that survey?

4 And the second question, does it mean
5 the domestic production has decreased past couple
6 of years? And other side we see there is a \$62
7 billion industry is growing. And does that mean
8 the import has increased but the domestic
9 production has decreased? I just want to make
10 sure I got it correct. Thank you.

11 MR. DORN: Yeah. As far as the first
12 question, there was the decrease in land. The
13 pasture land showed a decrease quite a bit. And
14 as far as acres, really we're looking at acres.
15 So, you know, there's large land, of course. You
16 know, in some states we have larger acreage and
17 things like that, so just a few changes.

18 Organic is a fairly concentrated
19 industry. So, you know, we can't disclose
20 individual operations or anything like that. So
21 the responses that we have, you know, when there
22 are changes and everything, large acres, a few

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1 operations in that can really make a difference
2 in the result.

3 And pasture is one area where the
4 survey results showed there's a decrease. And
5 that led to the overall decrease in land. But
6 crop land was increasing. So that's another
7 consideration along that.

8 And I'm not sure I understood the
9 second question as far as there was domestic
10 versus import sales.

11 MEMBER NANDWANI: The domestic
12 production has decreased, if I got it correct
13 from one of your slides, from 2019 to 2021. But
14 we see that the food sales have been increasing
15 constantly past, like, four percent. And latest
16 figure of the survey is, like, \$62 billion. Even
17 during the COVID time we had increased about 12
18 percent from 2019 to 2021.

19 Do you have any say on this, the
20 difference, or anything that could be the reason
21 for -- or you may not have covered this in the
22 survey, I believe.

1 MR. DORN: Right. Yeah, I'm not sure.
2 Let's see, there was an increase, yeah, between
3 2019 and >21 was the comparison. So it's just a
4 few short years and everything too. So we'll
5 have more information when the census of
6 Agriculture comes out. So that will also be
7 another indicator of the trend.

8 Since we have so many, unfortunately
9 we have so many years of organics data, we'll be
10 able to tell more of a trend when 2021 comes
11 along too. But yeah, as far as 2019, we did see
12 fairly strong sales in that too. And I'm not
13 sure what specifically, I'd have to look into
14 which commodities you're talking about that might
15 be decreasing.

16 MEMBER NANDWANI: That helps, thank
17 you.

18 CHAIR POWELL-PALM: Brian, and then
19 Jerry.

20 MEMBER CALDWELL: Yeah, thanks for the
21 presentation. I'm just wondering, if I
22 understood correctly, the response rate for the

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1 2021 survey was about in the 40's somewhere, 42
2 percent or something like that. And I'm just
3 wondering how do you extrapolate to get the total
4 figures if you only have 42 percent respondents?

5 MR. DORN: Yeah. Thank you for that
6 question. The census follow-on, when the
7 organics is a census follow-on survey, that's a
8 mandatory survey required by law, like any census
9 of Agriculture. 2019 wasn't part of that
10 program, so it was non-mandatory. So that was
11 one of the reasons for the response rates.

12 And even during, you know, the census,
13 we have full documentation in our -- I mean, if
14 you are really into getting into the details in
15 the Appendix of our release, we go into full
16 detail about how we do the adjustments for
17 non-response. Obviously not everybody responds
18 to the census of Agriculture and the census
19 products.

20 So what we do, we account for like
21 farms. We use history, we use analysis trends,
22 things like that, to account for those that

1 aren't responding so that we do have a full
2 measure.

3 And that's why, going back to the
4 first slide, responses are critical, you know, by
5 farmers and everything. Because the ground
6 truth from the producers is what really makes our
7 data stronger. And the stronger data we have,
8 you know, the stronger results we'll have. So
9 that's why it's really important. We can make
10 adjustments and do things, you know, the best we
11 can, but having that report by a producer is
12 really valuable.

13 MEMBER CALDWELL: Yes. Thank you
14 that's great.

15 CHAIR POWELL-PALM: Jerry?

16 MEMBER D'AMORE: Thank you very much
17 for the presentation. It's nice to deal with
18 numbers.

19 One of the things that surprised me,
20 and perhaps it shouldn't have, is the ratio of
21 specialty crops to commodities being shown there.

22 I thought the commodities were dominating, but

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1 I'm wrong. I mean, the specialty crops certainly
2 have their place. And the geographics really
3 surprised me too in terms of where the organic
4 proposition lined up within the United States.

5 To Dilip's question, maybe that dip
6 was attributable to COVID and the complete
7 disappearance of the food service market. You
8 know, you sort of say, well, if you didn't eat at
9 home or a restaurant -- we lost share of stomach
10 during that period of time too, so that may be
11 it.

12 Oh, and the question I have, is there
13 any attempt within the greater agency to slice,
14 and dice, and compare the conventional to the
15 organic? I mean, these numbers are going to be
16 minuscule against, but I think there might be
17 something here to be learned in terms of what's
18 going, you know, what's growing and what's not
19 growing in terms -- go ahead.

20 MR. DORN: Yeah, very good, great
21 question. So yeah, normally we don't really do
22 that on our own, like a special study or report,

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1 things like that. We do have a data lab that's
2 available and a lot of researchers that would
3 come in.

4 It's available to everybody to comes
5 in and do -- not necessarily cross-sectional but
6 they can did into the data more deeply and
7 everything. And of course everything is
8 confidential. Any individual reports aren't
9 included. So that's available for researchers to
10 come in to do.

11 As far as what, you know, our scope
12 and what we do, necessarily, we really kind of
13 produce the reports. The Economic Research
14 Service is one agency. A lot of times, they'll
15 take the reports of NASS and other, well,
16 governmental agencies, and they'll put it
17 together.

18 They might have something where they
19 would compare organics and things like that.
20 They do a lot of that kind of value added
21 reporting based off of the statistics. So they
22 would definitely be an area who might have some

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1 information already on that. And if not, I'm
2 sure that might be something they'd be interested
3 in looking into.

4 CHAIR POWELL-PALM: Oh, Amy, please go
5 ahead.

6 MEMBER BRUCH: Yeah, thanks, Nate.
7 Tony, I want to prompt Carolyn over there as a
8 reminder for your question that you had
9 yesterday. And then I have a question after
10 that.

11 MEMBER DIMITRI: Tony, first, you
12 know, I'm very happy that this data exists.
13 Because I remember, you know, in 2005 when you
14 couldn't actually do any research, because there
15 was no data. So I know that there are a lot of
16 imperfections in the data set but, you know, I
17 manage to get a lot work done with it. So thank
18 you to you and NASS.

19 Yesterday we were talking about crop
20 insurance as option, and we noticed that the way
21 it's reported out by NASS is these very broad
22 categories. And there's one category that says,

1 like, doesn't need or want. And I wonder if you
2 can talk about, like, what does that mean. Or do
3 you aggregate that up from other questions, or do
4 you just have this, like, check box?

5 Anyway, we'd like to know more about
6 that particular piece of information. I know
7 it's very weedy. And maybe it's not something
8 you think about, but it's something we think
9 about. Thank you.

10 MR. DORN: Thank you. I'll have to
11 admit that's something that we haven't really
12 seen to dig into, more than just what was
13 reported and what the results were. I mean,
14 that's generally something we haven't -- I know
15 just generally when we get down to the details of
16 farmers responding when we're looking at, I
17 mean, the organics, every type of detailed
18 questionnaire, obviously there's a burden on
19 farmers to report.

20 So getting down to any more
21 delineation to a question like that, of course,
22 is a respondent burden and harder to do. But I

1 haven't looked into that specifically yet, sorry.
2 But we'll be glad to.

3 MEMBER DIMITRI: Just one follow-up
4 comment, how do you create those questions, like,
5 when you say you have these questions about crop
6 insurance, it's like where do those options come
7 from?

8 MR. DORN: Good question and back to
9 the earlier question too. When they first
10 started, we worked with other partners. When we
11 were first starting, one of -- we usually worked
12 with USDA partners. And there will be a Federal
13 Register notice where, if everybody sees those
14 and knows that there's a survey coming, we take
15 feedback on what questions to develop and to
16 have.

17 And right now we're taking feedback.
18 If you would submit that as a question we would
19 consider what we could do with that as far as if
20 farmers could respond, those added responses and
21 things like that. So it's evolving, and there's
22 always opportunity to change. So it comes from

1 anywhere and everybody who's interested in the
2 data, really.

3 MEMBER DIMITRI: Okay. Just my final
4 question, I used to work for ERS, so I have,
5 like, a little bit of insight into the sausage,
6 and I know there's a lot of agency level,
7 complicated, tense discussions about, like, what
8 actually belongs on the survey.

9 And I guess I'm allowed to talk about
10 that, because I don't work for the federal
11 government anymore. But I wonder what you can
12 say publicly, you know. Thank you. And I swear,
13 that's my last comment.

14 MR. DORN: Well, I do know, I've been
15 working, you know, in this area for a few years
16 too and everything. And right now we do have a
17 really good working relationship with the ERS,
18 which we do the ARMS survey, the farm income and
19 expense survey, the landlord survey, things like
20 that. And we're working really well together.

21 Of course, ERS had a major kind of
22 restructure and everything, so we have a really

1 good working partnership with ERS and all the
2 other USDAs, but especially with ERS. And we're
3 really working closely together in a very good
4 partnership, because we're both interested in the
5 data.

6 And just like us, they get a lot of
7 requests for more data, more information, at a
8 more granular level. So we're all trying to work
9 together and making sure that those tough
10 questions that need granular data are answered
11 the right way. So we're working data well in the
12 partnership.

13 MEMBER BRUCH: Okay. Tony, thank you
14 so much for being my table mate and coming here
15 today to share with us this data. I am a
16 participant in the phone survey. That's my
17 preferred method to participate in the survey.
18 But it's nice to see the summary data. I love to
19 hear that you are working with different partners
20 within the USDA.

21 And as Carolyn mentioned, our focus
22 yesterday was crop insurance. I'm just curious.

1 We definitely are in need from an organic
2 standpoint, and a transition standpoint, to get
3 sound actuarial data into RMA to increase our
4 database so we can improve insurance.

5 Can we rely, can RMA rely on this data
6 to improve their actuarial database, or would
7 they just reference this data for supporting
8 information?

9 MR. DORN: Well, we're a federal
10 statistical agency which means that we're
11 independent of any type of regulation. So, you
12 know, we won't share individual reports, of
13 course, with RMA or anything like that. So they
14 would not get individual reports from NASS to
15 look at that for auditing or anything like that.

16 So it would just be, you know, what's
17 available really to other agencies really is
18 available to the public. And that's one of the,
19 I guess, transparency that we strive to do in our
20 policies. So what they see is what you see.

21 If there was any kind of special data
22 lab or anything that researchers or anybody would

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1 be looking at, that would be available to the
2 public as well. So really globally is what they
3 would, you know, the same type of aggregate data
4 you're looking at is what they would see. So
5 there's not really -- there's no auditing or
6 anything of individual records if that's what you
7 mean.

8 MEMBER BRUCH: No, not necessarily
9 individual records, just that aggregated data, on
10 a regional basis essentially, to improve, just
11 information about what's going on in the program.

12 Because not everybody participates in crop
13 insurance. But you did say that this survey,
14 which is great, that it's 100 percent
15 participation going forward. So I just thought,
16 you know, it's supplemental data. Maybe that
17 could be beneficial.

18 MR. DORN: Right. Yeah. And with
19 that we don't have any -- I don't have any
20 specifics on RMA, you know, if they're uses that
21 they've looked in, how useful that was. But,
22 like, generally speaking, I mean, the same type

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1 of information to the public's available within
2 other agencies.

3 MEMBER BRUCH: Thank you.

4 CHAIR POWELL-PALM: Other questions
5 for Tony?

6 All right, I'm going to hand it back
7 to Dr. Tucker.

8 DR. TUCKER: So first I want to thank
9 Tony. Let's give him a another hand.

10 (Applause.)

11 DR. TUCKER: Second, I do want to
12 comment that we do send, when these surveys come
13 out that are of interest to the organic sector,
14 we do send out organic insiders on that. And so
15 for any groups that are listening, you know, if
16 you can help us to augment those invitations out
17 to your mailing list, I know when we get into
18 rulemaking, this type of data is incredibly
19 important in terms of, well, what is the
20 population that you're impacting with this rule?

21 And, you know, we have to say, well,
22 here was the response rate of that. And so I

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1 think we hear on one side the organic community
2 really wants data, data, data. The response
3 rates really need to show that, that you really
4 want the data.

5 Because if there are really high
6 response rates on organic data collection, it
7 makes it much easier to go and say we need this
8 special study, and look, you're going to get a
9 really high response rate if you do it which, in
10 turn, helps us with the regulations and standards
11 that everybody wants.

12 So I do want to make sure we draw a
13 direct line between those please, please, please
14 participate back to the rulemaking process that
15 all of us hold dear. So let's connect those dots
16 and get the word out when these surveys come out
17 to make sure that we're getting the farmers to
18 the phone, to the paper, to whatever, to have
19 their voices heard. It all matters in the
20 organic system.

21 So, Tony, thank you for the work you
22 do, your team does, for your report, for coming

1 down here today and being with us.

2 CHAIR POWELL-PALM: All right. And so
3 we're going to get kicked off today with crops.
4 And with that, I'm going to be handing it back to
5 Amy Bruch who is very generously chairing both
6 the CACS and crops. And so whenever you're
7 ready, Amy, the floor is yours.

8 MEMBER BRUCH: Okay, Nate, thank you.
9 Michelle, I need a clicker, actually. Oh, it's
10 right beside me, thank you. Didn't have to go
11 too far for that.

12 All right. I hope everybody is doing
13 well. Thank you again, Tony, that was a
14 wonderful presentation you provided us with.

15 Before we get started into our work agenda,
16 I actually have, I believe, four points here to
17 bring up and discuss. First, I wanted to give a
18 special thanks to the members of the Crops
19 Subcommittee. We have a very tight network, and
20 as Nate mentioned yesterday, we did have to
21 weather a few member decreases, I guess.

22 Rick, a senior member with a lot of wisdom,

1 left our team which we were sad to see him go.
2 And then Liz with her fresh perspective and
3 energy, she provided a lot to our subcommittee,
4 and it was sad to see her go as well.

5 But we picked up a fantastic new
6 addition, Franklin, thank you for joining our
7 team. He's really hit the ground running. You
8 were kind of a late addition, but you have
9 participated from day one. So thank you very
10 much for that.

11 Thanks to the community as well,
12 really appreciate all of your public comments to
13 our work agenda. It was very helpful to hear
14 kind of, again, both sides of the equation. It
15 makes our recommendations a lot more robust.

16 Third, I just wanted to also highlight
17 a little bit what we're doing internally amongst
18 our materials, I'll call them the Materials
19 Review Subcommittee. So that would be crops
20 handling with my table mate partner, Kyla here,
21 and livestock with Ms. Kim, and our fearless
22 leaders Mindee and Nate.

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1 We have kind of collaboratively worked
2 together and worked kind of across the aisles to
3 try to optimize and aggregate how we do sunset
4 management. We've optimized and believe the
5 process a little bit better. I guess I think
6 it's better, but we're still kind of working
7 through that transformation.

8 We're looking at planting on an annual
9 basis instead of a semester basis. So that does
10 provide us with more opportunities within the
11 meetings to really have those robust
12 conversations. It also helps us plan our work a
13 little bit more effectively.

14 So as it was mentioned, we're
15 volunteers. We all have day jobs. But
16 sometimes there's seasonality with our day jobs,
17 with our farming season at least. I have some
18 off periods, so it allows for me to make more
19 progress on NOSB work agenda items if we know
20 what the calendar schedule is a year in advance,
21 essentially.

22 It allows for us to process TR

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1 sufficiencies maybe a little bit quicker. What
2 we've already tackled is the 2026 TR's,
3 sufficiency. So we're a couple of months ahead
4 of schedule on that. So hopefully what the
5 community will see is potentially these TRs in
6 your hands a little bit sooner, just because we
7 are requesting them a little bit sooner.

8 It does take a long time collectively
9 amongst the three subcommittees. We asked for
10 quite a few of them, I think 17 is what we're
11 slated to potentially this year. So we're trying
12 to do that in a very efficient way and look
13 amongst the other subcommittees.

14 Because sometimes these materials that
15 we noticed this time around, we review them in
16 tandem, i.e., phosphoric acid. We're reviewing
17 that in crops and also in handling. So it's good
18 if we do have that partnership amongst the
19 subcommittees.

20 Anything to add, Kyla or Kim, Mindee,
21 with that process?

22 MEMBER HUSEMAN: Yeah. And, Amy,

1 thank you for taking the lead on pushing us all
2 along, pulling us all along. I think the
3 discipline and the forward thinking of sending
4 out an agenda well in advance to try to keep on
5 task and be more proactive on that front will be
6 very successful.

7 And I think it's great, not only for
8 the Board members, but also for the community as
9 well, to try to get as much advance information
10 as possible as things are coming around.

11 CHAIR POWELL-PALM: Jerry?

12 MEMBER D'AMORE: Yeah. Well, thank
13 you. As one of your more vocal naysayers in the
14 beginning, I would like very much to say yes,
15 this is the way to go. The ability to plan out
16 on a calendar year is extraordinary in its
17 benefits.

18 I will say the Germans have an
19 expression, *Aller Anfang ist schwer*, which means
20 all beginnings are difficult. And these
21 beginnings were difficult, and you guys, again,
22 pulled this through. And it's something I think

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1 is really quite good. I like it.

2 MEMBER SMITH: I'll just add that
3 within each of the scope subcommittees, crop,
4 livestock handling sort of ebbed and flows on who
5 has the, you know, most sunsets. And going into
6 next year's work, handling has 29 2026 sunsets.

7 So in order to effectively manage
8 that, we really had to work collaboratively,
9 because there are members that, you know, are on
10 handling and another subcommittee that also has
11 sunsets. And so in order to, anyway, we can't do
12 it in a silo, we have to work together, and
13 especially when the workload in one subcommittee
14 is much more substantial than in another. And
15 that, like I said, ebbs and flows.

16 CHAIR POWELL-PALM: Just another shout
17 out to Amy and the whole team who manages
18 materials, when folks don't show up or we have
19 folks drop off the Board, change-over, usually
20 that means we have reassignment of work at
21 inopportune times. And everybody stepped up to
22 grab those materials to keep the process flowing.

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1 Nothing got slowed down by it.

2 So thank you to everybody, thank you
3 for the leadership to Amy, but everybody else as
4 well for stepping up and making the semester
5 finish out.

6 MEMBER BRUCH: Okay. Now back to my
7 fourth point on TRs. This was just a response,
8 or this is a response to some of the feedback we
9 did see in written comments. Crops, this year we
10 had four complete TRs and two limited scope TRs.

11 Most of them are available on the
12 Internet. However, we are still waiting, I
13 believe, for one of them, and that's carbon
14 dioxide. We did request, and you'll see this on
15 our work agenda for next semester, carbon dioxide
16 will be reviewed as a petitioned substance, and
17 we'll be reviewing it for the soil amendment
18 addition. And that is going to have a full TR.
19 So mark your calendars for when that comes
20 available.

21 But anyway, our protocol when we do
22 receive a draft TR, if there's not substantive

1 changes, we do begin leveraging that document for
2 our review process. And that was a case, in
3 particular we heard a lot of feedback on
4 potassium sorbate.

5 So we did use the TR to write our
6 document. We used new information to write that
7 document. So I just wanted to clear up some of
8 the confusion there. Because we do use the draft
9 mode before it is publicly published, just to
10 forward our work agenda.

11 And the best thing about all of our
12 documents this time around is they will be viewed
13 next semester. Also, we're not voting on any of
14 them this semester. We're discussing them so you
15 have kind of a longer runway if you look at it
16 with the materials in front of you to be very
17 prepared for the next time we review this and
18 vote on this.

19 And please catch me in between the
20 meeting if there's any more that we can do. As a
21 subcommittee we did talk about this as well. And
22 we decided we are going to prioritize TRs when we

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1 do receive them ahead of any other work agenda
2 item. That's something we can do.

3 We usually have a pretty long deadline
4 to review them. But we're going to try to move
5 those to the front of the line and get those
6 circulated a little bit faster. So that was
7 another thing we talked amongst our subcommittee
8 members that we could do to help this feedback
9 exchange. But please catch me if you have any
10 more ideas.

11 Okay. And then I did preview the work
12 agenda for next semester. Currently it's slated
13 to be reviewing the same topics that we're
14 discussing here today as well as, again, that
15 carbon dioxide petition.

16 So first off is the petition for
17 potassium sorbate. And that actually is my
18 document, so I will pass the mic to myself.

19 (Laughter.)

20 MEMBER BRUCH: Okay. So potassium
21 sorbate, this was a petitioned substance that our
22 subcommittee reviewed. And we did thoroughly

1 review this with the materials that were provided
2 to us. We had, again, a new TR. We had old
3 material. This was actually a substance that the
4 1995 subcommittee was reviewing or looking at
5 this as well. So there's a history.

6 It was interesting to read some of
7 those notes on their process. One individual of
8 the NOSB actually camped out at the FDA to try to
9 get information about this particular substance.

10 So I thought that was really interesting
11 archival history. I'm sure Joanna knows more
12 about that than I do.

13 But anyway, to move on with this
14 petitioned substance, it is petitioned as a
15 synthetic. And it is petitioned to be used as an
16 insecticide and also as a plant disease control.

17 And so the petitioned summary essentially says,
18 and this information's at your review -- in your
19 review materials. But in summary it's an
20 additional tool in a crop disease resistant
21 program. It has a contact mode of action, and
22 it's not suspected a contributing to

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1 phytotoxicity of crops.

2 And potassium, and review history, so
3 this currently is on the National List. It's a
4 synthetic, inert ingredient. So that's why it
5 appears on our National List to be used in that
6 fashion.

7 It's also been petitioned
8 unsuccessfully three additional times for the
9 inclusion on the National List, in 1995 as a seed
10 treatment, production aid, in 2002 it was
11 petitioned in crops as a seed film coating and as
12 a preservative, or as a seed film coating and as
13 a preservative. For livestock, it was petitioned
14 for use in organic livestock production as a mold
15 inhibitor. And in all three of those cases, it
16 was not added to the National List.

17 EPA does have this listed as, or it's
18 listed on the inert list for ingredients. And
19 it's also exempt from regulations on efficacy and
20 toxicity. The FDA has it under the generally
21 recognized as safe. And then international,
22 there is no current international regulations

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1 that accept the product for the petitioned use.
2 Petitioned use, again, is for insecticide and
3 disease mitigation.

4 Environmental and health impact, it
5 stated that the degradation of the products of
6 potassium sorbate are more hazardous than the
7 product itself and mainly, primarily focus on
8 sorbic acid. Sorbic acid is reported to have
9 synergistic effects with sodium nitrate and form
10 several species of direct-acting mutagens in
11 general. And this was also noted with public
12 comments.

13 There is limited information available
14 about potassium sorbate in this petition
15 function. However, there is lots of information
16 about potassium sorbate as food preservative or
17 as a post-harvest treatment.

18 So there is information available.
19 But when we look at the information available and
20 compare it to how this is petitioned, we don't
21 necessarily understand chemical interactions. We
22 don't understand use and conventional crop

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1 pesticide applications. And these were mentioned
2 in the TR that I'm referencing. We don't
3 understand interactions with soil organisms.

4 We have ideas on what that could be,
5 but it's essentially transitive property, because
6 we don't have this substance that we can
7 necessarily analyze in its current form as
8 inactive.

9 Environmental, there is reason to
10 expect that it would inhibit the growth of soil
11 microorganisms. And also there is a potential to
12 increase the pH of the soil. And that would
13 impact the bacterial community and health.

14 It's listed as a low allergenic
15 potential of all the food preservatives that are
16 out there. It is category 2B, serious eye damage
17 and irritation. And most of the potassium
18 sorbate, when it's consumed as a food
19 preservative, is dispelled.

20 There's many alternatives to this
21 substance currently. And some of them actually
22 we will be revealing during our sunset process in

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1 further detail. Potassium sulfate and lime
2 sulfur we'll be reviewing in the sunset process.

3 But there is a quite extensive list of
4 alternatives.

5 And then the discussion document
6 summary, potassium sorbate is not made with
7 renewable resources. Materials used to produce
8 potassium sorbate are not recyclable. It does
9 not compliment the use of natural and biological
10 controls. Many alternatives exist. And then
11 kind of what we've heard with a lot of public
12 comments is just that more research is needed, in
13 particular with this substance.

14 So looking at a review of the public
15 comments, we had a lot of participation with
16 public comments on this particular substance.
17 Several members had concerns including two
18 certifiers and two advocacy groups. Farmers
19 tended to be in favor of this product as well as
20 grower groups with one additional farmer rep
21 encouraging more research and listing if it means
22 OFPA criteria.

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1 The majority of the comments in favor
2 or against this material just also seemed to be
3 in line with the theme of more research is
4 needed. One in particular from farmers
5 mentioned, you know, just having adequate tools
6 to control powdery mildew. That's what one of
7 the diseases that this will mitigate, including
8 downy mildew. Insects were mainly the spider
9 mites, so typically in vegetables and in tree
10 fruits. That could see some benefit from this
11 product.

12 People that were in favor also of this
13 product just said, you know, it's being used,
14 it's on the National List as an approved inert
15 ingredient. So why can't we essentially move
16 that over to the National List as an active?

17 People that were concerned or against
18 just opposed the listing due to essentiality and
19 efficacy data. They also -- I think this was a
20 really powerful statement, that we know we need
21 tools in this area. We're just not sure if this
22 is the right tool for the situation, just based

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1 on OFPA criteria.

2 So I think the community, it seems
3 like stakeholders need solutions. With that,
4 I'll just kind of open it up to Board discussion
5 to comment on this particular substance,
6 compatibility with the OFPA requirements, and the
7 potential needs of this product.

8 So thank you very much.

9 CHAIR POWELL-PALM: Questions for Amy?
10 Brian, please go ahead.

11 MEMBER CALDWELL: Yeah. Thanks, Amy,
12 that was a pretty thorough review.

13 I have to note that I haven't looked
14 at this in a while, but as I remember, the
15 petition for this product had a lot of paragraphs
16 and parts that were cut and pasted from some of
17 the previous petitions. Is that right? It
18 seemed to me that it wasn't really focused
19 completely on the uses that the petition was for.

20 MEMBER BRUCH: Yeah. There were some
21 references. Again, just research in this arena
22 is fairly limited. So references to it as a seed

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1 treatment and a food preservative were also found
2 in the petition.

3 MEMBER CALDWELL: Right, that's what I
4 remember. And I believe there are conventional
5 products that are labeled and used for this
6 purpose. Do we know that? Well, anyway, that's
7 sort of a side point. What I was thinking was
8 that there may be more data coming about efficacy
9 and stuff like that if it's being used in the
10 conventional world.

11 And here's a question I have that may
12 be more for NOP folks. And that is, like, if we
13 vote this petition down, as I remember from the
14 past it cannot be re-petitioned for this use. Is
15 that correct?

16 CHAIR POWELL-PALM: I hand that to
17 Jared.

18 MR. CLARK: It would have to have new
19 information for you to --

20 MEMBER CALDWELL: Oh, okay, new
21 information.

22 MR. CLARK: It could be petitioned

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1 again down the road for a different use, or if
2 there's new information that may have changed how
3 you voted.

4 MEMBER CALDWELL: Okay. Fine, so then
5 it's not sort of a do or die thing is we vote
6 this down. It could conceivably come back if
7 there's new information with the petition. So
8 those are my questions, just to kind of get the
9 situation clear in my mind.

10 MEMBER BRUCH: Yeah. Thank you,
11 Brian. From the data I reviewed, I didn't
12 necessarily see studies for this particular use
13 in conventional fields. I was kind of curious on
14 that as well. It potentially could be that
15 there's, you know, different modes of action that
16 are chosen that probably have more octane for
17 conventional growers than potentially some
18 substance.

19 But we did ask the community for
20 additional resources. And we did get one
21 document on information from an extension that
22 briefly touched on this. But it's a lot of the

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1 transitive property. It works for food
2 preservation, therefore it should work in this
3 fashion.

4 So if there is information that we
5 need to look at, kind of a plug to the community
6 on the conventional use, I guess, let us know.
7 But there was a line item in the TR that said
8 that that information was pretty minimal as well.

9 MEMBER PETREY: Jared, when you mean
10 new information, could that strictly be efficacy
11 information that is presented?

12 MR. CLARK: It could be efficacy, it
13 could be, you know, environmental health studies
14 that are new. It's kind of broad.

15 MEMBER PETREY: Yeah. It seems like
16 it. Thank you.

17 MEMBER BRUCH: Yeah, that's a good
18 question, Logan. There was some efficacy data
19 put into the petition itself. And that's what we
20 received comments on, that the substances that
21 were used as industry standards weren't
22 necessarily what industry uses. So the

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1 comparisons were, some folks, you know, didn't
2 necessarily move them to think this product would
3 be any more beneficial than the products that are
4 currently available.

5 MEMBER SMITH: Besides the research on
6 efficacy, or basically with the question that you
7 had asked, is there any other information that
8 would be helpful to you or the subcommittee to
9 help write a proposal, essentially? What other
10 information do you need, or do you feel like you
11 have enough to make a recommendation?

12 MEMBER BRUCH: Well, public comments
13 were helpful. Again, I think there's a need from
14 producers for tools. But it's just, again,
15 evaluating does this tool, in its petition
16 source, meet OFPA criteria.

17 So currently, the information that we
18 have available is pretty limiting. And
19 originally we did deem the TR insufficient,
20 because this data was not all in the TR. And
21 that was, again, probably one of the items that
22 extended the process of TR evaluation for this

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1 particular substance.

2 Because we really were trying to push
3 back to get more specific information. It's just
4 not available, so at least what was found in the
5 TR. This was one of our questions we did ask the
6 community, additional known research or
7 information. So we'll just have to work with
8 what we have.

9 I think what Brian had mentioned about
10 conventional data, we can do another just kind of
11 survey with our own materials internally to see
12 if that data exists. But, you know, stakeholder
13 feedback is going to be really critical in this
14 process, kind of a joint effort as we evaluate
15 the substance against OFPA criteria.

16 Thank you, Kyla.

17 CHAIR POWELL-PALM: Other questions
18 for Amy?

19 MEMBER BRUCH: I do know the
20 petitioner. I believe he listed into our written
21 comments, sorry, or oral comments. He didn't
22 necessarily provide any written comments. But if

1 he's listening here today and has information
2 that you can provide us, feel free.

3 CHAIR POWELL-PALM: Dilip, go ahead.

4 MEMBER NANDWANI: Thanks, Amy,
5 beautiful presentation and good information or
6 petitioned survey. I'm curious, it's a synthetic
7 substance, correct.

8 MEMBER BRUCH: Uh-huh.

9 MEMBER NANDWANI: And there are some
10 alternatives available as well in the slide. I
11 think I noticed there are a few substances. So
12 I'm curious to know that those substances are
13 available as an alternative.

14 How efficiently are oral petition
15 surveys? Because my understanding is that we
16 don't really encourage using synthetic substances
17 in organics. So if we have an alternative as a
18 natural or maybe more effective, why petition
19 survey is we are keeping that. I'm just curious
20 to, you know, understand more. Thank you.

21 MEMBER BRUCH: Yeah, absolutely.

22 That's a good question. And that's something we

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1 have to take into consideration with OFPA
2 criteria, is the essentiality piece and looking
3 at what products are available. I think when it
4 comes to organic pest mitigation, multiple tools
5 are helpful. Multiple modes of action are
6 helpful.

7 It does seem like, in terms of
8 naturals, there was recommendations on the
9 alternatives for planting certain varieties.
10 Also your rotations are a big factor. And then
11 getting into other substances, you know, there's
12 biological controls, there are substances that
13 are synthetics that are already on the National
14 List. I think Brian's going to be reviewing at
15 least one of them later on.

16 In the sulfur category, there's a lot
17 of products that people are currently using that
18 have sulfur as an active ingredient that's on our
19 National List currently. And we're reviewing
20 that. So there's kind of a myriad of natural
21 alternatives currently, biological, synthetics
22 that are approved on the National List.

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1 So some members of the community ask
2 about essentiality to this. Farmers are kind of
3 on the other side of the equation saying they
4 need additional tools outside of what's already
5 approved to be used.

6 Brian?

7 MEMBER CALDWELL: Yeah. I'm going to
8 put on my farmer hat for a minute and just say
9 that it's very often the case, and I think it is
10 the case for this product, that a lot of the
11 natural alternatives are not nearly as effective
12 as even the synthetics that are allowed.

13 And I think we do have some pretty
14 good synthetics. And I'm not sure about the
15 entire range of diseases that potassium sorbate
16 might be effective on. But for some of them,
17 particularly powdery mildew that was mentioned
18 is, in my mind, a pretty easy to disease to
19 manage.

20 But downy mildew and some of the other
21 ones, for instance if we had some great products
22 for late blight, that would be wonderful. And if

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1 there is a lack of research, maybe it turns out
2 that this product would be effective against late
3 blight. We don't know.

4 You know, that's sort of part of the
5 whole picture for me. I am very much in favor of
6 having tools in the tool box for farmers. But
7 they need to be tools in the tool box that are
8 not going to be health hazards or have
9 questionable aspects to them in terms of the
10 environment. You know, they have to go through
11 the process.

12 Anyway, I just wanted to kind of, you
13 know, look at it from that perspective. And in
14 my mind, I think there are real questions about
15 this one. And the fact that it can be
16 re-petitioned with new data makes me feel like
17 that's what I would like to see.

18 MEMBER NANDWANI: Thanks, Brian. And,
19 I mean, very quick this brings to my next kind of
20 question. I hope you don't mind. Organic
21 versus, sorry, natural versus synthetics.

22 So, if we have natural alternatives

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1 available for a material which is synthetic, do
2 we add or list them as a, with restriction of
3 some annotation, some kind of that?

4 And at this point is this material,
5 the potassium sorbate is just a synthetic, or
6 having some listed as a restriction or something?

7 MEMBER BRUCH: I'm going to Kyla, our
8 certifier for the technical information you need.
9 You're making her work. That's good.

10 MEMBER NANDWANI: Sorry.

11 MEMBER SMITH: Sorry. Okay. So, at
12 the beginning of 601 it does talk about certain
13 uses in paragraph, that require that the practice
14 standards at 206(a) through (d) are required to
15 be used prior to using a synthetic on the
16 National List.

17 So, if you read the paragraph between,
18 like, you know, after the 601 listing, before it
19 gets into the list, that's where those natural
20 practices are required to be utilized.

21 So, I don't know that it would be
22 necessary to restrict, or put a annotation or

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1 restriction based on that paragraph.

2 MEMBER NANDWANI: Thanks, Kyla. This
3 helps a lot. Yes, thank you.

4 MEMBER LEWIS: One of the elements in
5 the write up that I'm particularly focused on is
6 the, just sort of the registration history of the
7 product.

8 So, I'll just sort of summarize it.
9 It was a EPA registered pesticide until 1989.
10 And then it was put onto, and then it's on List
11 4, which is, you know, outdated. And that was a
12 25(b) pesticide.

13 So, you can sort of read between the
14 lines that, you know, when registrations get
15 cancelled it's because folks aren't using it.
16 There isn't a market for it potentially because
17 of efficacy issues, you know.

18 These are assumptions I'm making. So,
19 I'm not saying that I have evidence to support
20 that. But there's a reason why it was not a
21 popular pesticide in the conventional industry.

22 1989 is pretty early on in the

1 development of IPM. So, the piece that I'm sort
2 of focusing on is like can it be part of a
3 program? And that's the efficacy.

4 So, it's not just I have downy mildew.

5 This is my solution for it. But can it be part
6 of a broader, more complicated set of tools that
7 then can combat a number of diseases, or be part
8 of an IPM program? And that would be the kind of
9 efficacy data I would want to see.

10 And then we get into a chicken and egg
11 issue where if it's not allowed in organic, how
12 can organic farmers test if on their crops, and
13 see it's efficacy into IPM?

14 So, I tend to want to expand the
15 toolbox for things that are fairly benign, to try
16 to develop that. But also I know we need to be
17 cautious.

18 So, I don't know if that's helpful,
19 but sort of part of the elements that I'm
20 thinking about in terms of whether or not it
21 should be allowed.

22 MEMBER BRUCH: Yes. Absolutely.

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1 That's helpful information. And then there is,
2 in NTR there was, there are some studies. But
3 they're few and far between.

4 But in terms of efficacy it was
5 comparing potassium sorbate with potassium
6 bicarbonate. So, understanding maybe the
7 effectiveness of potassium bicarbonate in the
8 field can also provide us additional insight with
9 potassium sorbate.

10 But in public comments I did ask one
11 commenter about efficacy data. There was the
12 reference to, you know, the industry standards.
13 And several people pointed that sulfur is kind of
14 our main go to, and some of these other subset.

15 I don't know if it's part of the
16 rotational multiple months of action. But it did
17 seem like there was maybe more superiority with
18 sulfur based products.

19 MEMBER QUARCOO: I have a follow-up to
20 what Brian said earlier. In the petition it says
21 that it was compared to conventional products in
22 terms of efficacy.

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1 And while it's also scientific, but it
2 was superior to that, and if that's way better
3 than any of their organic alternatives. So I'm,
4 it's, did they supply, did the petitioners supply
5 data to support this efficacy information as in
6 the petition?

7 MEMBER BRUCH: Yes. That's a good
8 point that you bring up. And that's what we're
9 looking at is kind of parallel information to,
10 you know, to support or not support that
11 information in the petition, just independent
12 data.

13 MEMBER QUARCOO: Yes.

14 MEMBER BRUCH: Because the petition,
15 you're right, did supply is with information.
16 And we're just trying to reconcile that.

17 MEMBER QUARCOO: And in reference to
18 what Nate said about if any farmers cannot test
19 the product. Research institutions do that all
20 the time.

21 The farm doesn't have to be certified
22 organic. You can just test it somewhere. You

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1 can also do it on an on-farm, as an on-farm
2 research that it's not a certified product. But
3 you can, we can still test that.

4 So this comes back to research
5 institutions, and what they can do to supply us
6 the data that we need to make some of our
7 decisions.

8 MEMBER BRUCH: Thank you, Franklin.
9 Also, thank you, Nate. Both of you guys just
10 hitting the ground running. And I appreciate
11 your comments. I'm glad you weighed in.

12 MEMBER PETREY: Amy, I have a quick
13 question. And so, when we're saying it doesn't
14 align with OFPA, that's because of the renewable,
15 not made from renewable resources?

16 Because it like makes mention it is
17 benign, that health concerns were not there. And
18 then also mentioned it's affecting the soil where
19 we kind of expected a big rebound, even though
20 there might be some antimicrobial, you know,
21 inherent properties of it.

22 It's similar to copper, similar to

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1 sulfur, you know. And we add those in. Even
2 similar to fumigants that we incorporate in the
3 soil. But we do have, we do expect a rebound
4 there. So, it does seem benign.

5 And so, is, what are the properties
6 that it does not align with OFPA, you know, that
7 may give us more hesitation for that?

8 MEMBER BRUCH: Yes. And that's
9 definitely something that we want to review as a
10 full Board. The list that I provided that you
11 just summarized --

12 MEMBER PETREY: Yes.

13 MEMBER BRUCH: -- is kind of the
14 initial list that we were tackling with crops.
15 But definitely we need to kind of deliberate.

16 MEMBER PETREY: Okay.

17 MEMBER BRUCH: Deliberate specifically
18 on. And your input from Farmers of the South,
19 you know --

20 MEMBER PETREY: For sure.

21 MEMBER BRUCH: -- that could be real
22 important to hear.

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1 MEMBER PETREY: That's right. And I
2 need, yes, I need to look into that, and will do
3 so. The diseases that it seems to have the most
4 efficacy on, you know, are not things that I deal
5 with, you know, and the insects that I deal with.

6 And so, usually I'm in very strong
7 support of, you know, of fungicides, having those
8 tools, because of the, you know, the area that we
9 grow. And so, yes, I'll look into those areas.

10 I don't deal with powdery mildew or
11 downy mildew on the crops that we grow in our
12 area. So, I'll look into that.

13 MEMBER BRUCH: Do you have spider
14 mites down there?

15 MEMBER PETREY: There are, yes. And
16 so, that's actually more common in what we would
17 say plasticulture crops. It's like in the, I
18 think in tomatoes or squash, or things like that.

19 We don't, I don't know whether it's
20 because of overhead irrigation. It kind of, I
21 think it alleviates some of the problems for
22 spider mites.

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1 Usually plasticulture with drip I
2 think has bigger issues with that. Usually get
3 it in an arid times. And so, yes, when it'd dry
4 you have that.

5 Also, we seem to see flare ups when
6 you're using pyrethroids, you know, in
7 conventional settings, because they're not
8 controlled by those, a lot of the insecticides.
9 And so, you will see kind of a rebound of the
10 spider mites, you know, that come up.

11 But we don't have that in our crops.
12 And so again, these are not things that I'm used
13 to controlling that potassium sorbate is
14 covering.

15 But I know that there's a lot of other
16 growers that probably, you know, are having
17 problems with these types. And I'll look into
18 that.

19 MEMBER BRUCH: Thank you. That would
20 be great. Is there any more discussion on
21 potassium sorbate at this point in time. Brian,
22 go ahead.

1 MEMBER CALDWELL: Sorry to add another
2 minute here. But just wanted to point out that I
3 think there is a potential health question having
4 to do with the interactions with nitrates in the
5 digestive process, and that sort of thing.

6 So, it's not totally, it doesn't have
7 a total, you know, green light in terms of health
8 effects, the way I understand it.

9 MEMBER BRUCH: Yes, absolutely. The
10 breakdown products, at least sorbic acid and,
11 let's see, what is it, nitrite, yes. We talked
12 about that extensively in our Subcommittee.

13 There are some negative reactions
14 between those two. And could have, the TR noted
15 that there could be some accumulation in, well,
16 the study that was done it was accumulation in
17 rats. So, that could essentially be accumulation
18 in the body.

19 Okay. Well, thank you for the
20 discussion that we had here. And I think it's
21 very clear to the community that if there is
22 information, tests, studies that you have access

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1 to, please send them our way as well.

2 We definitely want to be very
3 collaborative, joint effort in evaluation of this
4 petitioned substance. So, thank you very much.

5 Okay. I'll turn it back over to
6 myself here. Sorry. Got a little silent there.

7 We're going to go on to the next one. We're
8 going to dive into our sunset process here.

9 I'm just going to pull up some
10 information. We're going to start with reviewing
11 alcohols. And public comments actually more or
12 less aggregated their information about ethanol
13 and isopropanol.

14 So, my plan is to review just the
15 overall intro to both substances. But then
16 aggregate the discussion on the comments. And
17 then open it up to discussion with the full
18 Board, if that's okay if we proceed that way.
19 Okay.

20 All right. So, ethanol is listed at
21 205.601, synthetic substances allowed for use in
22 organic crop production. It's listed as an

1 algicide, disinfectant sanitizer, including
2 irrigation system cleaning, irrigation system
3 cleaning systems, alcohol and ethanol.

4 So, the use of ethanol. It's used in
5 organic agriculture as an outside disinfectant,
6 sanitizer, including irrigation system cleaning.

7 Internationally it is accepted by all the
8 individuals that, all the organizations that we
9 review.

10 EPA issues, EPA considers ethanol to
11 be practically nontoxic, based on acute oral and
12 inhalation toxicity tests. Ethanol is
13 biodegradable in the air, soil, and water.

14 The Crops Subcommittee noted that
15 there is little to no environmental or human
16 health impacts associated with the use.

17 Moving on to isopropanol. It's listed
18 at 205.601, synthetic substances allowed for use
19 in organic production. It's also listed as a
20 algicide, disinfectant, and sanitizer, including
21 irrigation systems, cleaning systems, alcohols,
22 isopropanol.

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1 The review, the Subcommittee review on
2 this material is that in agriculture isopropanol
3 can used as listed. It's a broad spectrum
4 antimicrobial activity against vegetative
5 bacteria, viruses, and fungi.

6 For isopropyl, for isopropanol, sorry,
7 isopropanol for international acceptance Canada
8 and IFOAM provide guidance for isopropanol
9 alcohol for its use in organic agriculture

10 For environmental issues the EPA
11 considers isopropanol slightly toxic to
12 practically nontoxic on acute oral and inhalation
13 toxicity tests.

14 The commenter breakout, we had great
15 participation with commenters about both of these
16 substances. Four certifiers mentioned that they
17 have a lot of certifying operations using this.

18 Eleven farmers/farmer advocacy
19 groups/consultants supported this. One group was
20 in support if NOSB investigated the availability
21 of organic or non-synthetic alcohols.

22 Farm and farmer groups provided

1 examples of the use of these. One of the main
2 ones was their tools and pruning shears to
3 prevent the spread of diseases such as canker or
4 fire blight when they're removing infected
5 branches.

6 For drip irrigation lines they use
7 these substances when their lines become clogged.

8 And then for post-harvest handling it's used to
9 sanitize and disinfect equipment.

10 When used as labeled the material does
11 not necessarily pose a risk for health or
12 environment. And it's not directly applied to
13 edible organic fruits.

14 One commenter had concern that ethanol
15 may be manufactured from ethylene or by
16 fermentation. The use, the usual feedstock for
17 fermentation is corn. So, there could be,
18 genetic engineering could be an issue in this
19 process.

20 The alternatives, there are some that
21 exist, chlorine materials, so other sanitizers,
22 non-synthetic ethanol, essential oils, and heat

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1 treatment.

2 Many farmers say though that they
3 prefer alcohols over chlorine materials, because
4 chlorine materials can corrode their tools, their
5 specialty tools, and the alcohols don't.

6 And I thought this was an interesting
7 comments. It's more available in rural areas.
8 Accessibility to these products are really
9 important. And they're easily to be obtained.

10 Let's see. We did have one question
11 to stakeholders about requiring organic produced
12 ethanol, if sufficient quantities were available.

13 And the comments about that question was, such a
14 requirement would resolve in producers just
15 switching from ethanol to isopropanol, because we
16 were gearing that question directly to the use of
17 ethanol.

18 And then it also brought up the bigger
19 issue that we should discuss whether all crop
20 input should be organically sourced, and have a
21 bigger conversation, instead of just a la carte
22 per substance.

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1 So, with that review I open it up to
2 the Board. Yes, Logan.

3 MEMBER PETREY: Yes. And on that
4 specifically, something that really caught my eye
5 was the compost and manures. It would have to be
6 organically produced, which would kind of just
7 shut us down for a little bit. So, that's how
8 big opening that can of worms would be if we did
9 that.

10 MEMBER BRUCH: Yes, absolutely. It's
11 a pretty broad based question when you dive into
12 it. Okay. Any other discussion on alcohols?

13 MEMBER HUSEMAN: Just that this will
14 also come back up in livestock later on.

15 MEMBER BRUCH: Thanks for that
16 preview. Let's see. Okay. We are going to
17 table sodium carbonate peroxyhydrate until after
18 lunch. We'll tackle this one after lunch. This
19 is one of many substances.

20 CHAIR POWELL-PALM: And we're going to
21 do that with hydrated lime as well.

22 MEMBER BRUCH: Yes.

1 CHAIR POWELL-PALM: Just bump hers to
2 the end, yes.

3 MEMBER BRUCH: She is listening. But
4 it will be a more effective discussion with her
5 present. So, we are moving to newspaper, other
6 recycled paper without glossy or colored inks.

7 And this is listed at 205.601(b) as
8 herbicide, weed barrier as applicable to mulches
9 and (I) newspaper or other recycled material
10 without glossy or colored inks. I'll turn it
11 over to you, Wood.

12 MEMBER TURNER: Thanks. There's a,
13 there's actually two listings. And I'll just go
14 ahead and suggest that we have this conversation
15 at the same time. One is at (b) herbicides, weed
16 barriers as applicable. And the other one is at
17 (c) as compost feedstocks.

18 So, yes, I was really interested in
19 the written comments on this material. And
20 really appreciated the community kind of leaning
21 in on this question. Because I think it raises
22 some interesting issues.

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1 In both cases we're talking about
2 paper that's essentially, I mean, newspaper or
3 other recycled paper that's essentially been
4 repurposed to support weed suppression in one
5 usage, and as a compost feedstock in the other
6 case.

7 And, you know, I think as outlined in
8 the write-up, I think one of the biggest issues
9 that comes up in this particular case is related
10 to the inks associated with the recycled paper.

11 Historically black inks have been,
12 have migrated to sort of more water based
13 materials. So, they're not entirely solvent
14 free. But on the glossy and colored ink side of
15 things it's a much different question.

16 And so it raises a number of issues
17 related to, and certainly as the listing
18 outlines, you know, the listing allows for the
19 use of the material without glossy or colored
20 inks.

21 That said, I think there was a lot of
22 comments about, you know, whether you can

1 adequately sort of keep the adverse impacts from
2 those glossy and colored inks out of usage.

3 It's pretty hard to, and I certainly
4 appreciate any view from others on this. It's
5 pretty hard to perfectly regulate the use of that
6 material.

7 We do see some usage of, some
8 permitted use of this, well, permitted use of
9 recycled paper without glossy paper or colored
10 ink somewhere in Canada. No other specifications
11 internationally.

12 There's been a lot of discussion over
13 the years. There's a 2017 TR on this that
14 outlines a lot of these kinds of issues. And
15 after the 2017 TR the Subcommittee and ultimately
16 the Board unanimously decided to sort of continue
17 with both of these, continue to relist the
18 material.

19 I would say on the, and I think this
20 does seem to fall into sort of our larger
21 conversations about keeping a closer eye, and
22 understanding in more depth the PFAS issue, and

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1 sort of whether or not we can sort of ensure that
2 that doesn't have adverse impacts on organic or
3 the organic sort of ecosystem.

4 That said, a lot of support for the
5 material, maintaining this listing as it's
6 currently articulated. We heard from a number of
7 certifiers who supported it, saying it's
8 something that's very important to users. And
9 they're seeing a lot of, it's showing up on, it's
10 showing up in many organic systems.

11 We had support from growers who
12 supported the use of the material. Trade
13 associations supported the use of the material.
14 Although I, and I'll just sort of continue with
15 the, sort of the breadth of opinions.

16 There were, the category that I would
17 consider to be not opposed to the material. But
18 I think one retailer in particular asked a series
19 of questions that would sort of I think push the
20 conversation a little bit further, which I
21 thought were quite interesting.

22 There was one opposition to the

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1 material from a nonprofit organization that
2 encouraged opposition to the relisting, or
3 opposed the relisting. But suggested that the
4 Committee should continue to work on the
5 material.

6 I think the quote was, whether
7 there's, to address whether there's a way for
8 growers and certifiers to identify sources of
9 recycled paper that are compatible with organic
10 principles.

11 Complicated work agenda item for sure.
12 But certainly worth considering. So, I
13 definitely appreciated the breadth of feedback on
14 this material. And would welcome any discussion
15 others might have on the topic.

16 CHAIR POWELL-PALM: Brian.

17 MEMBER CALDWELL: So, Wood, thanks for
18 that. A lot of these materials are much more
19 nuanced and complicated than they look, or then
20 they seem at first glance.

21 And I'm thinking that paper, what we
22 call paper now is quite different than it was in

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1 the '70s and '80s when organic producers were
2 using this, and recyclers were doing a lot with
3 it, and everything.

4 And one of the things I'm concerned
5 about, well, first of all you mentioned PFAS.
6 And I think there was a recent study saying that
7 some newspapers did have, carry PFAS. I don't
8 know how much.

9 But then, the other thing is, I get
10 all this stuff in the mail. And it's like, the
11 paper is like plasticized or something. And it
12 might not be even a glossy color or something.
13 But it just doesn't feel like sort of old
14 fashioned paper.

15 And I'm just wondering are there, are
16 we worried about, you know, plastic fibers or
17 somehow reinforced paper? I don't even know what
18 this stuff is. But it just seems like there's a
19 lot more going on with paper than there used to
20 be.

21 MEMBER TURNER: I don't have any real
22 comment there. I mean, technically the paper

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1 that's allowed to be used is the non-glossy
2 paper, the non-coat, the paper without coating.

3 So, you know, again, I can't speak
4 necessarily to the certifier sort of world in
5 terms of what they're actually seeing on the
6 ground.

7 But the feedback from certifiers has
8 suggested that it's in wide use, and they're
9 seeing it. It's still something that, as listed
10 the material is important, was notable to me.
11 But I totally agree with the point you're making.

12 CHAIR POWELL-PALM: Nate, and then
13 Allison.

14 MEMBER LEWIS: Just to clarify. Can
15 we talk about the compost feedstock thing as
16 well? Are we doing those both at the same time?

17 CHAIR POWELL-PALM: Yes.

18 MEMBER TURNER: Yes. Happy to, I
19 mean, I, to me they're, I --

20 MEMBER LEWIS: Yes, okay.

21 MEMBER TURNER: Same concept. But I'm
22 happy to have any questions you have on compost

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1 feedstock.

2 MEMBER LEWIS: Yes. So, I think just,
3 this has always been what I, a little bit, sort
4 of problematic to me. Because composters
5 generally don't use paper as a feedstock, but
6 rather as a sort of incidental accompaniment to
7 whatever it is that they're taking in as a
8 feedstock.

9 So, that's nuanced, and maybe parsing
10 out the regulation. And maybe that's just an
11 issue in my brain.

12 But I'm curious if there's discussion,
13 or if there's room for discussion at the Crops
14 Subcommittee about what the risk is in the
15 compost.

16 You know, once the composting is
17 occurring what's at the back end? Is there a
18 contamination concern in the compost? Is there
19 the testing that we need to do?

20 Many states do have a heavy metals
21 test for compost. And so, I think those are,
22 those elements are covered. But are there other

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1 contamination concerns that may be worth looking
2 at as a way to maybe start at the back end and
3 move upstream to see what sort of restrictions we
4 may or may not need on these materials.

5 MEMBER TURNER: Great point. Not to
6 touch the issue that Logan just raised on
7 compost. But it sort of begs the same question,
8 right. I mean, is it, what's coming out the back
9 end? And sort of how do we work back from that.
10 So, that's a good point. It's a really good
11 point.

12 CHAIR POWELL-PALM: Allison.

13 MEMBER JOHNSON: Thanks. And then I
14 think Franklin had his hand up. Is cardboard
15 covered here? I see the note about glues,
16 adhesive waxes. But I didn't see the word
17 cardboard. And I was curious whether that is
18 here.

19 You hear a lot about like sheet
20 mulching with cardboard. And folks are doing
21 kind of smaller scale start up type stuff. And
22 I'm just trying to understand whether that's

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1 within the realm here.

2 MEMBER TURNER: I don't, I'll ask
3 Jared on that. I don't, I'm not, I don't think
4 cardboard is contemplated here.

5 MR. CLARK: Nor do I.

6 CHAIR POWELL-PALM: Franklin.

7 MEMBER QUARCOO: Yes. In the report I
8 see a blanket statement that talks about progress
9 towards less toxic materials used in inks.

10 That's so broad. Are we going to just
11 assume that there's a general progress towards
12 these less toxic inks, and then make a decision?

13 And then there are different sources
14 of paper. Plus, there's a lot of advance work
15 done in material science. And now you look at
16 the material, you can't always be sure what has
17 been used to make that material.

18 So my question is, if we say there's
19 been that move towards less toxic materials, I
20 don't think that applies to all the paper that is
21 being made, and all the inks that are being used.

22 So, does that not put us at the risk

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1 where we might be allowing things that under
2 normal circumstances we wouldn't, if we didn't
3 put it on this broad category?

4 MEMBER TURNER: Love that. Love that
5 comment. I think it's great, Franklin. And I
6 agree with you. I think that's a blanket
7 statement about a move in, as I mentioned, black
8 inks that are, have, are more and more water
9 based, more and more vegetable based. Less so on
10 the colored ink side.

11 So there is, that's a fair point.
12 There's some conflation I think here in some of
13 the, in some of the write up that I should fix,
14 and would benefit from your input on that in the
15 Subcommittee.

16 CHAIR POWELL-PALM: Jerry.

17 MEMBER D'AMORE: Franklin, I agree
18 with you entirely. The only question I would ask
19 then of the group here is, if it's not used, what
20 replaces it? And that, you know, I, it's not a
21 theoretical question.

22 But it's a question that maybe we just

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1 don't, can't answer right here. But is it
2 probable that it might be replaced with something
3 that's quite a bit worse? So, that's where I
4 would go at this point, just asking that
5 question.

6 MEMBER TURNER: Totally fair. And I
7 do feel like I'd love to hear more nuance from
8 the certifier community about what it is they're
9 actually seeing, and how they're actually --

10 There is, there seems to be pretty
11 broad support in the certifier community. But I
12 don't, I mean, does that mean we're looking at
13 every piece of newspaper that's been on the
14 ground, and seeing exactly how much colored ink
15 might be on those sheets of paper or not? I
16 mean, that's a complicated thing.

17 And I don't know any newspaper today
18 that doesn't use colored ink. So, if you're
19 using any newspaper you're using colored ink on
20 some, to some degree. So, that's a totally fair
21 point.

22 And I, there needs to be some nuance.

1 I know, I recognize that certifiers don't really
2 want to take positions on these kinds of issues.

3 And are sort of listing, you know, listing
4 users, folks that are using these in their OSPs
5 are listing these materials in their OSPs.

6 But on some level I think it's helpful
7 for us to understand exactly what it looks like
8 on the ground, in terms of how to, you know, how
9 to regulate.

10 MEMBER D'AMORE: Well, you're right.
11 And the whole discussion around what are the
12 alternatives. It stems in, for me in having
13 worked for six years trying to get a clamshell
14 that was recyclable.

15 And being, and everybody really happy,
16 happy, happy. Yes, we got it. And then the end
17 of the day the glue that applied the label to the
18 clamshell negated the whole dang thing. It was
19 over. There's no discussion. They wouldn't take
20 it.

21 So that's the reason I ask now.
22 Because in my mind back then even it was sort of

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1 like, gosh and gee whiz, you got something here.

2 And, you know, what is the alternative? So
3 anyway, thank you. And to Brian's point, it's
4 complicated.

5 MEMBER CALDWELL: It's nuanced.

6 CHAIR POWELL-PALM: Just building on
7 that, Wood. Did you glean any information about
8 how common is this product being used? And in
9 what sort of scale of application?

10 Not to lose the forest for the trees,
11 is this something that, you know, these questions
12 are representing, you know, a large material
13 contamination? And if we don't figure it out, or
14 is it who's using this? And I didn't see the
15 answer. But I didn't know if you had --

16 MEMBER TURNER: No, I don't know the
17 answer to that. That's a good question. But I
18 feel like that's a clear, that's a question that
19 we could articulate for further feedback in the
20 next few months.

21 MEMBER D'AMORE: Yes. It's mostly not
22 used by itself. It will go under a weed mat.

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1 And so again, in terms of an inspection process I
2 have no idea how that would go.

3 But in the berry world, in the,
4 particularly the blueberry world it is widely
5 used. But you don't see it, because it's tucked
6 under a weed mat, or used in another, in a form
7 that is not highly visible.

8 CHAIR POWELL-PALM: Brian.

9 MEMBER CALDWELL: Just one quick
10 comment about that. And it was mentioned the
11 other day in some comments. And that is the
12 paper pot products.

13 I believe they use recycled paper in
14 one of their constituents. So that would be, and
15 we approved that, you know, thinking that paper
16 was quite benign basically, or recycled paper.

17 And the other place I'm thinking might
18 be in municipal composts. And I don't know,
19 Kyla, maybe you would be able to tell us. Do
20 people, are people allowed, are growers allowed
21 to use municipal type of compost? Yes, okay. So
22 that might be another one.

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1 CHAIR POWELL-PALM: Sorry, Kyla, then
2 Nate.

3 MEMBER SMITH: Yes. I was going to
4 just say that when I was looking at the certifier
5 comments to see, you know, based on their numbers
6 provided. It seems to be a little all over the
7 place, you know.

8 Like, I know PCO didn't have a lot
9 that, I think we just had like one. So, anyway
10 interesting. I did see, Nate, I think you had
11 asked about types of producers.

12 I think one certifier had reporter
13 smaller scale producers. What type of crops,
14 they didn't say that. But I did, scale might be
15 a factor. And, Allison, you had asked about
16 cardboard. OMRI does list cardboard for this
17 use.

18 MEMBER LEWIS: And I'll just add a
19 dataset of one that my OSP includes cardboard.
20 And there is a restriction that says no glossy or
21 colored ink. So, okay. Thanks.

22 Well, that's not in the annotation,

1 right. The annotation always says glossy colored
2 inks. So glues are not part of the restriction
3 there.

4 CHAIR POWELL-PALM: So, to beef up
5 that dataset, maybe the community could provide
6 some, if you have any data on the application of
7 this material. I think we'd all benefit from
8 that.

9 MEMBER TURNER: Absolutely.

10 MEMBER BRUCH: All right. That was
11 great discussion. Thank you, Wood. Thanks,
12 everybody.

13 MEMBER TURNER: Not sure what to do,
14 but it's going to be interesting for sure.

15 MEMBER BRUCH: Yes. All right. And I
16 did advance the screen so everybody could see the
17 second listing. And thank you for noting that,
18 Wood, also.

19 So, we'll be moving on to plastic
20 mulch next. So, this one is listed at 205.601
21 synthetic substances allowed for use in organic
22 crop production, (b) as herbicides, weed barriers

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1 as applicable to mulches.

2 And (ii) would be plastic mulch and
3 covers, petroleum based other than polyvinyl
4 chloride, PVC. Logan, I'll turn it over to you.

5 MEMBER PETREY: Thank you. Might be
6 the alternative that Jerry was mentioning also.
7 But anyway, so yes, this material has multiple
8 functions, including warming soils, a weed
9 barrier, soil fertility, and water retention,
10 pest management, and tunnel production.

11 They're manufactured by melting
12 polyethylene resin pellets intended to actually
13 make the shape, the width that's needed.

14 Many commenters support the relisting
15 of this material, but asking for the research of
16 the biodegradable biobased mulch in conjunction
17 with their support.

18 For example, a commenter said, we
19 support the continued listing of plastic mulch
20 and covers. We support this continued listing
21 while simultaneously anxiously waiting for the
22 biodegradable biobased mulch film.

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1 Another commenter saying, we suggest
2 that the NOSB and organic community develop a
3 plan to establish priorities for the reduction of
4 plastic use down the road, while recognizing that
5 in some uses it is essential at this time.

6 In the meantime we support the
7 relisting of this product. Also when we discuss,
8 you know, what, who are the producers that use
9 newspapers and, you know, things of that, I think
10 it would be interesting to ask certifiers to list
11 maybe the acres or the amount of producers that
12 are using plastic mulch.

13 We do talk about it a lot. It comes
14 up. And just wondering how much of an impact
15 this product really is on the organic industry,
16 how much food it actually does produce. I think
17 that that would be interesting, to be able to
18 identify how many acres is using this type of
19 material.

20 I mean, it's enough to be able to give
21 it like a subset name. It's called plasticulture
22 farming. I mean, it's got to be significant.

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1 And we need to understand that when we're looking
2 at the research for the biodegradable biobased
3 mulch. How much of that impact, you know, is
4 coming?

5 And, because this is, you know, a
6 concern for our stakeholders, you know, the
7 plastics. And how are we going to, there was a
8 commenter that mentioned a phase out, you know.
9 How are we going to handle this long term?

10 This will sunset again, and it will
11 come back up. So, I think if we can get an idea
12 of how many acres and which crops. Not just, you
13 know, if we do acres overall it's going to look
14 relatively small compared to all the grain and,
15 you know, the row crop commodity, which are, you
16 know, are huge.

17 But if we can look at it maybe on the
18 per crop basis, or how that is. But anyway, so I
19 -- again, we talk about this product a lot. But
20 I'm going to open it up to anybody for questions.

21 Yes, Nate.

22 CHAIR POWELL-PALM: Nate.

1 MEMBER PETREY: Oh, I'm sorry. Nate,
2 you got it.

3 MEMBER LEWIS: I think that point you
4 brought up, Logan, is important to consider if we
5 do move forward with something around
6 communication with NASS. So, that would be
7 really important data that they could collect at
8 a future survey. I just wanted to note that.

9 And also note that biodegradable
10 biobased mulch as it currently is listed is not
11 actually an available product. So, it's not
12 something that people can use.

13 It's not something that can actually
14 replace some of these acres. And I think that
15 just needs to be stated again and again, that
16 that product that we have listed doesn't exist.

17 MEMBER PETREY: That's right. Doesn't
18 exist. And there's still contention around that
19 in itself.

20 CHAIR POWELL-PALM: Wood.

21 MEMBER TURNER: Logan, I'm wondering,
22 there was one commenter that sort of this cycle

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1 several times in the comments wrote that under
2 OFPA all of these listings should say
3 specifically what is the condition.

4 What is the use of the material? What
5 is it, how is it, how should it be applied? What
6 is the use? And the lack of specificity around
7 some of these listings is problematic in that
8 reviewer's perspective.

9 And I'm just wondering, do you feel
10 like that would be a, something like that would
11 help this particular listing? And then you sort
12 of alluded to it in your comments.

13 But I'm just wondering, like is this
14 an example of one where, you know, we're all
15 hearing about, we're all thinking about this
16 plastic issue, and how to rein this in, how to
17 figure out what to do about it.

18 Is one of the ways to do it, one way
19 is, is one of the ways to think about it, to just
20 start to get really specific about the conditions
21 within which we're talking about allowing these
22 for this material. I don't know.

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1 MEMBER PETREY: Sure. Do you mean as
2 like adding annotations for it? Or maybe in the
3 OSP --

4 MEMBER TURNER: Yes.

5 MEMBER PETREY: -- getting something
6 that --

7 MEMBER TURNER: I was thinking
8 annotation. But, yes.

9 MEMBER PETREY: Annotation. Yes. So
10 some people really love annotations. And some
11 people are really hesitant to add a lot of
12 annotations to it.

13 So, yes, I guess we can discuss that
14 and see if maybe that is part of, I don't want to
15 say phase out. But maybe that's part of how we
16 can progress with this material.

17 And that, whether it's looking at
18 certifiers, you know, whether they can have
19 restrictions, or that looking at the need basis
20 for their user.

21 CHAIR POWELL-PALM: Kyla.

22 MEMBER SMITH: Yes. Wood, I was going

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1 to respond to your comment about that comment in
2 several comments. And so, I believe that the
3 reference in OFPA is 75, or 64.17, sorry.

4 And it says, like in (b) the content
5 of the list, the list established under
6 Subsection A shall contain and itemized by
7 specific use or application of each synthetic
8 substance permitted under Subsection C(1), or
9 each natural substance permitted under Subsection
10 C(2).

11 And so, the crops list is divided by
12 use. So, I think, I mean, my interpretation is
13 the way that the current crops list is
14 categorized satisfies that condition in OFPA.

15 MEMBER BRUCH: Thank you, Kyla. It
16 sounds like more of a macro, macro definition
17 than potentially -- Okay. I did have a question.

18 A question that --

19 MEMBER TURNER: Thank you for saying
20 that.

21 MEMBER BRUCH: Oh, no problem. I
22 actually had the same question. And I talked to

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1 my table mate here prior to the meeting start on
2 that. But it was a good one to bring forth to
3 the community.

4 Logan, I did have a question for you.

5 Just for maybe understanding, we did ask the
6 question on removal of these substances. And for
7 seasonal crops, I mean, I think that's somewhat
8 intuitive on removal.

9 But for trees and things like that,
10 these used in, these plastic mulches used in
11 orchards, do we have an idea of the removal of
12 those plastics? I saw longevity could be, there
13 was another comment on the ten or 12 years. So
14 --

15 MEMBER PETREY: Right.

16 MEMBER BRUCH: Yes.

17 MEMBER PETREY: And I know that
18 plastics are manufactured depending on how long
19 you want, you kind of want that in the ground.
20 We might have to move that over to Jerry. Do you
21 have any, because I am not a perennial crop
22 farmer, and don't have that. And so, no, I don't

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1 have that.

2 But I'm glad you mentioned the
3 question that we have. I didn't see a reference
4 to that. It was more everybody saying, no, we
5 remove it all, you know. Everybody was saying,
6 no, we get it done. But, Jerry, do you have
7 anything to that?

8 MEMBER D'AMORE: I can't be more
9 helpful than what you just said.

10 MEMBER PETREY: Okay. No, I'll look
11 into it, Amy, over the summer.

12 CHAIR POWELL-PALM: Nate.

13 MEMBER LEWIS: I can provide a little
14 bit of insight from Washington --

15 MEMBER PETREY: Oh, thank you.

16 MEMBER LEWIS: -- in the tree fruit
17 industry that, from my understanding the use of
18 heavier weed mats, which might be in multiple
19 seasons is not a typical practice.

20 There certainly might be some orchards
21 that are doing that. But the typical use of
22 plastic mulches for sort of seasonal weed

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1 control, or light reflection, or various other
2 purposes like that, which are, you know, similar
3 to annual crops removed, are easily removable,
4 but potentially could be reused year, after year,
5 after year.

6 MEMBER PETREY: Okay. Thank you.

7 MEMBER QUARCOO: Now, there's been a
8 lot of talk and research about biodegradable
9 biobased mulch. But you talk to some farmers,
10 and I don't know whether there are variations of
11 them.

12 You talk to some farmers, especially
13 in hot regions. They say it doesn't last through
14 the years. They put that mat out there. Within
15 a short time weeds are poking out.

16 And so, this plastic thing,
17 considering there's micro plastics in everything,
18 it will have to be dealt with at some point if we
19 keep kicking it down the line.

20 So, what work is going into making
21 sure that there's alternatives? We just don't
22 say we have developed an alternative. But

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1 farmers find it useful. It works for them for
2 the purpose of which it was made.

3 MEMBER PETREY: Yes. So, the
4 biodegradable biobased mulch, we did have the, in
5 the fall we changed to the 80 percent, which we,
6 as Nate said, we do not have that product yet.

7 And you're right. There are, for
8 people who have used it, the conventional
9 farmers. And compared to the plastic mulch, from
10 what I've experienced plastic mulch users are
11 expecting two seasons out of that, out of the
12 film.

13 And so they'll, they may put it down
14 for a high value crop in the spring, like a
15 tomato or a pepper. And then it kind of lasts
16 all summer there. And then they get rid of the
17 crop.

18 And then they plant into it with a
19 lesser value crop, maybe squash, or something to
20 try and get the benefit of that, of what's
21 remaining of that, of the plastic. And so
22 they'll use it for maybe a full year, or even

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1 more than that.

2 Whereas, from what I understood from
3 organic farmers that are using plastic mulch,
4 they're removing at the end of every season
5 because the weed, it isn't keeping the weeds
6 back. There are holes. There are tears, things
7 that happen. And so, they're not getting multi
8 seasons out of one type.

9 So, the biodegradable biobased mulch,
10 if it does decompose that, from what I understand
11 from plastic farmers, that's okay. Because they
12 are removing it at the end of the season.
13 They're not counting on it, you know, helping
14 through the next season.

15 So, farmers that were using it were
16 very eager to, even though they've done maybe
17 some trialing on the conventional round, they
18 were eager for this technology to come on so that
19 they didn't have to deal with the plastic and the
20 trash and, you know, as the recycling is really
21 difficult for it.

22 MEMBER BRUCH: Any more discussion for

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1 Logan? Thank you, Logan, so much. Appreciate
2 it. All right, Brian, you're up. This is
3 aqueous potassium silicate. It is listed,
4 there's two listings for it. Would you like to
5 combine those listings?

6 MEMBER CALDWELL: Yes.

7 MEMBER BRUCH: Okay. I'll read those
8 in the record then. Okay. So we have it listed
9 at 205.601 synthetic substances allowed for use
10 in organic crop production (e) as insecticides,
11 including, let's see, acaricides, I'm assuming,
12 or mite control. Sorry, I'm not familiar with
13 that word as much.

14 Two, aqueous potassium silicate. The
15 silica used in the manufacture of potassium
16 silicate must be sourced from naturally occurring
17 sand.

18 And it's also listed as aqueous
19 potassium silicate under plant disease control
20 (I). So that is, the silica used in the
21 manufacture of potassium silicate must be sourced
22 from naturally occurring sand. Brian, I will

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1 turn it over to you.

2 MEMBER CALDWELL: Great. Thanks, Amy.

3 I'll continue our deep dive into materials here.

4 So, yes. This product is used for disease and
5 arthropod management.

6 In the sort of background literature,
7 including the original technical review it's
8 considered quite benign. It's exempt from
9 residue tolerance. It's considered nonhazardous
10 to the public. These are sort of quotes from the
11 TR.

12 In terms of the health environment
13 impacts were considered negligible. It was
14 nontoxic or/and has a low hazard profile.
15 However, there were some questions about it.

16 And in the previous review some of the
17 commenters were pointing to the, I think it's a
18 2014 TR, which talked about sort of strange
19 effects on the plants. That it might make the
20 plants less digestible, less palatable, and that
21 sort of thing.

22 And I did a little bit of digging into

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1 the literatures, and looked at some of the
2 studies that were referenced in that TR.

3 And it turns out that actually a lot
4 of them, well basically all of them that had
5 these really sort of questionable and bizarre,
6 also growth anomalies of the plants, those were
7 studies that were done in water solution
8 hydroponic environments where they would actually
9 add silicate solution to the growing water
10 medium, and at much higher levels than would ever
11 be experienced by the plant in a spray kind of
12 situation.

13 So, they were sort of really not
14 looking at the same thing that we're talking
15 about here with using a product as a pest
16 control.

17 And similarly there was, in terms of
18 palatability and digestibility, particularly to
19 livestock, one of the studies just noted that as
20 livestock feed became over mature, was harvested
21 at different dates and became over mature, it was
22 less, it higher silica levels in it, and was less

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1 palatable. And they were sort of making a
2 correlation there.

3 Again, it was unfortunate to me that
4 that stuff was in the TR. Because it really was
5 not relevant to the products that were being
6 looked at.

7 So, I just wanted to point out that I
8 tried to do some due diligence and really look at
9 these questions that were raised in this review.

10 A new TR was requested. It was very
11 thorough. And one of the questions that it asked
12 was, tried to look at was whether there were
13 hazards to the applicator, particularly a spray
14 applicator.

15 If you're spraying a silica type
16 substance, and it's in really dry conditions, and
17 the water droplets are evaporating, would there
18 be a chance that you would actually be, the
19 applicator could be inhaling, you know, tiny sort
20 of dust particles of this product.

21 And they did some calculations and
22 projections on that and said, no, that is not an

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1 issue. That the size of the particles and the
2 droplets of water was such that they would, the
3 particles would always be retained in water
4 droplets. And they would make to the plant. So,
5 that was good to know.

6 But there was one issue that did come
7 out. And I think needs a closer look. And that
8 is that when this product, when aqueous potassium
9 silicate is sprayed at certain PHs, lower PHs,
10 the actual, this product, this material is
11 actually a, it's not a liquid, it's not a solid.
12 It's a glass.

13 And a lot of times in water solutions
14 it doesn't really dissolve. It makes a gel. So
15 there are these, you know, it's a little bit
16 different than the way we usually think of a
17 dissolved product, or a typical spray material.

18 And so, what were referenced several
19 times in the new TR was that some of it goes into
20 nanoparticle gel form within the droplets. And
21 again, in my mind it's like, okay, well, what
22 does that mean, you know, is this a problem or

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1 not?

2 And I just don't know. So, I think
3 that any kind of input from the community would
4 be great. And we will be looking at that as we
5 move forward.

6 But just to sum up quickly. In terms
7 of relisting on our written comments, four were
8 in favor of relisting, one was opposed, and one I
9 couldn't really figure out whether it was opposed
10 or in favor.

11 CCOF noted that 214 of their growers
12 use this material. And the growers who were,
13 commented in favor of it were pretty enthusiastic
14 about it.

15 So, and I clear, total disclosure, I
16 use it myself. I think it's awesome. And I use
17 it in combination with potassium bicarbonate,
18 which is one of the materials that was mentioned
19 earlier here. And it, you know, it's great.

20 So, yes. I think that's, I'm open for
21 comments on that.

22 CHAIR POWELL-PALM: Questions for

1 Brian?

2 MEMBER D'AMORE: Yes. I was just
3 looking at the comments from the certifiers. And
4 some like seemed to combine the reporting, and
5 some seemed to split out the reporting from the
6 use.

7 And it seemed like from my read that
8 perhaps it's being more widely used as the
9 insecticide listing versus the plant disease
10 control it seemed. However CCOF did say
11 fungicide insecticide and miticide.

12 So, I guess I was just wondering, I
13 don't know, if there is, if it's more, it's
14 prevalently being used in one listing versus the
15 other?

16 MEMBER CALDWELL: Right, yes. That's
17 a great question. And I don't know the answer.
18 I didn't, wasn't able to parse that out. I use
19 it as a fungicide myself.

20 And I think it's really interesting
21 that so many of the materials we looked at can
22 have affects as plant growth promoters,

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1 insecticides, fungicides.

2 You know, they're doing multiple
3 things to the plant organism. And I think that
4 that's fascinating. And sometimes I even
5 hesitate to tease it apart. But I don't know
6 that specific answer.

7 MEMBER BRUCH: Okay. Thank you,
8 Brian. Really appreciate that thorough review.
9 Thank you. All right. Elemental sulfur is next.
10 This was pre-programmed. So okay. Okay. Never
11 mind. All right. We'll continue forward.

12 Elemental sulfur. So we're going to
13 be reviewing the listing at 205.601 synthetic
14 substances allowed for use in organic crop
15 production.

16 And this is, this has three particular
17 listings. I'm going to review all the listings
18 at once, review the comments. And then we'll
19 open it up to discussion.

20 So, this is listed, 5, elemental
21 sulfur (i) as plant disease control, 10 elemental
22 sulfur (j) as plant or soil amendment. And 2,

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1 elemental sulfur. So, basically we're looking at
2 it as a soil amendment, plant disease control,
3 and an insecticide.

4 Currently, I guess we'll dive into
5 manufacture. Currently the primary source of
6 elemental sulfur is produced as a byproduct of
7 natural gas or petroleum operations in refinery
8 processes.

9 International acceptance all across
10 the board. The three uses that we're reviewing
11 here are accepted. Environmental challenges, the
12 2018 technical report confirmed no new
13 information contradicting historical information
14 that characterizes sulfur as an important and
15 relatively safe material for organic agriculture.

16 And then, although low and acute
17 toxicity, sulfur is a respiratory, ocular, and
18 dermal irritant that can significantly impact
19 farm worker health. And farm worker exposure can
20 be mitigated if label recommendations and proper
21 PPE recommendations are followed.

22 Getting into the discussion, there was

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1 some great participation with our member
2 community. And the majority of commenters were
3 in favor of this, of relisting for all three
4 substances. And I'll review some concerns as we
5 go. There was a few concerns expressed.

6 But in general the use of elemental
7 sulfur in organic crop production is one of the
8 cornerstones in our farming operation.
9 Alternatives to elemental sulfur do not provide
10 the same level of control, and are not compatible
11 with other materials used during the growing
12 season.

13 Sulfur has been known and used as a
14 pesticide since very early times, as it has been
15 a part of the National List since the inception,
16 since 1995. So, it's a commonly used and very
17 familiar substance.

18 And then there was a comment, just a
19 general comment. To remove this material would
20 be, or if this material was removed hundreds if
21 not thousands of acres would be reduced out of
22 organic crop production. So, they were

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1 indicating just the vitalness of having this as a
2 substance.

3 And again, it was primarily across the
4 board. We got good distribution for comments in
5 support of it continuing with soil amendment.
6 Just saying deficiency in sulfur will affect
7 plant protein, synthesis, structure, and
8 chlorophyll production, making it an important
9 concern for producing high quality crops.

10 As an insecticide a primary means to
11 control spider mites. They, the commenters also
12 mentioned that it's the work horse of a
13 integrated pest management plan.

14 For diseases. It helps control
15 powdery mildew and a variety of different other
16 diseases, brown rot, apple scab, and fire blight.

17 A few commenters that had concerns
18 surrounded mainly the issue of health
19 environmental impacts. The drift of dust may be
20 harmful to humans, plants, and aquatic systems.

21 And since much of the sulfur is being
22 derived from scrubbing from the burning of fossil

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1 fuels there could be the heavy metal
2 contamination associated with this product.

3 There was a group that wanted clear
4 annotations. They actually recommend three. I
5 know that's out of the scope of what we're going
6 to be doing today with the sunset review.

7 But their annotation requests
8 surrounded specific use, the worker protection,
9 and then some kind of limits on heavy metal
10 contamination.

11 We did ask one question to the
12 community about how often wettable formulations
13 were being used. Because in prior Board
14 conversation that was a comment that was
15 mentioned, that there are multiple formulations
16 of sulfur.

17 And this was really interesting from
18 the community, and really insightful. One
19 commenter said they supported it 100 percent,
20 just because of reducing dust, eliminating dust.

21 And then therefore reducing respiratory issues.

22 However, some groups, farmer groups

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1 mentioned that having both combinations, they
2 work in tandem, both the dusting applications of
3 sulfur and the wettable applications of sulfur.

4 They have different efficacies. And
5 dusting is preferred over wettable sulfur for
6 powdery mildew. More thorough coverage during
7 application than the wettable sulfur. When fruit
8 is present it can increase the risk of residue on
9 the fruit. So, that was really great insight on
10 that.

11 There was specialty equipment that
12 some fruit producers are using to really
13 eliminate some of the dust that's in the air from
14 sulfur.

15 And on my particular farm I use it as
16 a soil amendment. It, really, we talk about
17 organic producers, and nitrogen being kind of an
18 extreme limiting factor with producing crops.

19 But sulfur and nitrogen work in tandem
20 with each other. And if you have the right ratio
21 it actually makes your nitrogen more efficient.

22 So, when you kind of unlock more

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1 pieces to the puzzle, and apply a systems
2 approach, you can get, you know, more efficiency
3 sometimes if these nutrients are used in tandem.

4 It's a moveable nutrient. So, we have
5 to really make sure we're testing for it annually
6 with our soil sample, just to know if we're
7 deficient or not.

8 And in terms of wheat production it
9 really drives their protein. We talked about
10 this just last night in passing. But the
11 importance of sulfur is really great, at least on
12 Midwest farms for our crop production.

13 So I will, with that I'll open it up.

14 Brian, I'm expecting a question from you. Just
15 kidding. You don't have to. Okay.

16 CHAIR POWELL-PALM: All right.

17 MEMBER BRUCH: We can keep moving
18 then.

19 CHAIR POWELL-PALM: And folks, just
20 for anyone who is eagerly anticipating bathroom
21 break, or anything, we think we just go to lunch
22 at 12:30. And then, we'll have a hard stop and

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1 probably finish up after lunch. And then, move
2 into livestock.

3 MEMBER BRUCH: Okay, Brian, actually,
4 since you had no questions, you're going to go
5 next. No substance there. Anyway, we're going
6 to be moving on to lime sulfur.

7 So it's listed at 205.601 synthetic
8 substances allowed for use in organic crop
9 production (I) as plant disease control, (6) lime
10 sulfur. Go ahead.

11 MEMBER CALDWELL: Thanks, Amy. And I
12 want to say that oftentimes, in actually,
13 researchers' minds, for some reason, in apple
14 researchers' minds, lime sulfur, and sulfur are
15 lumped together. And they're actually pretty
16 different.

17 So I'm really glad that our process
18 regards them as two different materials. And
19 lime sulfur is made from sulfur and limestone in
20 a very energy heat intensive process.

21 And it results in a product that's
22 very caustic, and very highly alkaline, very

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1 non-acid. And so it really has different kinds
2 of properties than sulfur.

3 Although it's used for a lot of the
4 same kind of purposes. However, similarly to
5 sulfur, it's been in use a long time, and a lot
6 of our particularly fruit and vegetable growers
7 really depended on it heavily.

8 In terms of the public comments, they
9 emphasize that, many of them. And they were 13
10 in favor of relisting. And one that was in favor
11 of relisting, but also, as Wood pointed out, the
12 same group I'm sure, say that we should specify
13 the uses.

14 Which, fortunately, from Kyla's help,
15 we know is already being done by the way that the
16 listing is organized. So I don't feel, I feel
17 like basically there were 14 in favor of
18 relisting and zero opposed, which is the most
19 one-sided I've seen in any of my reviews.

20 So it is, has been in use a long time,
21 is highly effective. It is a little bit
22 hazardous to the person who's mixing. The

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1 concentrated material is really quite caustic.
2 And you can, you know, if you touch your eyes or
3 something, you can really have a major problem.

4 And so, in some States, including New
5 York, it is one of the very few organic
6 pesticides, that is a restricted use material.
7 So you'd have to have a pesticide applicator
8 license to use it in New York State.

9 But it's effective and people are
10 using it, being successful with it, and want it
11 relisted. So I think that's, that's my -- oh, in
12 terms of the environmental and health effects,
13 basically, once it's been sprayed, it is pretty
14 benign.

15 It is not dangerous to the consumer at
16 all or even the environment. It sometimes has a
17 deleterious effect on beneficial mites, but that
18 is handled by the growers with an IPM system of
19 careful timing of their spraying.

20 MEMBER BRUCH: Thank you, Brian. And
21 I want to make note. This also is listed, it has
22 two listings. So I just wanted to make note for

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1 the record.

2 MEMBER CALDWELL: Yes, it's an
3 effective microsite and fungicide, basically,
4 yes.

5 MEMBER BRUCH: Thank you, Brian.

6 CHAIR POWELL-PALM: Nate?

7 MEMBER LEWIS: Just for the record, I
8 just want to make sure it's captured that it's
9 also an essential element in non-antibiotic fire
10 blight control. Which is critical to what we saw
11 earlier this morning as the number one crop grown
12 in the U.S. is apples.

13 So without lime sulfur, we'd have a
14 lot of challenge, a lot more challenges. And a
15 lot, probably a lot more exiting of apple acreage
16 out of organic and back to conventional because
17 of the loss of antibiotics and the fire blight
18 control.

19 MEMBER CALDWELL: Great, great point,
20 Nate, absolutely.

21 MEMBER JOHNSON: Thank you, Brian.
22 Just to speak briefly to two of the points that

1 you made. I've heard anecdotally that sulfur
2 products are one reason that farm worker
3 organizations have not wholeheartedly gotten
4 behind organic because sulfur is still hazardous
5 and harmful to farm workers.

6 And I've been trying to kind of tease
7 out which products specifically and get a little
8 bit more information to help us assess that as we
9 consider all of these products. And I haven't
10 been very successful in that.

11 So to those of you who are listening
12 out in the crowd, if you do have information
13 about worker impacts of these products, we'd love
14 to hear about it.

15 I think they're, you know, essential
16 in many producers' rotations. But it's something
17 that I'm trying to keep an eye on and learn more
18 about.

19 MEMBER CALDWELL: Yes, thanks,
20 Allison. That's a great point. And I would --
21 so in the East, basically, or the Northeast
22 anyways, we don't use sulfur is a dust. But I

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1 think that might be the real issue there. I'm
2 not sure. But in terms of, of lime sulfur after
3 it's sprayed at the rates that that I am aware
4 of, it's really not hazardous to the workers.

5 MEMBER BRUCH: Yes, and that's a good
6 question, Allison. And it really is applicable
7 with elemental sulfur. And the prior listing, in
8 various uses, both as a soil amendment both as
9 disease and pest mitigation. In the powder form,
10 when you're applying it, there is dust, and it
11 does cause respiratory issues.

12 There's a couple of studies and we
13 reviewed them in subcommittee about just
14 respiratory challenges. And some comments,
15 commenters mentioned that following the label
16 requirements and PPEs, that should help reduce
17 challenges.

18 There was also a study and we
19 discussed this in subcommittee, just about maybe
20 there's increased harm to children. And we did
21 review several articles looking at that. Just
22 looking at children in general, and the impact

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1 there. Jerry brought that up in our subcommittee
2 review.

3 And there is some studies that show
4 children are more susceptible to respiratory
5 issues. And there's also additional studies that
6 say they may not be more susceptible, per se,
7 outside of they're closer to the ground.

8 They play in the dirt and things like
9 that. So they're just more exposed to those
10 respiratory challenges through their, just their
11 actions. So it is something to be aware of for
12 sure. Thank you. Yes, Dilip?

13 MEMBER NANDWANI: Yes, Brian, very
14 quick. This is insecticide. So any effect or
15 study, are you aware of, of effect on beneficial
16 insects? And second, any alternative to lime
17 sulfur? Thank you.

18 MEMBER CALDWELL: Great, thanks,
19 Dilip. Yes, so I'm not 100 percent sure of this,
20 but I think that the, by far the primary use of
21 lime sulfur for arthropods would be for mites.
22 And yes, it is it is harmful to, it sort of just

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1 kills all mites pretty effectively.

2 And so, it kills the beneficial mites,
3 as well. And so, what can happen I think as
4 Logan pointed out, sometimes you'll get a flare
5 up of your pest issue if you've really wiped out
6 all the good guys.

7 And that's very common in conventional
8 agriculture. And with this material, it can be a
9 problem, too. But there are very, quite well
10 documented IPM protocols that will allow you to
11 use it and not flare up your pests.

12 So yes, you are hurting your
13 beneficials. But if you use it the in the right
14 way, the right timing, you won't have a flare up,
15 and you just avoid that that big becoming a
16 serious problem.

17 So I don't know about other you know,
18 more generalist insect predators, or I'm not sure
19 about that. But it's, you know, it's a harsh, a
20 harsh material, so.

21 But bugs are pretty tough. So it's
22 like, you know, it probably does have some

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1 negative impact on the insect, on the beneficial
2 insects, but it doesn't seem to be, that I'm
3 aware of, a big problem. Not like the beneficial
4 mites, which do get hammered, can get hammered by
5 it, so. So is that?

6 MEMBER NANDWANI: Yes, thanks.

7 MEMBER CALDWELL: In terms of
8 alternatives?

9 MEMBER NANDWANI: Alternatives, yes.

10 MEMBER CALDWELL: Yes, well, I think
11 Nate made a really good point about fire blight.
12 And I would say that lime sulfur is, is a really
13 central material along with copper and some of
14 the biologicals.

15 But each of them has its place in the
16 system of managing fire blight. And its place
17 and in its time. So for the specific uses of
18 lime sulfur, I don't think there is anything even
19 close to being as effective at like, sort of
20 wiping, over overwintering, inoculum, that sort
21 of thing as lime sulfur.

22 And I think that the research that's

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1 being done in this area is really pretty
2 intensive. And I'm sure that as time goes on,
3 we're going to have more and more effective tools
4 in the toolbox that are approved for organic that
5 will help us to manage, you know, some of these
6 really problem diseases like fire blight. So,
7 yes.

8 MEMBER NANDWANI: Thanks, Brian.

9 MEMBER QUARCOO: I have a quick
10 comment. When I read about a product that has
11 effects on beneficial organisms, and we are not
12 trying to get products to be 100 percent safe for
13 them. It may not be a realistic.

14 But when I see something that is
15 described as harsh, and has that kind of effect,
16 especially for organic growers, that could become
17 a problem. Because a number of pest problems
18 that we have, is because we were using pesticides
19 to manage pests.

20 And then, we ended up wiping out the
21 beneficials more than the intended benefit. It
22 gave us a initial benefit. Then we wiped out so

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1 many beneficials that the first line of defense,
2 when there was a later outbreak, was almost
3 non-existent.

4 And for organic growers, who typically
5 do not have access to quick fixes, like
6 conventional -- so you get the immediate benefit,
7 but when the blowback comes back, it becomes even
8 more difficult.

9 And sometimes there are insects and
10 mites, that actually their response when you
11 expose them to something that doesn't kill them
12 or wipe them out, is that they increase their
13 reproductive rate.

14 And so, actually, the numbers begin to
15 go up after you have applied to stuff. So this
16 whole beneficial pest balance, I would like to
17 take a closer look at what the data says.

18 MEMBER CALDWELL: Thank you, so much,
19 Franklin. And we were going to rely on your
20 wisdom and your knowledge very much as we go
21 forward in all this. So appreciate that, yes.

22 CHAIR POWELL-PALM: Yes, Kyla?

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1 MEMBER SMITH: I'm going to make a
2 comment here, too. So we were talking about the
3 practice standard at 206. And so, one of the
4 things that it says, that producers must do
5 before they're just jumping to use a synthetic on
6 the National List, is that they need to use
7 management practices.

8 And in regards to pest problems, one
9 of the mechanical and physical methods encouraged
10 for use is the development of habitat for natural
11 enemies. And anyway, just a bunch of other
12 things.

13 And so, the requirement at 202 for all
14 producers to be incorporating biodiversity. So
15 anyway, it's a systems approach. And anyway,
16 it's not perfect, but there are other parts of
17 the regulations that encourage protecting our
18 beneficials.

19 MEMBER CALDWELL: Thank you, Kyla. I
20 couldn't be more supportive of what I think of a
21 lot of times as deep organics where people are
22 really structuring the system so that it is sort

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1 of self-reinforcing and resilient from many
2 different angles. And so, yes, absolutely.
3 That's, I think, I think it's critical for
4 success in organic farming. So, yes.

5 CHAIR POWELL-PALM: Jerry?

6 MEMBER BRUCH: Jerry?

7 MEMBER D'AMORE: Yes, I have a
8 question from my friend Brian. And it's somewhat
9 tongue in cheek. So did you use the word harsh
10 to get exactly where you got to right now? Was
11 that, was that delivered? I reach -- I take it
12 back. I wasn't thinking more than like the next
13 sentence.

14 MEMBER CALDWELL: I wasn't thinking
15 more than like in the next sentence ahead, so.

16 MEMBER BRUCH: All right. Thank you
17 for that review. Thanks for all the discussion
18 on that. We will move forward. We'll try to get
19 at least one more in before we break for lunch
20 here. The next one on the list is liquid fish
21 products. I'll be reviewing that one.

22 It's listed at 205.601, synthetic

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1 substances allowed for use in organic crop
2 production, (I) as plant disease control --
3 sorry, I didn't mean that, sorry, rewind. Okay,
4 sorry.

5 It's still listed at 205.601,
6 synthetic substances allowed for use in organic
7 crop production, (J) as plant or soil amendment,
8 (8) liquid fish products can be pH adjusted with
9 sulfuric, citric, or phosphoric acid.

10 The amount of acid shall use shall not
11 exceed the minimum needed to lower the pH to 3.5.

12 The use of this product, liquid fish products
13 are used as fertilizer for production of organic
14 crops.

15 They can deliver important nutrients
16 that can reduce certain nutrient stresses, which
17 can in turn improve crop yields. The
18 manufacturer of this product is essentially
19 chopped fish byproducts. That's the component.

20 International acceptance -- EU does
21 not list liquid fish, but allows fish meals. The
22 rest of our international review partners

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1 indicate that they allow processed fish, or yes,
2 allow processed fish into organic crop
3 production.

4 Environmental issues -- global impacts
5 of commercial fisheries on marine ecosystems
6 include documented declines and, in some cases,
7 collapses due to over-harvesting.

8 In the fall of 2020, the Board
9 proposed approved and recommended to the NOP to
10 add an annotation to liquid fish products that
11 adds sourced only from fish waste, by-catch, or
12 invasive species.

13 So really narrowing down the scope of
14 what the initial components to produce liquid
15 fish products could be. We did receive a lot of
16 comments on this particular item.

17 Six farmer groups, consultants from
18 advocacy groups, companies, five farmers, six
19 certifier comments. They were all really pretty
20 supportive of this listing.

21 And indicated it's just used widely in
22 the farmer community. Two groups wanted more

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1 restrictive annotations, even further than what
2 the Board recommended to the NOP. That's
3 pending.

4 Comments in favor, stated this product
5 is widely used to produce organic tree fruit, and
6 also vegetables and produce. Farmers that use
7 this state that it delivers important nutrients,
8 so not only nitrogen delivers phosphorus and
9 other micronutrients.

10 The concerns essentially, are just the
11 fish, in and of itself, and harvesting, and the
12 impact that the that can have in the environment.

13 Fish that do not necessarily have a commercial
14 value may have an ecological value.

15 So that's another way to look at this.

16 Just because we're using fish waste, that
17 doesn't mean that it might not disrupt the whole
18 ecosystem there. We are preventing fish to be
19 solely used to make this product. We're using
20 fish waste.

21 However, does that provide incremental
22 financial value for the initial harvesting

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1 because they have a secondary income source with
2 their waste streams? So that was a concern as
3 well.

4 There was a concern that synthetic
5 liquid fish products are not essential. There's
6 a concern with contamination with PFAS, as well.

7 This was one that I that I did ask one
8 our oral commenters was about concerns with
9 possible fortification with phosphorus, some of
10 the formulations of these liquid fish products
11 and they're kind of, they can be blended type
12 products that are available out there.

13 There is concerns that potentially
14 increased phosphorus levels are used in the
15 initial formulation. And then, ingredients are
16 added after the fact to get the pH back to 3.5.

17 We're testing the final pH of the
18 product, so we don't know the steps in the
19 middle. Could that happen? That was the
20 question by a commenter.

21 And then also we asked about is the
22 annotation clear and easily enforced. We asked

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1 our stakeholders. Most certifiers said that the
2 annotation was clear and could be enforced.

3 One manufacturer said 3.5 is too tight
4 of a tolerance, because every batch needs to be
5 formulated with a potential ratio just with what
6 the overall product is and the income stream.

7 So he wanted a more wider type pH
8 range. The pH, getting the pH at 3.5, though,
9 3.5 or a low pH like that, helps with stability
10 of the overall product. That's the reason for
11 needing to get it at that pH initially.

12 There were a few calls to action. I
13 highlighted the, you know, NOP pending
14 recommendation just to restrict down what fish
15 could be used to make this product. So there was
16 definitely community support to mention that.

17 Let's see. And then, there were also
18 two groups that wanted even further restrictions.

19 Again, that's outside of our purview with this
20 review.

21 But they just wanted to make sure that
22 we were not using viable fish to make these types

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1 of fertilizers. So with that, I'll open it up to
2 any review.

3 MEMBER TURNER: Amy, I think I missed
4 this in the questions for Jenny yesterday. But
5 can you can you remind me why the, what the delay
6 from the October 2020 Board recommendation is
7 about?

8 MEMBER BRUCH: Okay. I actually, I
9 don't remember her mentioning it. Jared, could
10 you fill it in here?

11 MR. CLARK: It'll be a Jenny question.

12 MEMBER BRUCH: Okay.

13 MR. CLARK: So I'll have to circle
14 back.

15 MEMBER TURNER: Sorry about that. I
16 forgot --

17 MR. CLARK: No, I'll make note.

18 MEMBER BRUCH: Yes, no, I appreciate
19 the comment. It's, it's good. Yes, we can catch
20 her after lunch for that one, put it on the list.

21 CHAIR POWELL-PALM: Logan, did you
22 have a question? Okay.

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1 MEMBER BRUCH: Good question.

2 CHAIR POWELL-PALM: Any other
3 questions? Okay, Brian?

4 MEMBER BRUCH: Brian?

5 MEMBER CALDWELL: Sorry, I can't
6 resist. I'm wondering, Amy, one thing maybe we
7 can ask is that stakeholders, next time around,
8 would be if, if we could drop phosphoric acid
9 from the materials that could be used to adjust
10 the pH?

11 Which would, you know, basically, for
12 good or for evil, it would take a little bit of
13 phosphorus out of the final product that the
14 growers probably like.

15 But on the other hand, it might be,
16 they might be putting on synthetic phosphorus
17 that they're not aware of. But anyways, what --
18 I'm just suggesting that we could ask them.

19 That could be a question for the
20 stakeholders next, for next comments. Is that
21 there might be a problem with the passing the
22 sunset then if we want to change it, right? It's

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1 a title thing?

2 MEMBER BRUCH: Yes, I have a draft
3 work agenda item that's going to go to you all
4 about annotation changes and how we can move that
5 forward, incorporate that into our processes. So
6 anyway, that'll be discussed at the next
7 executive committee call.

8 MEMBER CALDWELL: Great.

9 MEMBER BRUCH: But you are correct in
10 that we are not able to change the annotation in
11 the sunset vote. However, with hopefully this
12 future work agenda item, there would be a process
13 to do so.

14 So it would be useful to have
15 information, sounds like, on which products are
16 using the different types of acids in the
17 annotation, is what I'm hearing you say.

18 MEMBER CALDWELL: Great, that's very
19 exciting news, actually.

20 MEMBER BRUCH: Yes, I like that's an
21 interesting angle, Brian, with your point there
22 with phosphoric acid that would produce potential

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1 fortification there.

2 There's one manufacturer that I
3 remember that provided some written comments and
4 he did reference that it was phosphoric acid that
5 was being used in his process.

6 So I'm not sure of, you know, the
7 other manufacturers if they're using the other
8 acids to do the processing, or if it's primarily
9 phosphoric acid. But it would an interesting
10 question and interesting to learn more about.
11 Thanks.

12 CHAIR POWELL-PALM: Franklin?

13 MEMBER QUARCOO: So there current
14 restrictions concerning the use of these fish
15 products on land that low storage surface water
16 bodies where runoff could take them into the
17 water body? Are there restrictions because of
18 eutrophication, and stuff like?

19 MEMBER BRUCH: Yes, I'm glad you
20 brought up that point. That there isn't
21 necessarily restrictions via annotation about
22 that.

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1 But that was brought up by other
2 commenters as a environmental concern of just
3 nitrogen runoff, in general, if it's excessively
4 applied and not use with good, good farming
5 practices. So that, that is an environmental
6 concern. Thank you.

7 CHAIR POWELL-PALM: Nate?

8 MEMBER LEWIS: In that vein, we'll
9 direct to the practice standard which does
10 require that all nutrients applied on farms be
11 used in a manner that sort of prevents the runoff
12 of those said nutrients. So fish would not be
13 excluded from that general requirement that
14 farmers would need to comply with.

15 MEMBER BRUCH: Thank you, Nate. Any
16 other discussion? Okay.

17 CHAIR POWELL-PALM: All right.

18 MEMBER BRUCH: Thank you.

19 CHAIR POWELL-PALM: Let's break for
20 lunch folks. We're going to come back at 2
21 o'clock, so an hour and a half. See you all back
22 here at 2:00 p.m.

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1 (Whereupon, the above-entitled matter
2 went off the record at 12:31 p.m. and resumed at
3 2:03 p.m.)

4 CHAIR POWELL-PALM: All right, welcome
5 back, folks. We're going to keep going with
6 crops. I'm going to hand it off to Amy.

7 MEMBER BRUCH: Okay, thank you.
8 Welcome back. Hopefully, everybody had a great
9 lunch. To kick things off, we're going to just
10 finalize a conversation on liquid fish products.
11 Wood, actually had a question. And I see Jenny
12 is here. So Jenny, don't get too comfortable
13 over there.

14 DR. TUCKER: Yes?

15 MEMBER BRUCH: Wood, do you want us?
16 Do you want to ask your question? Represent it?

17 MEMBER TURNER: I just was curious
18 about the October 2020 proposal that was, that
19 shows up is on hold. And I just was curious
20 where that sits, the program.

21 DR. TUCKER: Yes, it is on hold. We
22 did a preliminary analysis on that

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1 recommendation. It turns out there are a bunch
2 of other questions that would be raised by that
3 related to statutory authority.

4 We are an international -- you know,
5 operations around the world can be certified to
6 the standard. So there's authority questions.
7 There's also sheer implementation questions on
8 what the impact of that would be, and what the
9 cost would be to trade.

10 So at the time, there were -- and I
11 would say, now, there are a lot of other
12 regulatory priorities that we are able to move
13 forward.

14 And so, we decided to further to table
15 it, and work on original livestock, OLPS,
16 strengthening organic enforcement, inerts, and
17 all the other priorities.

18 So right now, it's going to remain on
19 hold. Because to unpack that recommendation
20 would take some significant staff time that right
21 now, we don't have. That's not where we want our
22 priority to be.

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1 MEMBER TURNER: Got it. I don't mean
2 to poke the bear. I just, is it on hold, or is
3 it -- I mean, is it -- I mean, what would it take
4 to get off of hold, I guess, is my question.

5 And I know -- I should have asked you
6 yesterday. And I don't mean to put you on the
7 spot here, but.

8 DR. TUCKER: I mean, I think, if, if
9 we decided to -- I don't know, as we've made a, I
10 don't, we've haven't made a decision not to do
11 it. I think one of the things I've committed to
12 through the regulatory priorities programs is
13 when we decide not to do something, we will add
14 something to that recommendation.

15 And close it, but explain why. That
16 we do owe you an explanation. I don't -- I think
17 that we evaluated it enough to know, oh, my
18 goodness, this is going to be a big deal. Do we
19 want to do it? And we said, we're going to table
20 it for right now. But I don't feel like we've
21 made a decision.

22 MEMBER TURNER: Thank you.

1 DR. TUCKER: No, thank you.

2 MEMBER BRUCH: Thank you, Jenny.

3 Thank you, Wood. Okay, next up we're going to
4 turn our discussion to Jerry for sulfurous acid.

5 And -- okay. Do you want to? You can, go
6 ahead. That's fine.

7 MEMBER D'AMORE: Thank you. Sulfurous
8 acid, 205.601, (J), uses a plant or soil
9 amendment for on farm use only, utilizing 99
10 percent pure elemental sulfur. It is used to
11 neutralize and reduce the success of alkalinity
12 in soil and water.

13 This use supports improve crop yields,
14 and reduces soil degradation. Concerning
15 environmental issues, sulfurous acid appears on
16 the EPA non-food inert list and does not require
17 a tolerance or an exemption from a tolerance.

18 Regarding human health concerns, and
19 per the 2014 TR, sulfurous acid is not expected
20 to be carcinogenic. I'm not overwhelmed with the
21 way that was written, but that's what it says.

22 During the Fall 2018 meeting the NOSB

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1 voted unanimously to keep sulfurous acid on the
2 National List. And most of the written comments
3 supported the relisting. One commenter at the
4 time wrote that no synthetic fertilizers should
5 be permitted.

6 The written and oral comments
7 submitted for this Board meeting numbered 16.
8 There were 14 comments in support of relisting
9 with one opposed and one undecided.

10 One commenter noted that sulfurous
11 acid could mask poor soil conditions, but that
12 has no intent of being amended. So I guess it's
13 a note to certification that if it's being used
14 for masking poor conditions with no intent to
15 amend, that's an issue.

16 We did receive a limited scope TR in
17 February of this year and declared it to be
18 sufficient during the subcommittee meeting on the
19 9th of February of this year.

20 The authors did a seemingly complete
21 job of listing potential alternatives and then
22 evaluating these alternatives as being less

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1 effective than sulfurous acid.

2 In reviewing the respondents, we
3 basically have a who's who of tree fruit growing
4 in the Pacific Northwest, and perhaps you would
5 like to say something to it. And a quick note on
6 the TR ,I'd like to read what we summarized at
7 subcommittee.

8 Attached below is the TR for sulfurous
9 acid. The TR request was a single question. So
10 a limited TR. What alternatives to sulfurous
11 acid exists that could be used for organic
12 production?

13 And they listed actually elemental
14 sulfur with the caveat that the amount needed
15 would be prohibitive, actually hundreds of
16 thousands of pounds per acre.

17 Gypsum effective with high sodium
18 soils, high sodic but less effective in non-sodic
19 soils. If that needs, if that's sodic, someone
20 should tell me.

21 Chelated micronutrients materials do
22 not alter the soil pH but help plants tolerate

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1 alkaline soils, plant induced soil changes. And
2 again with a summary saying there's nothing that
3 really can hold a candle to sulfurous acid in
4 terms of effectiveness. And that's, that's what
5 I have.

6 MEMBER BRUCH: All right. Any
7 questions for Jerry? Thank you. I really
8 appreciate that, Jerry. Yes, Nate, go ahead.

9 MEMBER LEWIS: It's more a statement
10 just to illustrate the value in Washington. That
11 Washington, for those of you that haven't been
12 there, we have a wet side of the State and the
13 dry side of the State.

14 And the wet side generally has more
15 acidic soils and historically has been the side
16 that has grown more blueberries. But then we
17 have a lot of other fungal issues because of the
18 wet side. And all the conditions those bring
19 out.

20 The sulfurous acid has really been
21 instrumental in allowing the east side of the
22 State, which is a lot drier, but has irrigation

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1 to participate in the blueberry industry.

2 And they, so they are able to sort of
3 mimic some of those conditions that the acidic
4 soils allow the plant growth to occur. But they
5 have a lot less pest and disease issues because
6 of the arid nature of the climate there.

7 So that's really what, the sulfurous
8 acid has kind of opened the door for fresh market
9 blueberries. You know, Washington produces half
10 the value of the crop, or half the volume of the
11 crop in the United States.

12 It's why they are in all the stores
13 these days, and why it's such a popular product.

14 So just using that to illustrate the necessity
15 of the of crop, especially for blueberries in
16 Washington.

17 MEMBER D'AMORE: Could I plead a point
18 of clarification. The statistic given for
19 blueberry production there was what?

20 MEMBER LEWIS: It's half the volume of
21 organic blueberries are grown in Washington
22 State.

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1 MEMBER D'AMORE: Perfect. Okay,
2 organic --

3 MEMBER LEWIS: At least according to
4 the --

5 MEMBER D'AMORE: No, no --

6 MEMBER LEWIS: Statistic I just heard
7 about today.

8 MEMBER D'AMORE: -- dead on, thank
9 you.

10 MEMBER LEWIS: And I'll add, we're
11 number one, and ahead of California, so.
12 Whenever we get to say that, we say that.

13 MEMBER BRUCH: Any other questions for
14 Jerry? All right, thank you. Appreciate it,
15 Jerry. All right, we'll move on to Logan. Let's
16 see you, you're going to ethylene gas.

17 So it's listed at 205.601, synthetic
18 substances allowed for use in organic production,
19 organic crop, (K) as plant growth regulators, (1)
20 ethylene gas for regulation of pineapple
21 flowering.

22 MEMBER PETREY: Thank you. Yes, this

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1 is from the background, from the TR. Ethylene is
2 a plant growth regulator that is produced
3 naturally by plants and has effects as many
4 aspects of plant growth, development and survival
5 including seed germination, chute growth, route
6 development, flowering, sex determination, and
7 fruit ripening, acquisition of leaves and fruit,
8 senescence of flowers and leaves.

9 Ethylene also has a role in plant
10 adaptation to a variety of stresses such as
11 drought, flooding, pathogen attack and high
12 salinity.

13 Its current listing use is to induce
14 uniform flowering in pineapples. It is applied
15 seven to 15 months after planting, and it can be
16 used two to three times in a season.

17 The manufacturing of this product is,
18 most ethylene gas is manufactured globally, is
19 made from pyrolysis, a product of petroleum
20 hydrocarbon feedstocks. Ethylene gas can also be
21 produced in small quantities in onsite fruit
22 ripening facilities by catalytic generators from

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1 ethanol.

2 The international acceptance, there's
3 a wide use of ethylene gas in organic production
4 internationally, including the beginning of
5 bananas, avocados, kiwi, citrus, inducing
6 flowering of pineapples, also controlling the
7 sprouting of potatoes and onions.

8 And a lot of that is post-handling.
9 And so I have this material in the handling side,
10 as well. And so, the only, the only use that I
11 see here as a crop input is the inducement of
12 flowering of pineapple.

13 Everything else is a post-harvest, a
14 post-harvest thing. There is little
15 environmental concern. This materials is
16 explosive, and workers must be trained in
17 handling. Otherwise, the material itself is not
18 toxic.

19 So our questions were asking whether
20 there were alternatives to ethylene. In which we
21 received that there are no alternatives to that.

22 And are there any interest in expanding this

1 use?

2 And the answer was, yes, that there is
3 interest in that from a lot of our commenters.
4 But again, I think a lot of those desired uses
5 are covered in the handling side, on the
6 post-harvest side. And so, I didn't see any
7 additional use for in-season crop inputs for this
8 material. But I'll open it up to you guys.

9 CHAIR POWELL-PALM: Questions for
10 Logan? All right, back to you.

11 MEMBER BRUCH: Okay, thank you.
12 Jerry, we're going to turn it back to you for
13 microcrystalline cheese wax.

14 MEMBER D'AMORE: You said that so
15 well.

16 MEMBER BRUCH: Okay. See if I can
17 repeat. All right. It's listed at 205.601,
18 synthetic substances allowed for use in organic
19 crop production.

20 (0) as crop production aids, (1)
21 microcrystalline cheese wax for use in log grown
22 mushroom production must be made without either

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1 ethylene-propylene, copolymer, or synthetic
2 colors.

3 MEMBER D'AMORE: Thank you, you just
4 read half the report. This is a substance that I
5 particularly get a kick out of because I get to
6 join the club with some of the growers.

7 It's a product that I grew for six
8 years in Virginia. And what I came away with is
9 that it is a high value crop, very reliable. But
10 let me stick to the script here, and then I'll
11 tell you a bit more about that.

12 Microcrystalline cheese wax has been
13 used in organic agriculture as a production aid
14 in log grown shiitake mushrooms since the 1980s.

15 This product is used to seal holes in hardwood
16 logs, most commonly oak after the shiitake spawn
17 is inserted.

18 Microcrystalline cheese wax is a food
19 grade product made up of a mixture of
20 microcrystalline wax, paraffin wax, and
21 petroleum.

22 For the 2018 TR reference studies

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1 there have been no reports that indicate the
2 likelihood of the bio-accumulation of either
3 microcrystalline cheese wax or its breakdown
4 products. There are no known health risks.

5 For this session, there were a total
6 of 13 written and oral comments. None were
7 opposed to relisting. One commenter encouraged
8 continued efforts to source a non-petroleum
9 alternative. Another commenter suggested an
10 annotation requiring removing the cheese wax
11 after use.

12 At the last sunset review, it was
13 determined that log grown shiitake mushrooms are
14 still widely practiced by many small growers.
15 And not this go around -- excuse me.

16 Not this go around, but the last go
17 around, five years ago that became sort of the
18 argument for not relisting it, that it just
19 wasn't used anymore. And to a certain extent in
20 large production, the log has been replaced by
21 bags that have shavings from the hardwood.

22 But I would venture to say there's

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1 still hundreds if not thousands of backyard
2 farming groups that are happy to have this as an
3 income producing way of going forward. Let's
4 see. Yes, I just be repeating myself -- it
5 breaks down readily. Comments -- okay, that's
6 it.

7 MEMBER BRUCH: Thank you, Jerry. Are
8 there any questions for Jerry?

9 MEMBER D'AMORE: Oh, please ask.

10 MEMBER BRUCH: Nothing? Okay. Oh,
11 Allison has one.

12 MEMBER JOHNSON: I love materials like
13 this because I learned something new about our
14 world every day. As a practical matter, could
15 you actually remove it from a log? That sounds
16 extremely labor intensive, and like it would be
17 challenging to do.

18 MEMBER D'AMORE: No, actually, it's a
19 beautiful system. You get a three inch log that
20 you can have probably three feet long, three to
21 four inches in diameter. And you drill holes in
22 it, and you put the spawn in.

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1 And you plug it with the
2 microcrystalline cheese wax. And just keep it
3 sprinkled and come back. And they're, they come
4 right out of the logs. They're there just to be
5 harvested. Is that the question you asked or did
6 I miss it?

7 MEMBER JOHNSON: The question about
8 the annotation was about removing the wax after.
9 Can you just go back through and like pull it?

10 MEMBER D'AMORE: Yes. Sorry, I didn't
11 comment to that. And you're right, it is there.
12 In my experience with it, there's nothing to be
13 found by the time you're harvesting it.

14 And another misconception is, is that
15 the shiitakes come out of the drilled hole.
16 It'll come out of anywhere in the log. But by
17 the time you're finished harvest, the log is
18 decomposing, the mushrooms have done their work.
19 And I don't think you could find the plug to
20 take care of.

21 MEMBER JOHNSON: I'm going to ask you
22 one more question. So you have some matter

1 that's left over. Is that then composted or
2 disposed of? Or --

3 MEMBER D'AMORE: Yes, normally
4 composted on spot. It's what you just said, it's
5 an oak log, and it finds its way, either with
6 help or without help.

7 We had enough space. We had enough
8 space. We give it a whole lot of help. But you
9 know, five years later, you had nothing to look
10 at anymore. That may not be a satisfactory
11 answer, but that's the way.

12 MEMBER BRUCH: Jerry, I actually had a
13 question for you. In terms of alternatives you
14 mentioned, you know, there's some new methods to
15 still grow these mushrooms that don't involve
16 this process.

17 MEMBER D'AMORE: Yes.

18 MEMBER BRUCH: But some small
19 producers are using this process. But to connect
20 your world with my world, you know, there's just
21 more of an abundance of non-GMO soybeans.

22 And this was a commenter's question.

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1 Is there a way to, now, and I believe that, you
2 know, one of the questions that we asked our
3 stakeholders is it, do we think we can start
4 transitioning off?

5 You know, not to a different
6 production methodology, but just to a different
7 wax substance now that there's more of a
8 prevalence of non-GMO soybeans and soy wax?

9 MEMBER D'AMORE: Certainly, in my
10 time, there was no alternative. And what I read
11 here, it didn't strike me that there was really a
12 strong desire. And I may have missed something,
13 Amy.

14 For some to come and say, I can, I can
15 do it. I just don't see that. There's just,
16 there's not a lot of volume to be running after.
17 The plug is about this big, that big around.

18 MEMBER BRUCH: Yes, I think I saw like
19 1.5 ounces or something --

20 MEMBER D'AMORE: Right, right.

21 MEMBER BRUCH: -- of material per log.
22 So it's pretty small.

1 MEMBER D'AMORE: Yes, yes.

2 MEMBER BRUCH: But I was just curious.
3 Okay.

4 MEMBER D'AMORE: Yes.

5 MEMBER BRUCH: Nate's got a question.

6 MEMBER LEWIS: Yes, just to address
7 that question that you had. My recollection is
8 that non-GMO soy wax was petitioned to the Board.
9 It's a synthetic substance once you kind of get
10 it to the wax form it's considered synthetic. So
11 it would require a petition.

12 And my recollection was it did not get
13 the approval vote because it was a very resilient
14 wax, and so it had a decomposition concern in the
15 environment, in contrast to what we have
16 available now. So that was, that's again, a
17 recollection.

18 So it might be worth going back on the
19 record. But it has been petitioned and looked at
20 pretty thoroughly. And at that time, seems
21 incompatible with OFPA in terms of adding that to
22 the list as an alternative.

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1 MEMBER BRUCH: Thanks, Nate,
2 appreciate that. Any other further questions for
3 Jerry? Okay, thank you, so much. All right,
4 we're going to turn it over to Wood next for
5 potassium chloride.

6 So it's listed at 205.602,
7 non-synthetic substances prohibited for use in
8 organic crop production, (E) potassium chloride,
9 unless derived from a mined source and applied in
10 a manner that minimizes chloride accumulation in
11 the soil.

12 MEMBER TURNER: So we're going to move
13 into 602 land, which is, you know, it's an
14 interesting listing for me because it's, it's
15 essentially prohibited but then the annotation
16 creates an allowed use. So it's a, yes, one of
17 those brain benders on how these listings occur.

18 So, this is a material that is,
19 obviously, potassium is incredibly important in
20 agriculture, and this is a means of supporting
21 potassium, increasing potassium in soil. It --

22 Obviously, potassium can be used by

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1 itself. But it can also be used in complexes
2 like potassium chloride, or as an ingredient in
3 fertilizer blends for soil supplementation.

4 It's important to note that chloride
5 is also essential for plants. But the listing,
6 you know, it requires that the use of this
7 material involve the monitoring of chloride use
8 to make sure that salinity levels in the soil are
9 not excessive.

10 So also interesting to me is the fact
11 that the allowed use is from a mined source. We
12 talk about mining all the time. And the fact
13 that a lot of these materials come from mining
14 operations, which in and of themselves have
15 environmental impacts.

16 From an international standpoint, the
17 material as I understand it, as I can understand
18 the international standards is allowed for this
19 use in Canada.

20 Canada allows mined sources. The
21 European Union doesn't specify the use of the
22 material. Other international standards do allow

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1 some, some usage here.

2 The last time this material came up,
3 it was unanimously voted to relist in this way.
4 We did trigger a TR. And that TR is pending. It
5 was sufficient.

6 But we did consider it sufficient, but
7 we did have some additional questions about the
8 emergence of organic alternatives to potassium
9 chloride.

10 And I understand that we did receive
11 that, but after our, after the materials had
12 closed for the semester. And so, I haven't
13 fully, and I don't think the committee has fully
14 discussed that, or internalized that information
15 from the TR.

16 I don't know exactly when the
17 community would have been able to see it, as
18 well. But certainly hope to hear some feedback
19 from folks.

20 There has been some discussion about
21 potassium sulfate as a cost effective
22 alternative, although it does deliver lower

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1 potassium, and the sulfate itself can result in
2 acidification of the soil.

3 So there's been some good discussion,
4 I would say from a community standpoint. In the
5 written comments, we got lots of comments in
6 support of this annotated listing as it reads.

7 It appears in a number of ISPs, many
8 folks are using it. So we heard a number of
9 certifiers in that regard. Other organizations,
10 coalitions, and non-profits supported the
11 continued listing as it is, so.

12 And there was no sort of, from my read
13 of the written materials, no sort of argument to
14 change the listing, or to not list it in this
15 way. Which again, is a prohibited use with an
16 annotation that allows it in these forms. So
17 there you go.

18 MEMBER BRUCH: Thank you, Wood. Any
19 questions for Wood? Logan?

20 MEMBER PETREY: Just a comment. We do
21 use potassium chloride at times. We haven't had
22 any accumulation or any problems with chloride

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1 build up, anything in the soil. It's an
2 essential element we're kind of are lacking on
3 our sandy soils of about everything.

4 And so, we don't have any issues
5 there. It is good to have the product. It is
6 relatively inexpensive so that we can you know
7 have that potassium for our crops that are pretty
8 high demanding of it. And it does leach.

9 Also to have multiple different
10 products. There are multiple, I guess potash
11 sources. But to be able to have that when there
12 are supply chain shortages, and things like that.

13 So to have it as an option. It may
14 not be the preferred, but. Or even if it is, but
15 just to make sure that it is there. Because it
16 is critical to have that macro-nutrient.

17 MEMBER TURNER: Have you ever had any?
18 So you said you had no build up in chloride, but
19 any, any issues at all? Never?

20 MEMBER PETREY: No, none.

21 MEMBER TURNER: Okay.

22 MEMBER PETREY: None.

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1 MEMBER BRUCH: Thank you, Logan. I
2 actually have a questions for you about this
3 product. Now your soils, I believe, are high in
4 pH, right?

5 MEMBER PETREY: Yes, naturally they
6 are. Yes.

7 MEMBER BRUCH: Okay. So Woods'
8 comment, he summarized, I believe, a commenter
9 that said, you know, I don't want to necessarily
10 use potassium sulfate because it would do the
11 opposite effect because their soil pHs were lower
12 and sulfate would drive that down.

13 But in your case, would you choose to
14 use the alternative of potassium sulfate? I know
15 it's a little bit more expensive, generally, but
16 you get the sulfur with it.

17 MEMBER PETREY: Yes, definitely,
18 preferred to use the sulfate whenever, and
19 potassium magnesium sulfate. You know, we like
20 that too.

21 And so, yes, we are having to add
22 sulfur whether it's through Epsom salts if we

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1 have to do it, if we're using the potassium
2 chloride.

3 So there's other avenues of using it.

4 We can put gypsum out, you know, at certain
5 times. But we do, we do like having, you know,
6 sulfur in that product.

7 But again, it is cheaper to use the
8 other if we're on that budget, you know. And so,
9 it kind of depends. But I do prefer to use a
10 sulfated product.

11 MEMBER BRUCH: Thank you. Thanks for
12 that. That's very applicable.

13 MEMBER PETREY: And yes, our soils
14 are, they're relatively neutral. I mean, I guess
15 they are higher than your probably ideal six and
16 a half, or you know, or lower sixes. They are
17 higher.

18 We use the elemental sulfur to pull it
19 down every year or tried to. But we, I haven't
20 contributed most of our pH moving because of, you
21 know, products like that.

22 MEMBER BRUCH: Yes, absolutely. Yes,

1 when we were farming further south of you, we
2 were in the eights with pH. It was pretty high.

3 But I had a question for you on, just looking at
4 your crops.

5 After you use one product or another
6 what I've heard from my soil scientists is that a
7 potassium sulfate type product will actually
8 increase more of the sugar, or the sweetness in
9 your crops, versus the chloride will, you know,
10 make more of a bitter taste.

11 I didn't know if there was any?
12 Looking at it, it was more in maybe grapes.

13 MEMBER PETREY: Sure.

14 MEMBER BRUCH: Or you know, things
15 like that, but.

16 MEMBER PETREY: No, I don't know that.

17 I haven't done any taste test, you know, test
18 testing. But I mean, I know that potassium is
19 important in moving sugars throughout the plant
20 for that.

21 Which potassium is in both of that.
22 So I don't know if the other macros or micros are

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1 contributing, that factor. Or whether just the
2 potassium in certain products are holding on a
3 little bit longer. The, you know, the solubility
4 of each of those, if that contributes to it, I'm
5 not sure.

6 MEMBER BRUCH: Thanks, Logan. So are
7 there any other questions for Wood? All right,
8 perfect. Now we have two more in crops. And
9 they're going to be back to back with Mindee.
10 We're going to start off with sodium carbonate
11 peroxyhydrate. Okay, and just want to make
12 sure I advance the slide.

13 MEMBER BRUCH: This is listed at
14 205.601, synthetic substances allowed for use in
15 organic crop production. (A) as an algacide,
16 disinfectant, and sanitizer including irrigation
17 system cleaning systems.

18 (G) sodium carbonate peroxyhydrate,
19 Federal law restricts the use of the substance in
20 food crop production to approved food uses
21 identified on the product label. Go ahead,
22 Mindee.

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1 VICE CHAIR JEFFERY: Thank you so much
2 for your patience with my allergies in my sinus
3 infection. Sodium carbonate peroxyhydrate is
4 rapidly dissolved in water and disassociates into
5 oxygen, hydrogen peroxide, and sodium carbonate.

6 Sorry, there is minimal concern for
7 environmental or health risks.

8 There are a couple of possibilities
9 for negative impacts but they're pretty minor.
10 In the comments, there are certifiers in the
11 central regions, and the northern Midwest regions
12 didn't see a lot of use of this substance. But
13 in certifiers who are more on the West Coast
14 list, like 127 users.

15 So they are specifically supporting
16 this for use as a copper alternative in their
17 comments. So regionally, this is interesting
18 material from the farmer's perspective. Loss of
19 this naturalist material can negatively impact
20 farm economies and agricultural production.

21 Another farmer expressed support for
22 the listing and the potential for a more specific

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1 annotation as an alternative to copper products.

2 A farmer group described SEP as functioning
3 better than copper sulfate for algae control and
4 specifically noted that copper sulfate only
5 reduces bloom, whereas SEP prevents the growth of
6 algae.

7 In the group comments, one group noted
8 that this material's original intention was to
9 reduce the use of copper sulfate as an algaecide
10 and he questioned if this is happening in
11 practice.

12 Which caused this group to question
13 the essential quality and efficacy of the
14 substance recommending de-listing if it cannot be
15 demonstrated that the material is being used as
16 listed in actual practice.

17 Another group had similar sentiments,
18 expressly requesting the delisting unless the
19 NOSB document evidence that it is effective for
20 its intended use as an alternative to copper and
21 rice production.

22 That was their assertion of the

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1 original intention of the use, and that the
2 substance should have a more specific listing.
3 So due to those comments, I went back to the 2007
4 crops subcommittee notes in the NOSB
5 recommendation for relisting.

6 And it sounds like the crops
7 subcommittee from those notes saw some
8 incompatibility with the synthetic materials
9 categories listed by OFA.

10 And then resulting public comments in
11 the full NOSB meeting presented additional
12 information that convinced most board members
13 that the material's environmental impacts were
14 minimal and much more environmentally friendly
15 than copper sulfate, now used as the principal
16 farm pond and rice production.

17 So the groups that aren't necessarily
18 in love with this material, also looked at it as
19 not really falling under an awful category. And
20 this is reflected in the TR.

21 But that the minimal concern and the
22 environmentally friendly alternative to copper

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1 sulfate is the position that the earlier board
2 took to put this on the list. And then in
3 another public comment, a stakeholder noted that
4 materials should be looked at through a systems
5 lens.

6 So with the you know, Carla's earlier
7 comment, reminding me about how crops list is
8 divided by a particular use. And that the
9 previous board's recommendation helped me
10 rationalize why and how this material is
11 situated.

12 And it's supported for use, and
13 they're showing that they're using it for
14 algaecides in irrigation and in sanitizers and
15 irrigation systems.

16 So I felt a little bit more
17 comfortable with the pressure built by
18 stakeholders and the rationale of previous boards
19 with the essential quality and necessity for this
20 material.

21 And then another group noted that this
22 material breaks down into hydrogen peroxide and

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1 sodium carbonate which further qualifies it as a
2 material compatible with National List evaluation
3 and criteria.

4 And so, definitely noted in a couple
5 of different comments about the efficacy and
6 utility of the substance. As far as the
7 questions to the stakeholders were concerned, I
8 just want to apologize if that first question was
9 not clear in its request.

10 The subcommittee's understanding is
11 that s SEP is sold as an algaecide, but it has
12 been observed with a master label that includes
13 fungicidal use.

14 Additionally, the EPA Fact Sheet
15 states that sodium carbonate peroxyhydrate is a
16 granular chemical, which is the active ingredient
17 in certain algaecide and fungicide products.

18 And due to this information, the
19 subcommittee is seeking information as to whether
20 there exists a potential for misdirected use as a
21 fungicide. And so hopefully that clears up the
22 reason for the question.

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1 So looking forward to the fall
2 meeting. To answer that question of essential
3 quality and efficacy, I think we really looked to
4 the western regions, and the 127 users listed by
5 one certifier.

6 If you guys could reach out and
7 encourage the stakeholders to engage with the
8 NOSB comment process, I think we could get some
9 great examples of the use and specific efficacy
10 of this substance.

11 MEMBER BRUCH: Thanks, Mindee. Thanks
12 for your review and your requests to the
13 community. Any discussion, any questions for
14 Mindee? Brian, go ahead.

15 MEMBER CALDWELL: Yes, thanks, Mindee.
16 I might have missed it. But did you get a
17 specific response to whether it's being used as
18 an alternative for copper and rice production?

19 VICE CHAIR JEFFERY: I don't remember
20 seeing exactly on this one. If they were saying
21 yes, I'm sorry, farmers, a couple of farmers.
22 It's better than copper sulfate for algae growth.

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1 And that had, and they supported the specific
2 annotation, so yes.

3 MEMBER CALDWELL: Okay, great.

4 VICE CHAIR JEFFERY: Not very many.
5 But yes.

6 MEMBER CALDWELL: Thank you. Because,
7 you know, especially Jerry has worked for quite a
8 while and quite hard on the copper and rice and
9 copper and other systems. And it's really good
10 to fill out the whole picture here if we can.
11 So, yes, thanks.

12 MEMBER BRUCH: Thanks, Brian. Any
13 other questions? Okay, thank you, Mindee. We'll
14 maintain to you. Let's advance. We're on
15 hydrated lime next.

16 So this is listed at 205.601,
17 synthetic substances allowed for use in organic
18 crop production. (I) as plant disease control
19 for hydrated lime.

20 VICE CHAIR JEFFERY: Thank you. So
21 the growers support listing used in Bordeaux
22 mixes as a fungicide for mildew and other

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1 funguses.

2 Another cited it's a necessary tool
3 for plant disease critical control. An orchard
4 grower in Washington cited the importance of the
5 three remaining nationalist materials left in
6 organic tree fruit production.

7 Hydrated lime is one of these legacy
8 organic controls for diseases. Noting that use
9 in Bordeaux mix is important for treating
10 bacterial gummosis in organic cherries.

11 The grower association supported
12 relisting. It listed horticultural oils and
13 elemental sulfur as alternatives, noting that
14 they have limited efficacy listed tools for
15 integrated pest management including crop
16 rotation, pruning, and variety selection.

17 Another Association supported and
18 stressed the importance of the tool. Those are
19 grower associations and a larger association of
20 public commenters noted that again fungicides
21 used as a foliar application by a tree for
22 growers cited few viable alternatives to

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1 controlling various kinds of mildews.

2 Generally, associations were
3 supportive, citing few viable alternatives. They
4 support this restricted use and requested, and
5 one group supports a restricted use and requested
6 annotation for a more specific user application.

7 Again, I think that the way that it's
8 listed implies the specific user application, but
9 I understand the pressure they're putting there.

10 Noted that the hydrated lime's use as a
11 component of the Bordeaux mix is historically
12 acceptable.

13 Members report a wide range of
14 application and for, especially in Bordeaux mixes
15 including uses for fire blight, leaf curl, downy
16 mildew, powdery mildew, peacocks spot, and walnut
17 blight.

18 Certifiers, again this substance is
19 regionally interesting because the certifiers who
20 might traditionally work mostly in the Northeast
21 and the Midwest. in the Upper Midwest don't see a
22 lot of use.

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1 But a lot of users in the certifiers
2 from the West are reported as noted for the fire
3 blight and the leaf curl. There aren't a lot of
4 viable alternatives and applications that aren't
5 showing phytotoxicity on either leaves or fruit.

6 General support and good information here about
7 the use and why it's important. And there aren't
8 enough alternatives.

9 MEMBER BRUCH: Thanks, Mindee. Any
10 questions for Mindee? Okay, seeing none. Well,
11 that concludes the spring work agenda items for
12 crops. Thank you for this wonderful discussion
13 and your time and I turn it back over to you,
14 Nate.

15 CHAIR POWELL-PALM: All right, we're
16 going to switch gears to livestock. And between
17 livestock and materials, we're going to take a
18 break.

19 But I want to hand it over to Kim,
20 Chair of the Livestock Committee but also wanted
21 to give Kim a shout-out for also being able to
22 really roll with the punches as we lost folks on

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1 livestock and had to pick up extra work.

2 We got it done. And it's we are a
3 small but mighty team of four. So it is a hard
4 pulling group on livestock. And with that, it's
5 all yours, Kim.

6 MEMBER HUSEMAN: Thank you, Nate. And
7 I do like that term small but mighty. So do we
8 need, this is a tough time period to be going
9 through this process. So I almost want to do
10 like a --

11 CHAIR POWELL-PALM: Do five?

12 MEMBER HUSEMAN: No, so we'll bear
13 through. So I appreciate the floor. Our
14 livestock workload for this spring has been
15 centered around sunsets.

16 But through public comment and just
17 looking at livestock in general, anticipate that
18 this subcommittee will have a heavier lift,
19 working through this next year and adding more to
20 the work agenda.

21 And so I think, you know, the message
22 was clear that there should be some communication

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1 around swine and some other aspects too that have
2 come up.

3 So just want to make that clear, too,
4 that these things are definitely being heard.
5 With that being said, we will kick off the
6 sunsets with the alcohols.

7 You've probably heard this before in
8 crops and the discussion around having some of
9 these substances that you will hear over and over
10 in different subcommittees. I'll turn the floor
11 over to Nate for the sunset review of both
12 ethanol and isopropyl alcohol.

13 CHAIR POWELL-PALM: Thank you, Kim.
14 Ethanol, we'll kind of talk about them together
15 like we did in crops. They use the disinfectant
16 sanitizer and medical treatments as applicable.
17 Overall, we had a pretty clear discussion and
18 input from the community that a good robust
19 toolbox of sanitizers is helpful.

20 These are environmentally benign
21 unless you have a really acute spill into a
22 sensitive habitat, but otherwise, fairly low

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1 risk. Any questions? All right.

2 MEMBER HUSEMAN: All right. Thank
3 you, Nate. Next on the Sunset Review, we have
4 aspirin. Aspirin as a disinfectant, sanitizer,
5 and medical treatment as applicable, approved for
6 health care use to reduce inflammation. So a
7 handful of comments, all overwhelmingly in
8 support of the continuation of the relisting of
9 aspirin.

10 From a use standpoint, it's used as a
11 pain reliever, a fever reducer in an
12 over-the-counter format. From an environmental
13 issue, essentially that there's rapid
14 biodegradation and hydrolysis of aspirin. Very
15 benign from that perspective.

16 It's important to the humane treatment
17 of organic animals and is commonly used to reduce
18 inflammation. And then if it meets, satisfies
19 all the criteria. Any questions about aspirin?

20 I feel like this one was relatively
21 straightforward. Seeing none, we'll go ahead,
22 and we'll move forwards when that might not be

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1 quite as straightforward. I'll let Brian take
2 the floor on vaccines.

3 MEMBER CALDWELL: Great, thanks, Kim.

4 I feel like I'm performing my usual role here of
5 slowing things down and making more work for
6 everybody.

7 So I'll just get into that. The
8 materials is called biologics vaccines. And
9 that's at 205.603a, as a disinfectant sanitizer
10 and medical treatment.

11 Medical treatment is what we're
12 talking about here. So there's confusion about
13 this listing because vaccines are listed twice.
14 And the other listing, I should say this listing
15 would appear to have no, would appear to allow
16 any vaccine period.

17 There's no qualifications for it. And
18 but it's also listed at, let's see, 206.105(E),
19 and that's talking about excluded methods. And
20 there it says that the way it reads is, (E)
21 excluded methods except for vaccines provided
22 that the vaccines are approved in accordance with

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1 205.600a, which is that's the process that you go
2 through on, actually, now, I'm blanking.

3 Help me out here. Is that, is that
4 what we do? I'm really going to slow us down
5 now. Throwing that third one in there, just
6 through me.

7 But anyway that's the National List
8 regulations. Okay so in other words, that second
9 listing is requiring that it be on the National
10 List to be used, whereas the first listing
11 appeared to allow any vaccines to be used.

12 Okay, so there are quite a few
13 vaccines in use, and all of them that are not GMO
14 are strongly supported, I believe, by all our
15 stakeholder comments.

16 But this issue of whether or not a
17 GMO-derived vaccine needs to be on the National
18 List is still apparently in, there's conflicts
19 within our certifiers, differences within our
20 certifiers, and how that is interpreted and
21 enforced or applied.

22 So in 2019, the NOSB made a proposal

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1 that was passed that attempted to fix this
2 ambiguity problem. And basically, the preferred
3 the desired language would say that vaccines, I'm
4 going to read it here.

5 This is under the 206.105(E). And
6 that says that excluded methods except for
7 vaccines provided the vaccines produced through
8 excluded methods may be used when an equivalent
9 vaccine not produced through excluded methods is
10 not commercially available.

11 So there's a commercially available
12 clause there that would allow vaccines made with
13 excluded methods to be used. That was the
14 recommendation that was the NOSB's attempt to fix
15 this problem.

16 And essentially, that has not been
17 adopted by the NLP and so we're still in the same
18 place that we were before where there are two
19 different listings, and I'm going to read how the
20 different responses fell into this whole matrix.

21 And one of them said that that they
22 thought that GMO vaccines should be allowed, but

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1 that the 2019 proposal should be implemented.
2 And another one just said, seven more said to
3 adopt the 2019 wording period and they didn't say
4 really much else.

5 One said do not to adopt the 2019 In
6 proposal, because commercial availability of
7 these vaccines may be a barrier for farmers. And
8 then one said, do not allow any vaccines and any
9 GMO vaccines unless they're on the National List.

10 So the upshot is that the wording has
11 not been fixed within OFPA. But that, by far,
12 the majority of the stakeholders essentially want
13 us to continue going forward.

14 And they want to be able to just like
15 continue interpreting it as they please. And you
16 know, most of them are allowing pretty much any
17 vaccine vaccines to be used whether they're GMO
18 or not.

19 So I guess what this just points to
20 is, that is that with one of those places where
21 we run into a snag, everybody understands and
22 agrees that vaccines are absolutely vital for the

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1 health of the farm enterprise and of the animals
2 and to alleviate animal suffering. That's,
3 that's clear.

4 And I think that barring action by the
5 NOP, I think we're just at this place, and we
6 will probably just continue this listing as is
7 and keep on moving forward and hope that, and
8 just reiterate the request that the 2019 proposal
9 be implemented.

10 So that's, that's kind of a mess. And
11 I have slowed things down and so I've changed my
12 purpose for now, but I'd love to hear more
13 comments about it.

14 VICE CHAIR JEFFERY: Thank you, Brian.
15 Any questions? Nate?

16 CHAIR POWELL-PALM: Brian, could you
17 talk a little bit more? You had said that there
18 are, I think, seven public comments that said we
19 should, or if I heard you're right, we should
20 encourage the NOSB or the NFP to adopt the 2019
21 recommendation and one that cited the barrier.
22 Did I get that right

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1 MEMBER CALDWELL: Well, there were
2 seven who said that the 2019 wording should be
3 implemented or adopted. But just continue the
4 listing as is, until that point.

5 And then a couple of others were sort
6 of in the different sides of that. And then one
7 said, Do not allow any GMO vaccines unless
8 they're on the National List.

9 CHAIR POWELL-PALM: Got it. Thank
10 you.

11 MEMBER CALDWELL: Which they're not.
12 None have been reviewed for the National List.

13 CHAIR POWELL-PALM: Yes.

14 MEMBER CALDWELL: So just to be clear
15 on that. No individual vaccines have been
16 reviewed.

17 CHAIR POWELL-PALM: I think the public
18 comment that hit me hardest on this was by
19 Organic Valley, and by the Organic Valley
20 veterinarian who's gave us public comments in
21 their oral comment session.

22 And just talking about how vaccines is

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1 one of the bright spots in organic that when I
2 have to contend with my conventional neighbors
3 who are skeptical about organic, usually, you
4 know, to be a good neighbor, you definitely don't
5 want to be the disease vector of the
6 neighborhood.

7 And so having a really nice fat toolbox of
8 vaccines to make sure you are always a good
9 neighbor and that's never the problem seems to be
10 something that we've done well.

11 And the comment in particular from
12 Organic Valley that said, commercial availability
13 could represent a barrier for organic farmers
14 from preventative methods which would prevent
15 disease and suffering in their animals.

16 Additionally, there are present
17 shortages of vaccines that have been widely
18 available in the past. I took to heart that
19 comment that we constantly raise the bar in a lot
20 of ways.

21 But this one because we don't have a
22 lot of buying power in organic, probably won't be

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1 able to exert influence on manufacturers who are
2 already slow to develop new vaccines, slow to
3 bring, it's hard to bring new vaccines to market.

4 So putting commercial availability
5 pressure, I think from what they're saying, would
6 be kind of almost a step beyond what farmers need
7 in that toolbox.

8 And so I think that there's a lot to
9 be said for the current system really working and
10 maybe the current system.

11 And I'd be interested in everyone
12 else's opinion on this, but possibly the 2019
13 recommendation and not being what farmers are
14 asking for. And especially livestock producers,
15 who are who are trying to contend with a range of
16 disease pressures at all times.

17 MEMBER CALDWELL: Yes. Thanks, Nate.

18 I agree and that comment certainly jumped out to
19 me as well. And I think the point that, that the
20 organic livestock industry does not have
21 sufficient clout to actually push manufacturers
22 into creating what we want, is very real.

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1 Yes. Now, in terms of, well, in 2019,
2 the Board did, you know, went back and forth on
3 this a lot. And, the option of essentially, just
4 allowing anything on the marketplace that's
5 available to be used was one of the options that
6 they did not adopt.

7 So they passed the one that they did,
8 requiring commercial availability. Well,
9 requiring a lack of commercial availability in
10 order to use the excluded method. Thinking about
11 it, it seems to me that the point of the 2019
12 proposal was not to push the industry into making
13 new ones that are not GMOs for whatever, you
14 know, specific disease.

15 It was just to say if they aren't
16 available, you can use the GMO one. So I don't
17 I'm not sure if I see the force of that argument.

18 I get the gist of it, but I don't think in
19 practice that it makes a difference.

20 And what all, I should have mentioned
21 that just about all the commenters were really
22 strong that who were endorsing 2019 proposal that

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1 if that was implemented.

2 It was really important to have a list
3 that was freely, you know, clearly available, of
4 what vaccines are available. Are they GMO or
5 not? So that, you know, basically everybody was
6 working on the same page and able to find stuff
7 that they need.

8 Now, having said that, I don't know,
9 it seems to me that a given farmer and vets if
10 they're working together in a given area when
11 there's a disease outbreak or a threat that, you
12 know, is imminent, they might not be able to shop
13 around for a material that's on the list, you
14 know, but is not available right now or in a
15 different place or whatever.

16 So I think we have to be really careful with
17 this. And I totally agree with you that it's a
18 plus for organics to be good neighbors. We all
19 really want to be good neighbors.

20 So it's a tough one. And I should
21 point out this yellow highlighted section there
22 of this review that is, we asked people to

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1 comment whether this was okay or not.

2 And I really got very few responses
3 specifically of that but what it does, it
4 basically says that this sunset review
5 encompasses the entire class of synthetic
6 livestock vaccines, including those made with
7 excluded methods.

8 The NOSB encourages the NOP to adopt
9 the 2019 recommendation. In the meantime, our
10 interpretation is that this listing fulfills the
11 requirement for all livestock vaccines.

12 So in other words, they are all
13 allowed to be used with this wording. I think
14 maybe what we'll do, and we would love, of
15 course, more feedback from everybody on this. We
16 can maybe revisit whether it is wise to record
17 required commercial availability or not again.

18 And I don't know whether there has to
19 be that has to be separate from, I guess it is a
20 separate sort of action from approving the
21 sunset.

22 But I think it's, it certainly is an

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1 important issue that we need to resolve one way
2 or another. So any more comments? Kyla. Kyla
3 always saves me, it's great. I love --

4 MEMBER SMITH: I don't know about
5 that. My question is actually for Jenny. Since
6 this one also is in the recommendations library
7 as on hold, I wonder if you could speak to the
8 status as you did with this.

9 DR. TUCKER: Yes, thank you for
10 asking. And already my team had let me know what
11 this was for. Actually, I think that the
12 dialogue here about, there's not actually
13 agreement on some of this, these points.

14 When we did the regulatory priorities
15 notice last spring, this item was ranked as a low
16 priority. There were not a lot of people who
17 thought this was a priority that was worth
18 putting into the pipeline.

19 And there are some concerns that have
20 been raised even in this conversation. So this
21 is on hold. I think based on this dialogue, I
22 actually wonder if we should close it, honestly.

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1 This was a low priority for the
2 community and the system right now, I'm going to
3 get in trouble for saying this I'm sure, but it
4 seems to be working the best that it can.
5 Because we have a lot of other priorities we need
6 to deal with instead.

7 MEMBER SMITH: Thank you. Allison?

8 MEMBER JOHNSON: Thank you. So you'll
9 apologize for stirring up trouble and I'll
10 apologize for putting on my lawyer hat. I have a
11 history/lawyer question.

12 To me, from a statutory interpretation
13 point of view, taking out the reference to
14 205.600a and inserting the alternative language
15 might imply that it doesn't need to be on the
16 list at all.

17 Does anyone who was here or involved
18 when this recommendation was passed recall if
19 that came up? I would have expected a list it,
20 like go through the process to list it and look
21 at commercial availability rather than a swap.
22 And I worry that that opens up a little, tiny,

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1 different can of worms.

2 CHAIR POWELL-PALM: Could you say it
3 one more time, Allison? I almost tracked you all
4 the way. Can you repeat it one more time?

5 MEMBER JOHNSON: Yes, I've been
6 sitting here puzzling over it. So if I were
7 going to Court and suing someone over the
8 recommended annotation, I would say we removed
9 the language that said vaccines have to be
10 approved through the National List process. And
11 by striking that the implied intent is that you
12 no longer wanted to require vaccines to go
13 through the National List process.

14 MEMBER CALDWELL: So well, can I
15 answer that quickly? Allison, I think that the
16 answer to that is that in this listing that we
17 are going over now, that is where, boom, they're
18 all being considered. I think that was the
19 response so.

20 MEMBER JOHNSON: So if the
21 recommendation, the new language, I'm looking at
22 commercial availability for excluded methods, was

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1 put on, would the implication be that we no
2 longer need the National List line item at all?
3 Just vaccines are fine, just look at commercial
4 availability. And GMOs are excluded methods?

5 MEMBER CALDWELL: I think I'm catching
6 the force now of what you're saying.

7 CHAIR POWELL-PALM: What do you think,
8 Kyla? I mean, I don't want the certifiers to
9 take it off.

10 MEMBER SMITH: I don't know. I don't
11 remember that being, I don't remember the
12 discussion from 2019. I'd have to go back and
13 look at the transcript to see if that was
14 discussed. I totally see where your point and I
15 think it's valid. I don't know.

16 MEMBER CALDWELL: Allison, I did read
17 through those, at least most of those
18 discussions, and that would have, I think, caught
19 my eye if it had been in there, so.

20 And I don't remember it. And I just
21 want to apologize to everybody for getting lost
22 in these regulations there earlier because

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1 sometimes they get, I'm not a lawyer, obviously.

2 And they get confusing to me.

3 So, anyway. Yes, I think that we'll
4 move ahead with this feedback. And particularly
5 recognizing what Jenny said, and Alison what you
6 said. And that's going to inform how we can move
7 forward with it, so.

8 MEMBER LEWIS: Yes, just a quick scan
9 of the transcript jogged my memory that --

10 MEMBER CALDWELL: Wow.

11 MEMBER LEWIS: I was like, it was
12 because the concern that if every new
13 commercially available vaccine had to be
14 petitioned and added to the National List it
15 wouldn't negate the commercial availability
16 element because if there's a whole NOSB process
17 and a rulemaking process in order to get this
18 non-GMO back.

19 So if you were going to apply the commercial
20 availability requirement, you needed to be more
21 nimble than we have with the National List
22 process. So I think that was the rationale

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1 behind removing the 600a reference in 105.

2 MEMBER SMITH: And 205.105(A)
3 requires, like inclusion at 603, synthetic
4 substances at 603. So I don't think that the new
5 language would trump that requirement, right? If
6 I'm, I don't know. Anyway, that's my non lawyer
7 interpretation.

8 MEMBER JOHNSON: That's helpful.

9 MEMBER CALDWELL: And I don't remember
10 anywhere reading that, to delete this listing. I
11 don't think that was part of the discussion. So
12 well, thanks, everybody. And any more questions?

13 MEMBER HUSEMAN: All right.

14 CHAIR POWELL-PALM: Well, thank you,
15 Brian, for tackling that one. That's not an easy
16 one. So thanks for taking that on.

17 MEMBER HUSEMAN: So Brian, if that one
18 wasn't hard enough, let's talk about
19 electrolytes.

20 MEMBER CALDWELL: Electrolytes, okay.
21 It's interesting these approve, these listings
22 that are for entire classes of things. And that

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1 has worked, I think, well for us, pretty well.

2 But it does have the potential for
3 creating a problem at some point. Yes, so
4 electrolytes are listed at 205.603(A), basically
5 as medical treatments.

6 And this is another one that that is
7 widely used. These are materials, there's a
8 whole class of materials that are electrolytes
9 that are used in veterinary medicine basically to
10 correct metabolic imbalances in animals. And
11 they have really, they're very efficacious. They
12 work fast they relieve incredible distress in
13 animals and everybody who responded, I only got
14 seven comments on this.

15 Maybe because you know, specific
16 comments on this maybe because everybody was so
17 in favor of it but they were all to relist. And
18 one of them just had the wording with an
19 annotation specifying their use, which I think
20 again we've kind of gone through that.

21 That is already taken care of in this,
22 in the way that the sunsets are laid out. So

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1 strong support for relisting. Basically the,
2 there's basically no animal health downside to
3 these.

4 It's just a very powerful tool to
5 alleviate animal suffering and to basically save
6 the lives of cows and other animals sometimes if
7 they have milk fever or something. So with that,
8 is there anything more that I should cover on
9 this one? But it just seems like one of those
10 slam dunks, I hope.

11 CHAIR POWELL-PALM: As a cattle
12 producer with sick baby calves every spring, I am
13 grateful for this listing and grateful for your
14 really succinct summary Brian.

15 MEMBER HUSEMAN: Any other questions
16 for Brian on electrolytes? All right, we'll move
17 forward then. The next sunset item is for
18 glycerin listed at 205.603(A), as a disinfectant
19 sanitizer and medical treatment. Glycerin is
20 allowed as a teat dip.

21 It must be produced through the
22 hydrolysis of fats or oils. And I say that

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1 slowly and very specifically because that is
2 where our questions had gone.

3 So essentially, another tool in the
4 toolbox for dairy farmers is to be able to use
5 glycerin as a teat dip. It does have a lot of
6 other uses.

7 But in this specific listing, it's
8 very clear as how it is being used. The
9 discussion component of glycerin is that we do
10 know that there are some other natural
11 alternatives.

12 There's some other management tools
13 for controlling mastitis, you know, just proper
14 hygiene and so forth. But then there becomes a
15 time where you need this unique glycerin. And
16 being an another effective management tool is
17 very important.

18 We did ask the stakeholders for other
19 natural alternatives. There were a couple of
20 commenters that did mention castor oil is one.
21 However, let me get to the rest of my questions
22 here.

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1 Even though there are other natural
2 alternatives, the toolbox is good to have. That
3 being said, I would say that through public
4 comment, it sounded as if from a certifier
5 standpoint, it's quite clear how you can go back
6 and ask manufacturers, what is your process?

7 To validate that it's not a synthetic
8 format of how that's being produced that it is,
9 through the hydrolysis of fats and oils. There
10 were, you know, I would say an overwhelming
11 suggestion to continue to keep it on the list.

12 I'm trying to think of anything else
13 here that was mentioned. Really, I will say that
14 from the dairy community, the support was pretty
15 significant. Any questions on glycerin?

16 CHAIR POWELL-PALM: Just to comment, I
17 think that this is a really good example of the
18 role that certifiers play in general being those
19 who invest a lot of time and resources in this
20 due diligence.

21 And that they are this essential
22 investigator for our industry and that I'm really

1 grateful for all of the work they do to make it
2 so that we don't all have to do this every single
3 time as an entire community or every farmer
4 having to do it, that they're doing this homework
5 for us.

6 MEMBER HUSEMAN: Thank you, Nate.
7 That being said, moving forward. Sorry. Hey,
8 everybody awake? Hello. There we go. Thank
9 you, Michelle.

10 Next sunset item up is for phosphoric
11 acid. And, again, these things are full circle
12 and multiple committees. So, Amy, I'll let you
13 have the floor.

14 MEMBER BRUCH: Thank you, Kim. And
15 like Kim mentioned, phosphoric acid's also listed
16 under handling. My table mate here that I've
17 been conferring with, she's going to be leading
18 that discussion later on.

19 But definitely Kyla, feel free to
20 chime in here because there's similar community
21 feedback that we both received. So moving into
22 phosphoric acid.

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1 It's listed at 205.603 synthetic
2 substances allowed for use in organic crop
3 production. (A) as a disinfectant sanitizer and
4 medical treatments as applicable.

5 (25) phosphoric acid allowed as an
6 equipment cleaner provided that no direct contact
7 with organically managed livestock or land
8 occurs.

9 So phosphoric acid, its used within
10 livestock. It does have many uses. It's, as
11 mentioned, a cleaner and particularly in dairy
12 operations. It's used to remove calcium and
13 phosphate salt deposits from processing
14 equipment.

15 The chemical reaction of the acid with
16 the minerals found in deposits makes them water
17 soluble and thus easy, easier to remove. So it
18 really has a specific type use method, and it
19 operates differently compared to other
20 sanitizers.

21 For cleaning purposes, phosphoric acid is
22 often combined with a surfactant, usually a

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1 detergent. There's two ways to create phosphoric
2 acid, the wet process in a thermal process.

3 International acceptance, Canada and
4 IFOAM have similar listings similar to ours to be
5 used on dairy equipment. Europe: CODEX and Japan
6 do not have this substance listed based on
7 information from the 2021 handling TR.

8 Environmental issues, so the acid will
9 dilute quickly in the environment and there are
10 no toxicity issues directly from its breakdown in
11 products.

12 Effects on human health, the exact
13 dangers really depend on the solution's
14 concentration. Questions to the stakeholders.
15 So really, we were pretty unanimous in supporting
16 this listing.

17 However, unanimous in the need for
18 clarity. The clarity surrounds just its use. Is
19 that a sanitizer? It is it a cleaner? Because
20 really what depends on the definition and that
21 we're consistently defining this is what occurs
22 next. So if it's a cleaner, it does need a

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1 rinse.

2 If it's a sanitizer, it doesn't need
3 to be rinsed. However, there's definitely some
4 confusion that we can help with either through,
5 not in this process, but either an annotation or
6 recommendation for some guidance here.

7 And this was really uniform across the
8 board from dairy producers, cooperatives,
9 certifiers, advocacy groups. They all have
10 concerns that certifiers are reviewing phosphoric
11 acid differently.

12 By not having clarity it can actually
13 cause economic harm from a milk tanker being
14 passed from one certifier or one certified entity
15 to another. A water rinse will nullify the
16 sanitation process for milking. So there is
17 actually high concerns there.

18 One dairy producer mentions that our
19 cleaning protocols limits its use to two times
20 per week. But we believe it's a critical element
21 in keeping our milk from being contaminated at
22 the farm level. Our certifier requires a rinse

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1 before use and then for this particular
2 operation, they use a chlorine sanitizer rinse.

3 Some organizations note that it is a
4 legal requirement to not rinse to not have a
5 rinse, as per the pasteurized milk ordinance. So
6 that's the PMO.

7 However, others contend that a rinse
8 is not forbidden. So definitely, even when we
9 look at handling, this issue regarding, do you
10 need a rise or not after use, it just needs to be
11 cleared up.

12 There was also, and this again is
13 outside of the board's scope, but it just kind of
14 is additional information about the need for
15 clarity here.

16 Because additionally, if it is the
17 policy of a certifier that all ingredients in
18 cleaner sanitizer products must be allowed on the
19 National List.

20 For the product to be allowed without
21 a rinse, the vast majority of phosphoric acid
22 products will require a rinse because they

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1 contain inactive inert ingredients not on the
2 National List.

3 So that again provides another layer
4 to the onion of complexity here that can easily
5 be cleared up. Should the material contain only
6 phosphoric acid and water?

7 Which it sounds like there aren't very
8 many products that are just phosphoric acid and
9 water. But that would supposedly then have some
10 certifiers say it's allowed without a rinse. So
11 we just need to clear things up there.

12 Again, a solution could either come in
13 the form of annotation or through guidance.
14 Commenters raise compelling reasons also for the
15 NOSB to review sanitizer disinfectants and
16 cleaners as a work agenda item.

17 In my time on the board, I guess, I'm
18 sorry, my third year I've heard that several
19 times, we've reviewed lots of different
20 sanitizers and cleaners over the years.

21 So it just seems like that would
22 really help stakeholders in our community out if

1 we took on that type of work agenda item.
2 There's another issue on clarity and this was
3 needed just to determine if a bulk tank, and I'm
4 learning dairy.

5 I'm a grain farmer, but I'm learning
6 the dairy system. So after the milking has
7 occurred, the product then moves to a storage
8 tank and that is referred to as a bulk tank.

9 Some certifiers are not necessarily
10 including that in the review process under this
11 particular listing. Some are opening their
12 viewpoint and including it.

13 So there's just uncertainty what to do
14 at the bulk tank piece as well for rinsing or
15 letting it just be a sanitizer and not rinsing
16 after that.

17 And then the other piece with that is
18 that the rinse aid that's collected if a cleaner
19 if it's viewed as a cleaner and it is washed,
20 that rinse aid goes into a manure pit and then
21 that maneuver then is applied to land.

22 And we need to refer to how this is

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1 annotated because it does say that this product
2 cannot have direct contact with organically
3 managed livestock or land.

4 So we just need a little bit more
5 further clarification on that, which it does
6 sound a little complex but actually, I think was
7 some conversation we can get through this really
8 easily and provide the community clarity there.

9 The other thing is
10 cross-collaboration. The listings for livestock
11 is a little bit different than handling. The
12 community said that they wanted that additional
13 language that we have in livestock here under the
14 handling listing, as well.

15 So we'll be talking about that in the
16 handling review. And that language is that no
17 direct contact with organically managed livestock
18 or land occurs.

19 And the problem with that is a
20 producer could claim they're using handling
21 definition rather than using the livestock
22 definition, because it's a little bit of a

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1 handshake, in that milking system's scope, to
2 where handling kind of takes over.

3 So a couple of things to clarify, and
4 then potentially some work in just clearing up
5 how this is listed on handling is kind of the
6 summary from the community. Any questions?
7 Brian?

8 MEMBER CALDWELL: I have a question,
9 and maybe Kyla will be the one who answers this
10 one as well. One of the comments took me by
11 surprise because of how little I know about
12 livestock systems and some of the handling
13 issues.

14 But the person was saying that
15 essentially, any cleanser can be used, whether
16 you know, anything that not on the list can be
17 used to clean equipment and, you know, storage
18 equipment or whatever.

19 And then if it's rinsed it, then you
20 know, it's okay if it's rinsed. And so I guess I
21 was wanting to ask, is that correct? And also,
22 are there concerns about where the rinse water

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1 goes from that?

2 If, you know, I don't know where it
3 would go if it's not into it, like, you know, a
4 sewer system or something like that? So I don't
5 know, Kyler are you the one? Or --

6 MEMBER SMITH: I mean, yes, that is
7 correct.

8 MEMBER CALDWELL: Okay. And I
9 realized, again, coming from a cropping
10 perspective, that that's very similar to being
11 allowed, being able to use a dual-use sprayer,
12 which is hardly ever done.

13 But you can use one if it's triple
14 rinsed between the non-organic and the organic
15 uses. So that's the analogous situation which I
16 realized afterward.

17 So are there, I mean, Amy brought up
18 the issue of whether this phosphoric acid rinse
19 could then be mixed in with the manure and
20 applied to the land. How is that handled with
21 another product that, you know, is not on the
22 list that is used?

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1 MEMBER SMITH: I think Nate had made
2 reference to this earlier about the practice
3 standard requirement for the operators to, for
4 any input to not contaminate land, essentially,
5 and I've had to look up the exact reference, but
6 that's the requirement.

7 MEMBER CALDWELL: I see, I see.

8 CHAIR POWELL-PALM: 205.200. That's
9 the next T-shirt.

10 MEMBER BRUCH: That's not the one I
11 was talking about. But I do understand your
12 question, just kind of cleaners in general and
13 the formulation.

14 It needs to be reviewed by the
15 certifier. So it has to go through the material
16 reviews process, and if it's not listed on one of
17 the websites, then the certifier does review that
18 cleaner before use.

19 I mean, I'm just referring to mixed
20 production operations in crops using cleaners on
21 the sprayer situation that you mentioned. The
22 farm operation would have to have that cleaner

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1 approved on their OSP. And then the certifier
2 would come up with a protocol. Usually, it's the
3 triple rent that you've mentioned.

4 MEMBER CALDWELL: Yes, yes.

5 MEMBER BRUCH: But I don't know that
6 the fluent, I'm not sure what necessarily --

7 MEMBER CALDWELL: No, if it's
8 approved, then it seems like it shouldn't be an
9 issue. But if the commenter seemed, who I
10 believe was knowledgeable, seemed to be implying
11 that, that no, it doesn't have to be on the list
12 or you know, approved by anybody as long as it's
13 rinsed off before you know, the organic part
14 starts.

15 MEMBER BRUCH: Yes, I mean, at a
16 minimum, it should be on the organic system plan
17 and reviewed by the certifier.

18 MEMBER CALDWELL: Thank you. Great.

19 MEMBER BRUCH: Yes.

20 MEMBER CALDWELL: You know, nothing
21 goes away, right? Everything goes somewhere.
22 And we've, you know, got to think about it. So

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1 yes.

2 MEMBER BRUCH: Any other questions on
3 this substance? Kyla, go ahead.

4 MEMBER SMITH: I just have more of a
5 statement or a comment is that, I mean, you did a
6 great job of summarizing all of the comments.
7 And again, very similar comments in handling,
8 which we'll talk about tomorrow.

9 But from my understanding, there's an
10 ACA working group, a materials working group,
11 it's an ongoing materials working group, and they
12 did recently discuss phosphoric acid.

13 My understanding was that there was
14 consensus on the members of that working group
15 have the certifiers for how that substance
16 substances being reviewed and enforced.

17 I personally am not on that working
18 group. So I don't know really all the details
19 that were discussed. However, I can certainly
20 follow up and confirm this to be true and see if
21 and what the remaining questions are.

22 Additionally, this working group does

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1 have a best practices document that is available
2 on the ACA's website. I don't know if the plan
3 is to incorporate any of this information that
4 was discussed there in the document.

5 But again, I can certainly do a
6 follow-up and get some more information there.
7 And I would also say that some of your comments,
8 as you indicated, apply more broadly to
9 sanitizers in general. And so yes, perhaps we'll
10 discuss that more as a future work agenda item.

11 MEMBER BRUCH: Thank you, Kyla. I
12 really appreciate that. And I'd love to hear the
13 follow-up so I can include that and embed those
14 links for best practices if they're developed
15 into this document so can be used as a resource
16 to clear up this confusion. So doesn't sound
17 hard to clear it up but it just needs to be
18 cleared up. Nate?

19 MEMBER LEWIS: Just to add into that
20 conversation, the 1999 recommendation originally
21 had some additional language added to this
22 annotation, which clearly didn't make it into at

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1 least the regulations we have now.

2 But it had to do about minimizing
3 contamination of surface water. So it sort of
4 acknowledged that it's using a flush system,
5 which may end up in a manure lagoon, which may
6 end up on land.

7 And the need is for the producer to
8 minimize that contamination, or the effects of
9 that contamination rather than us needing to go
10 down into the very nitty-gritty of that.

11 So anyway, we should include that in
12 the subsequent reviews for the fall, sort of the
13 evolution of where it started, where it went, and
14 make sure we're staying in our lane there.

15 MEMBER BRUCH: Yes, absolutely. I
16 really appreciate that archival information. We
17 have a rich history there. And we want to, as
18 you said, incorporate that in future reviews.
19 Thank you.

20 MEMBER HUSEMAN: Anything else? Great
21 review, Amy. And I think you've captured a lot
22 of what was said in public comment and there's

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1 more to come as we get close to the fall on
2 phosphoric acid as it pertains to the livestock
3 subcommittee.

4 Okay, next we'll move forward to
5 hydrated lime. Again, another substance that is
6 across multiple subcommittees. Hydrated lime,
7 listed at 205.603(B), this is my substance.

8 As a topical treatment, external
9 parasiticide, or local anesthetic as applicable.

10 Very specifically as an external pest control,
11 not permitted to cauterize physical altercations
12 or deodorize animal waste.

13 Going through, or I guess taking it back one
14 more step. Essentially, hydrated lime is yet
15 another tool in the livestock toolbox for helping
16 to control parasitic mites in sheep, goats,
17 cattle, and other livestock. Mange is not a fun
18 thing to have to manage through.

19 So this has definitely been a
20 much-needed and welcomed product for helping to
21 have best practices for animal welfare. I would
22 even go to that extent.

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1 In previous sunset reviews, there's
2 been a significant amount of support to relist.
3 And I would say that that's not uncommon in this
4 particular round for the spring. The majority of
5 the public comment around the utilization of
6 hydrated lime as a parasite control is very clear
7 cut.

8 However, in saying that, there is some
9 concern about if the listing is clear enough to
10 not use hydrated lime in ways that it's not
11 intended for.

12 For instance, as a deodorizer. It
13 seems to me that in the listing, it's quite clear
14 what it is used for. But that there were there
15 were some very specific comments brought up that
16 an annotation reiterating or maybe being more
17 direct with it's not a deodorizer.

18 Is it being used in that in that
19 fashion and not in its intended use?
20 Questionable. But as it is listed, as it is
21 intended it is, it's supported. I'd say there
22 was a handful, maybe, less than ten comments in

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1 total.

2 But that's kind of the direction of the
3 comments, but any questions? Statements? All
4 right, we'll move forward. For the last sunset
5 item, which will be mineral oil. And Brian, I'll
6 let you conclude us on the livestock side.

7 MEMBER CALDWELL: This will be my last
8 stab for the day. Thank goodness. Yes, so
9 mineral oils are another parasiticide. Same
10 thing, 205.603b, and it's for use as, for topical
11 use and as a lubricant. And there's a little bit
12 of confusion about just the sort of duplication
13 almost with mineral oil.

14 Because we approved the sunset last year for
15 mineral oil under 605.603(A), which was for
16 internal use of mineral oil. And this is for
17 external use.

18 And maybe in the future, we can line
19 them up so they're in the same year but there's
20 just two listings, two different spots. And so
21 what we're talking about here is for use as a
22 parasiticide externally.

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1 And last year, we approved it for use
2 internally for bloat and intestinal blockage. So
3 for this use, for the external use, there were
4 eight comments, all in favor of relisting.

5 And it seems like, again, a very,
6 pretty straightforward, and benign use to
7 alleviate when different kinds of parasites get
8 out of control, you've got to do something. And
9 again, this is just another tool in the toolbox
10 that can be used.

11 In terms of the questions that we
12 asked for the stakeholders, I believe it was just
13 one, or maybe one or two answered that the
14 products that they used were specifically
15 required to be 100 percent mineral oil because
16 one of our questions was is it possible that
17 there were products that were sort of out on the
18 market that were not.

19 And so that was it. One point that
20 was made was that mineral oil is very shelf
21 stable. So it's going to be there when you need
22 it from, you know, from three years ago if you

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1 didn't need it in between, you can leave it and
2 it's there. It's ready. So any questions on
3 that?

4 MEMBER HUSEMAN: All right, thank you,
5 Brian. If there's no questions from Bryan, we're
6 good. And Nate, I'll turn it back to you. That
7 concludes the livestock sunset review.

8 CHAIR POWELL-PALM: All right, folks.
9 Let's take a 15 minute break. We're going to
10 come back in 15 minutes.

11 (Whereupon, the above-entitled matter
12 went off the record at 3:37 p.m. and resumed at
13 3:58 p.m.)

14 MR. TURNER: Are you waiting for me?

15 CHAIR POWELL-PALM: Not yet. I can't
16 see Jerry, or -- members, you get back to your
17 seats now. How many extra? We got three extra
18 minutes? Yeah. All right, Wood, it's all yours.

19 MR. TURNER: Thanks, I was chatting
20 with Kim, and Kim wanted me to tell a joke or do
21 something like jumping jacks. I'm not going to
22 do those things. You guys have all done that on

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1 your own, but.

2 CHAIR POWELL-PALM: Well, Kim, do you
3 have any jokes?

4 MR. TURNER: We're trying to get
5 through the afternoon.

6 MS. HUSEMAN: Fine, I'll go ahead and
7 give you one. Okay, this is a quintessential dad
8 joke or mom joke in this case. All right. Nate,
9 do trees poop?

10 CHAIR POWELL-PALM: No.

11 MS. HUSEMAN: How do we get #2
12 pencils?

13 (Laughter.)

14 MR. TURNER: And that's now on the
15 public record, and so that's --

16 CHAIR POWELL-PALM: That's the fault
17 of the public record.

18 MR. TURNER: And that's great.
19 Fabulous.

20 CHAIR POWELL-PALM: Wood, sorry.
21 Wait, before we get started, I just wanted to
22 remind everyone that we have a reception tonight

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1 hosted by Georgia Organics. It's going to be at
2 the Wrecking Bar Brewpub, 292 Moreland Avenue NE
3 at 6:30 -- 5:30, 5:30. Right after this, let's
4 head there, folks. All yours, Wood.

5 MR. TURNER: Thanks. We'll try to
6 keep this -- I know everybody's getting tired and
7 it's that time of day, but let's -- we have a few
8 things to discuss in materials. We'll discuss
9 Research Priorities, and we'll talk about the
10 Excluded Methods TBD list and our Technical
11 Report Template update.

12 I'll start on Research Priorities. I
13 just wanted to, you know, just commend the whole
14 Board for really leaning into this process. I
15 think and I definitely feel like a couple of
16 years is what the Research Priorities process was
17 sort of intended to do was a little unclear to
18 me. Maybe it was because I was inheriting this
19 committee, or I'm not sure what was happening,
20 but it was less clear to me. As we sort of
21 worked through it, and I think, engaged some of
22 the external stakeholders, some of the folks are

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1 actually using these recommendations and really
2 tried to sort of engage everybody on the Board in
3 this process, and I think it's become more clear
4 to me, and I just want to, you know, acknowledge
5 peoples on the Board's efforts to try to
6 invigorate this process. So thank you, there.

7 I think, you know, this is a -- to
8 remind the community and to remind the Board,
9 this is really a living document for the new
10 Board Members. It's something that is used by
11 funding organizations and research organizations
12 to essentially motivate and inspire deeper
13 organic research on a variety of topics that we
14 the Board and the community, as a whole, feels
15 are important in driving and improving what we're
16 doing here and what our mandate is. And it
17 really does begin to feel like a living document
18 over time. I think we're -- at first, I
19 wondered, why do we keep rolling things over year
20 over year, and why do things keep showing up, and
21 why do we keep putting these things on the list
22 every year and every year? And the reason we're

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1 putting it on the list year over year is because
2 they're important, and we consider them
3 important, and we need more research. We want to
4 continue to remind the community at large and all
5 the talented researchers out there that these are
6 the things that really matter to our community.
7 So I appreciate that.

8 I'm going to start here by the way
9 we're organized is the Materials Subcommittee has
10 members and members of that committee liaise to
11 the other review committees and sort of help to
12 stimulate discussions within those committees on
13 Research Priorities. And so I'm going to kick it
14 over to Brian for a minute to just offer a view.

15 And you happen to be liaising on livestock and
16 crops to the Materials Subcommittee and so I
17 wanted to give you a chance to just speak for a
18 minute about the review process and that
19 discussion on Resource Priorities since our last
20 cycle.

21 MR. CALDWELL: Great. Thanks, Wood.

22 Yeah, I've been at least on the outskirts of

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1 academia and have been participating in a lot of
2 organic cropping research over the years and in
3 my previous job at Cornell. And I think that
4 these lists that we have are really good. I've
5 also been part of a lot of grower focus groups
6 and things like that where we try to suggest to
7 researchers what we would like to see happen.
8 And these lists are the best that I've ever seen.
9 They're very specific, they're clear, and they
10 just zone in on really important issues.

11 And so, rather than getting, you know,
12 a bunch of things, like, oh, yeah, a better weed
13 control. Oh, you know, please help us with, you
14 know, corn diseases. These are really well
15 crafted, I think, and so I believe in that living
16 document, Wood, that you're talking about. I
17 think it's really, really useful and important.

18 So anyways, in terms of the Livestock
19 Subcommittee, I wanted to just talk about what we
20 have here compared to last year. And basically,
21 from the comments that we got last year, we tried
22 to enhance or reword some of these a little bit

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1 to bring forth breeding as being very important.

2 Livestock rations that are regionally based and
3 diversified to support the connections between local
4 crop farmers and livestock people. And then the
5 parasiticides is really important. So they
6 didn't get changed a lot. They got consolidated
7 and sort of bringing some of those topics to the
8 front.

9 I do want to say we've got a lot of
10 great comments in this round of written comments
11 that we will work hard on over, you know, over
12 the summer, basically, but we haven't digested
13 them yet. So, you know, we just saw them a few
14 weeks ago for the first time. But there's a lot
15 in there and we really appreciate that.

16 For livestock or for crops, I mean,
17 basically what we've done so far, again from
18 comments from like a year ago, is we've added
19 three more research items to the crop list. And
20 they are research into PFAS alternatives and
21 remediation, which we hear loud and clear. And
22 it's certainly, our friends in Maine are just,

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1 you know, that was a total upsetting of the apple
2 cart with their whole ag program, and you know,
3 producers, organic and non-organic.

4 The economic impacts of GMOs on
5 organic crops was added. And finally, the extent
6 and impact of plastic use. And that goes right
7 back to our first question and answer period
8 after the presentation this morning about being
9 able to quantify. Somebody had mentioned that we
10 should be able to quantify the number -- oh, yes,
11 Logan, you were talking about that -- how many
12 acres of plastic production are there, and how
13 big of a factor is this? And I think, of course,
14 we're going to find that for some crops it's
15 huge. So but we really do need those numbers,
16 and it doesn't have to be university researchers
17 who find out information for this. It can be
18 NASS and other groups that are getting data. So
19 that's a quick one. Wood, anything else that you
20 wanted me to mention?

21 MR. TURNER: No, that's great. Thank
22 you.

1 MR. CALDWELL: All right.

2 MR. TURNER: And I think it's good and
3 I would say similar on the handling side. And I
4 think we had sort of less or fewer additions to
5 our rolling list. But certainly, your examples
6 are great in terms of just sort of us listening
7 to what we're hearing from the community about
8 how to elevate some of these issues.

9 And so, you know, I think some of the
10 ones that we've been focused on in handling,
11 specifically, sanitizers and BPA, ancillary
12 ingredient review process, and other issues, and
13 heavy metal contamination, essentiality, have all
14 been important to handling. And you know, I
15 think the Research Priorities that come out of
16 materials specifically related to some of our
17 understanding of Excluded Methods is incredibly
18 important, so. Yeah, you know, I think it's a
19 living process.

20 And I would just say, you know, the
21 feedback we've gotten from the community, I just
22 want to offer a little bit of a summary here of

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1 some of the things we've heard. You know, lots
2 of support for people who really, really -- I
3 think I'm buoyed by the fact that there's good
4 support from the community as a whole around
5 these Research Priorities, which makes me feel
6 like we're doing a pretty good job here of
7 hitting the mark. I really appreciate it when
8 organizations call out specific Research
9 Priorities.

10 For example, we've seen references to
11 the one in Livestock around methylamine, and a
12 reference to the one in Livestock around climate
13 change mitigation, and a reference certainly
14 concerned about strategies for managing insects
15 and weeds under crops, and we hear that over
16 again. And which I really appreciate that kind
17 of feedback. Support for continued research
18 opportunities in heavy metal contamination and
19 PFAS, of course.

20 And then, you know, always some really
21 good clarification points. I was particularly
22 interested in the fact that someone commented on

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1 the fact that, you know, just talking about
2 carbon sequestration, and just learning about
3 carbon sequestration opportunities in organic is
4 not enough. We've got to be focused on reducing
5 greenhouse gas emissions, and I completely agree.

6 And certainly, we'll take that to heart I think
7 as we work on this document for the fall.

8 There's a reference that keeps coming
9 up, and I think there's been some confusion about
10 this, related to a Research Priority on copper
11 sulfate and rice production. We have included
12 that, and it continues to get called out as being
13 something we're not including and has not been
14 rolling over. It is rolling over. And I just
15 wanted to make sure that the community
16 understands that. It's already not only
17 referenced specifically under number 5 in the
18 crops Research Priorities, but there's actually
19 an entire section that outlines a number of
20 specific issues that we're really particularly
21 concerned about, and not relative to copper usage
22 in organic rice production period, the end. So

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1 it's really designed to kind of focus on that
2 larger question, and I would encourage the Crops
3 Subcommittee to sort of make sure we feel like
4 that's the way we've got it articulated in the
5 document is covering that particular topic
6 effectively.

7 There was some good feedback as well
8 on potentially thinking about Research Priorities
9 related to predator and wild animal management in
10 and around organic farms, racial inclusivity, and
11 research in that area.

12 I did like some of the feedback we
13 heard about sort of trying to formalize our
14 process here about -- I think people, in general,
15 appreciated hearing from NIFA in our cycle and
16 wanting to have some formality to that process
17 maybe every couple of years, and getting NIFA in
18 here so that we can be in dialogue about how this
19 research is being used, and really making sure
20 there's appropriate feedback loops here.

21 Interesting feedback, one of the
22 things we try to do in these documents, and I

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1 just want to let everyone know, we try and if
2 there's a need, we have a summary section in the
3 Research Priorities, and then we also have a much
4 deeper dive in some the categories, as well.
5 Sometimes the summary priority, as written, is
6 enough, I would argue. And sometimes it's
7 intended to sort of be enough. And so I think
8 one organization, in particular, said there's a
9 mismatch between the fact that we have the
10 Livestock Priority Number 2 is not spelled out in
11 more detail. But on some level, I think we felt
12 -- and correct me if I'm wrong on this, Brian,
13 and others on the Livestock Subcommittee -- that
14 we'd said enough relative to Number 2, the
15 efficacy of natural parasiticides and
16 methodologies under Livestock, and didn't spell
17 that out in more detail.

18 So maybe we should be clear about that
19 in the larger document compared to the summary,
20 but they're not always intended to sort of
21 necessarily have a full sort of spell out of more
22 detail to drive the Research Priority. I'm open

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1 to thoughts on that, certainly.

2 There were a few things that, you
3 know, came out of the process. Some of the
4 feedback didn't really feel like -- it didn't
5 really feel like they would fall under Research
6 Priorities. You know, should Research
7 Priorities, for example, be focused on domestic
8 sources of organic -- understanding domestic
9 sources of organic poultry feed or clarifying the
10 process for annotations. I'm not sure those are
11 research priorities, necessarily, but good
12 feedback, and happy to use the Research
13 Priorities process as a means to sort of getting
14 some of that feedback.

15 So yeah, I really appreciate it, and I
16 really appreciated hearing from the community,
17 and definitely encouraging all of the committees
18 to sort of internalize these comments and see if
19 we can use the next several months to tighten up
20 some of these Research Priorities even further.
21 So that's what I wanted to share. I'm happy to
22 take any questions or any discussion.

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1 CHAIR POWELL-PALM: Amy, please go
2 ahead.

3 MS. BRUCH: Wood, thanks so much for
4 your leadership in this area. I just reviewed
5 all of these priorities across all of the
6 subcommittees, and they're incredibly important,
7 and the feedback was tremendous, as well, on
8 them. I think my question has always been on
9 that feedback loop. I think getting NIFA here is
10 helpful to know how many groups are taking on
11 these issues. I always request the idea of, you
12 know, what's happening with that, and how are we
13 executing on them, and what can we learn about
14 them. Because, especially as a farmer, there's
15 some of these that are extremely critical, and I
16 know where a bunch of us are doing our own
17 non-farm research and would love, you know, kind
18 of an aggregated spot for this stuff to land.

19 I just think there's a huge
20 opportunity for the Board to be more of a
21 clearing house for the exchange of information to
22 the community who are requesting this and then to

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1 the community to return this information if
2 possible. And I think I might have -- I don't
3 know. I've always tried to wrestle with this,
4 and how can we do this?

5 But three of these priorities, and two
6 of them are new that I'd like to highlight, but
7 three total I think would fit well in the organic
8 transition initiative. This OTI that we talked
9 about earlier in the meeting. So that's
10 expanding markets. So I think there's three of
11 them here that maybe we could highlight to the
12 administration and highlight to grant writers,
13 please take these issues up. We need them and we
14 want to be able to expand our markets.

15 And the three that I'm mentioning, one
16 is on the Livestock list that's already developed
17 that we did receive feedback on about expanding
18 Livestock rotations -- expanding Livestock feed
19 situations to include rotations that accept
20 ingredients that are rotational crops. And I'm
21 just kind of paraphrasing that, but essentially,
22 that they're not just looking at corn and beans

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1 for some of their feed rations, that they're
2 looking at rotational crops which really ties
3 back into building the markets. I believe
4 rotational crops were one of the five that were
5 highlighted by the administration. So I would
6 love to get them involved if possible and bring
7 this list to them.

8 The two also that were new, which I
9 thought were really cool, is eliminating the
10 barriers to access organic-produced food. That
11 was a new one, I believe, and I don't think it's
12 on the list, but that one really resonated with
13 me, too, and it ties in beautifully with market
14 expansion.

15 And the third one is Carolyn's topic,
16 and we have to bring that up. Again, our crop
17 insurance document that we love. To get this
18 actuarial information, this is kind of the part,
19 too. We need to have rotational crops and we
20 need to have markets for them, but we also need
21 to have the coverage for these crops that are
22 common sense crops that producers need to

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1 produce.

2 So I don't know if it's possible to
3 outreach somehow or someday, but I do know
4 there's the grant process that Jenny mentioned,
5 and I think it's going to be conducted here
6 shortly. But maybe incorporate those in the
7 process, potentially. And then also reach out to
8 our private partners to see, you know, our
9 universities or any companies that are working on
10 these initiatives. I know there's a lot of
11 interest in what we're doing for organic
12 production, and I really think getting this list
13 to as many people that can help us, the better.

14 So that's my thoughts on that. But
15 thank you so much because this is incredible.
16 The collection of just needs that the community
17 has.

18 MS. HUSEMAN: I'm sorry. I have a
19 quick question. Can you reiterate the second
20 one?

21 MS. BRUCH: About eliminating barriers
22 to access organic-produced food?

1 MS. HUSEMAN: Awesome.

2 MS. BRUCH: That was a community
3 comment, and that really resonated with me. And
4 I don't believe it's on our list.

5 MS. HUSEMAN: Yeah.

6 MS. BRUCH: And the crop insurance one
7 isn't on our list either. But they really just
8 dovetail nicely with this overall market
9 expansion umbrella that we're undertaking.

10 MS. HUSEMAN: Excellent. Thank you,
11 Amy.

12 MS. BRUCH: Hey, no problem, Kim.
13 Thank you.

14 MR. TURNER: And for certain those are
15 really catches, Amy. Nate? Sorry.

16 CHAIR POWELL-PALM: Oh, thank you. I
17 think Carolyn was next.

18 MR. TURNER: Oh, Carolyn was next.
19 Sorry.

20 MS. DIMITRI: Oh, great. Thank you.
21 So you know Research Priorities always make me
22 happy, as a researcher. But I look at some of

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1 these things like, especially, barriers to
2 transitioning to organic production, and there's
3 a lot of research in that general area. And so I
4 wonder how do we bridge the research world -- I
5 mean, I actually have several publications in
6 that general area in terms of how handlers can or
7 whether they're helping farmers transition to
8 organic production. So I guess, are there
9 creative ways for us to think about connections
10 with researchers who are doing this kind of work
11 because like some of it's done, and people don't
12 really hear or don't know about it.

13 And along those lines, sometimes if
14 you go to OREI with a question like barriers, to
15 transitioning, to organic production, you might
16 see like there are 50 papers on that. And I'm
17 just making up the number. And then the panel
18 will say, like, why should we take scarce
19 resources and add more research into that
20 particular question since we already have looked
21 at it? Thank you.

22 CHAIR POWELL-PALM: Allison and then

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1 Nate.

2 MS. JOHNSON: Thank you. This is such
3 an impressive list. I hesitate to offer to add
4 more to it, but I'm going to anyways. Amy, I
5 really liked your suggestion of expanding the
6 markets umbrella, and I was thinking along the
7 same lines, and the points you raised, I
8 definitely agree with.

9 I think that under general there is
10 the influencing access to organic foods, and so
11 maybe we'll, like, refine the general category or
12 subset it or something like that.

13 And the other one that I would add to
14 that list is around markets for rotation crops.
15 You know, we see so much momentum around
16 plant-based foods right now, but they're often
17 involving excluded methods, and they're not
18 looking very carefully at their production
19 systems, and I keep wondering why the organic
20 pulse burger isn't making a big splash on the
21 market. And I think it's for lack of investment
22 and research. So is that something that our

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1 public followers could help create a market for?

2 And the other area I wanted to flag is
3 there's a long-standing push to have our research
4 agencies invest more in publicly available and
5 regionally relevant season breeds. And we have
6 some specific breeding asks here but reiterating
7 that community priority on our research agenda I
8 think would be helpful.

9 CHAIR POWELL-PALM: Nate?

10 MR. LEWIS: That mental sky walker is
11 our only hope, kind of thing. I really want to
12 echo commending the group for the synthesis of
13 all these ideas. I wondered if the group would
14 be open to also including some input to NIFA on
15 administration of the grants, and I'm mainly --
16 specifically thinking about match waivers.

17 Currently, NIFA allows match waivers
18 for a type of research that's applicable to many
19 agricultural commodities, and for also for minor
20 commodities. And I personally would like to see
21 an additional waiver opportunity for 1890
22 land-grant universities kind of in response to

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1 the Equity Commission's suggestion about how
2 inequities and funding for, particularly, 1890s
3 universities has met to missing out on a lot of
4 USDA research dollars. And while that's not
5 necessarily the federal government's fault, we
6 can take steps to perhaps ameliorate some of that
7 inequity in funding. So the idea would be that
8 we suggest they add a third potential waiver for
9 match for 1890 universities.

10 And I don't mean to put you on the
11 spot, Franklin, but you are a researcher at an
12 1890 university and if you have any comments on
13 difficulties in obtaining USDA research dollars,
14 I think that would help illuminate for me the
15 need to add something like that to this
16 particular document.

17 MR. QUARCOO: Yeah, you and I had
18 talked about it a couple of days ago. Yes, the
19 money is there, and then there are all these
20 requirements that make the money unavailable even
21 though you qualify for it. But what you need to
22 do in order to get the money becomes a problem.

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1 Then internally you're not trying to find out the
2 match, and so then -- in seconds. So that's a
3 very important point. The monies is announced
4 and is supposed to be available, but there are
5 institutional differences that make a whole lot
6 of difference in whether you actually get to have
7 assisted advance. So that's a very important
8 point. Thanks.

9 CHAIR POWELL-PALM: Other questions
10 for Wood or for Brian on Research Priorities?
11 Great. Well, thank you, Wood.

12 MR. WOOD: Great. Thanks. And we'll
13 move to our next agenda item, and thanks for that
14 discussion. I'll turn it over to Mindee who's
15 going to take us through an update on the
16 Excluded Methods TBD list. Are you ready for us,
17 Mindee?

18 MS. JEFFERY: Thank you, Wood.

19 (Off-microphone comments.)

20 MS. JEFFERY: Oh, we'll just do it
21 when we go to the TR template. You should be
22 fine otherwise. Thank you.

1 Thank you everyone for continuing this
2 work together on the Excluded Methods front, in
3 general. As an introduction on the topic of
4 Excluded Methods in organic, I'm going to pull a
5 few excerpts from a current public comment
6 submitted by a retailer. Since the passage of
7 the Organic Food Productions Act, the organic
8 community has made it exceedingly clear that
9 genetic engineering, GE products, and the methods
10 they perpetuate, are not welcome in organic. I'm
11 excerpting here from their larger comment.
12 Customers and retailers do not want GE in
13 organic, period. No exceptions, and no gray
14 areas. It is this clear and unwavering bright
15 line that retailers and customers rely on.

16 Later in their comment, they say, with
17 implementation of the National Bioengineered Food
18 Disclosure Standard and infiltration of
19 manipulatable regenerative claims, the bright
20 line and non-GE integrity that organic
21 certification provides has become even more
22 critical to consumers and retailers alike.

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1 I really appreciate the absolute
2 clarity from stakeholders on Excluded Methods and
3 that NOSB recommendations have always been
4 unanimous on this front. And we have heard from
5 the program repeatedly that GMOs, and gene
6 editing techniques, and biotechnologies are
7 prohibited from use in organic.

8 With that said, as for the TBD list
9 work, and just for clarity for the community's
10 sake, we definitely intended to do this
11 information gathering in the open docket, and an
12 opportunity just didn't become available to us.
13 I do understand that the program submitted the
14 request to open the docket in a timely manner,
15 but that didn't work out. So we hustled to meet
16 a deadline for the submission for the discussion
17 documents. So thanks again to the stakeholders
18 who have shown up and consistently providing
19 information at useful depths.

20 As far as public comments go on these
21 documents, the general comments from one group
22 asserted that traditional plant-breeding methods

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1 should be allowed and supported while GE
2 technologies should be prohibited under the
3 organic label. A former group commented that
4 they concur that NOP should continue to assert
5 that organic is different. Excluded Methods,
6 including methods used to genetically modify
7 organisms or influence their growth and
8 development by means that are not possible under
9 natural conditions or processes, are very clearly
10 not allowed or wanted in organic production.

11 And then comments from a couple of
12 seed companies were really extensive. One seed
13 company commented that many of the TBD list
14 techniques are highly integrated into modern
15 varieties being used in organic crops and that
16 they may otherwise be achieved, these seed
17 varieties, through natural breeding, but it could
18 take five to ten times longer. And they are
19 cautioning that to now label some of these
20 techniques as Excluded Methods would mean
21 removing so many current varieties and some used
22 by organic growers. This seed stakeholder both

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1 urged the NOSB to make final decisions on the TB
2 list and encouraged the swift implementation of
3 the 2018 and 2019 NOSB recommendations for
4 strengthening organic seed guidance and that
5 those need to be prioritized.

6 So there's this tension here being
7 expressed around which work is more functional
8 for organic seed futures and the development and
9 expanded use. This tension of making decisions
10 on the TBD list and strengthening organic seed
11 requirements.

12 And then another organic seed producer
13 stated that we feel that the stated definitions
14 in the TBD list document are generally sufficient
15 and that there are some minor exceptions. But
16 that's really in the weeds and we'll take that
17 back to the subcommittee. And this commenter
18 stated that as with any scientific protocol, the
19 individual steps in a procedure will vary from
20 one research institution to another, and even
21 between protocols within the same institution
22 depending on the desired outcome. Outlining

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1 these steps in more detail than has already been
2 provided by the discussion document is not a
3 useful exercise. More importantly, is the
4 consideration that for any of the techniques
5 being discussed in this document, a prohibitive
6 substance could be used to induce the desired
7 mutations, and so too could protocols be followed
8 that do not use a prohibited substance.

9 So asserting here that they're
10 attempting to list all the plant varieties and
11 all of the ways in which the plant TBD list
12 techniques could be used and documenting all of
13 those things, this seed company sees that as a
14 Herculean task. And the commenter goes on to say
15 that the TBD list techniques are important
16 breeding tools that increase genetic variation
17 and speed up the breeding process. At this
18 point, trying to untangle modern varieties grown
19 in organic systems which have a connection to one
20 of these techniques and their pedigrees puts an
21 undue burden on the system.

22 And then as they have written in

1 numerous comments, the continued focus on
2 breeding techniques is taking away precious NOSB
3 resources from the much more pressing issue of
4 addressing the organic seed usage loophole.
5 According to the seed stakeholder, the reality is
6 that all of the techniques in this discussion
7 document are not traceable. Whatever decision
8 the NOSB takes on these techniques will be
9 unenforceable. We need the NOSB's help to close
10 the organic seed loophole, which would provide a
11 signal to the market that investing in organic
12 seed breeding and development is a sound business
13 model.

14 And then, asserting that as long as
15 conventional seed is allowed in an organic
16 system, it's not possible to regulate these
17 untraceable breeding techniques. Furthermore,
18 expecting companies such as ours, who develop and
19 sell organic seed to self-prolif our breeding
20 activities to avoid using techniques that have
21 been determined to be excluded by the NOSB but
22 are otherwise untraceable and unregulated,

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1 provides a significant competitive advantage to
2 the seed companies who are selling conventional
3 untreated seed into the very same organic
4 markets.

5 And so there we have all the
6 background tensions and possibilities for the
7 Herculean task of looking at the TBD list. And
8 at this stage, I'm going to open it up to the
9 Board for general comments. And we have some
10 really amazing plant breeding experts on the
11 Board, and I'm very excited about that. And if
12 y'all want to reflect on any of the specifics
13 that you saw in public comments about the
14 specific techniques and/or the tension of our
15 path forwards?

16 CHAIR POWELL-PALM: Questions for
17 Mindee from the Board? Amy, please go ahead.

18 MS. BRUCH: Mindee, I just want to say
19 thank you for being a champion in this area.
20 This is extremely important to our community and
21 thank you so much for the passion you have behind
22 it to get it over the finish line. I appreciate

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1 it.

2 CHAIR POWELL-PALM: Hear, hear.
3 Brian, please go ahead.

4 MR. CALDWELL: Well, I want to say the
5 same thing. Mindee's leadership has been really
6 wonderful in all this.

7 And I guess I just want to put out
8 there that our stakeholders in the organic
9 community is a really big group. Including the
10 sort of consumers at the base, retailers,
11 farmers, and seed breeders, amongst a lot of
12 other people, handlers. But the organic seed
13 breeding community comes out of a very and sort
14 of like high pressure academic -- most of them, a
15 high-pressure academic furnace, and they tend to
16 see things a little differently than a person
17 like me and maybe many of our consumers do.

18 Anybody who thinks that or who would
19 call bombarding a seed with radiation as a
20 traditional breeding method, I think the
21 traditional people of our world would really take
22 umbrage of that because they were the ones that

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1 some of our indigenous cultures for thousands and
2 thousands of years used mass selection
3 techniques, individual, and you know just all
4 kinds of things that a lot of them we don't even
5 know exactly how they produced. But they were
6 the ones who bred corn from teosinte, and made
7 incredible, incredible leaps and progress in
8 terms of the amazing array of foods that we eat.

9 And those are the methods that I would want to
10 be called traditional. And so that word bothers
11 me sometimes when I hear it.

12 But I also think that we need to
13 decide whether we do want, you know, some
14 extremely toxic chemicals to be used in our plant
15 breeding process, and radiation, and other
16 methods like that. And my personal, you know,
17 preference is no. And then we need to decide
18 whether we're going to grandfather stuff in that
19 we cannot, you know, figure out from the past
20 efforts of 30 years or more of what's been done,
21 and say that, okay, from this point forward,
22 organic plant breeding will not have these. Or

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1 well, in other words, I think we have to make
2 these decisions and not be necessarily swayed by
3 a small group within the organic community
4 saying, well, that really puts us or that's a lot
5 of work for us or it feels impossible or
6 something. I think we really need to decide what
7 makes sense.

8 We have to remember that organic
9 farming when it originated 100 years ago or more,
10 and farmers said I don't want to use conventional
11 chemical fertilizers. And that's what they said,
12 and people thought they were completely nuts and
13 out of their minds. And they thought that for 70
14 years, until then, well, there's this dead zone,
15 you know, at the Gulf of Mexico. And so maybe
16 some of these things take a while before they
17 kind of surface.

18 So I think, again, we need to be, you
19 know, we need to look inward as much as we can
20 and decide what we really want in the system and
21 then just make it work as best we can, and you
22 know, consider all of our stakeholders, including

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1 our plant breeders, but a lot of other people
2 too, anyways.

3 CHAIR POWELL-PALM: Other questions?
4 Oh, Nate and then Allison.

5 MR. CALDWELL: Maybe more of a
6 question to the program, but NOSB passed a
7 recommendation related to seeds and the use of
8 non-organic seeds and continuous improvement. I'm
9 curious if there's a timeline on that from the
10 program.

11 MS. TUCKER: Yeah, I can give a quick
12 update on that recommendation. That was in the
13 Regulatory Priorities process last spring and
14 raised by the community as a high priority to
15 look at. And so the team did some, amongst all
16 this other rulemaking, they managed to do a
17 really nice analysis piece on all the different
18 things we could do around that.

19 I think there's some rules that take a
20 long time. I do think there's some things that
21 we can actively do before we decide we really
22 need to do rulemaking on this. And so the team

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1 has laid out some recommended options for how to
2 proceed. We needed to get through the rules that
3 we've got through. I do think that this topic is
4 next to sort of talk about where to go next.

5 But I do think a lot of these
6 recommendations may -- well, this particular
7 recommendation related to seed, may actually live
8 more with like accreditation and even compliance
9 and enforcement than standards, and so taking
10 action in the right place and at the right time.

11 The team -- we do have some compliance
12 challenges. Let's see, there have been some
13 complaints, and then the complaint investigations
14 that led to adverse actions related to seed. And
15 so it is part of the broader and sort of
16 portfolio of complaints in enforcement where we
17 don't get to talk about our successes so much,
18 but they actually have been some specifically
19 related to seed.

20 I think there continues to be more we
21 can do in that area. We did put training in the
22 Organic Integrity of Learning Center on this as a

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1 sort of signal. And I think certifiers are
2 starting to notice that we've put training in the
3 learning center, and then, you know, we take --
4 certain things follow after that, and you know,
5 we put training there. It's something that we
6 care about. If we invest in training, we care
7 about it. And that leads to a natural cadence of
8 activity that's next.

9 So this is one I am very aware of how
10 high a priority this was for the community. We
11 just haven't quite gotten there yet, but I feel
12 like we're getting there. Okay.

13 MR. TURNER: Thanks very much.

14 CHAIR POWELL-PALM: Allison and then
15 Amy.

16 MS. JOHNSON: Thank you. Brian, I
17 really appreciated your comments. And what came
18 to mind for me is the massive loss of
19 biodiversity that we've felt over the last
20 century or so and the concentration of a lot of
21 the genetics of our current food system in the
22 hands of very few global businesses. And so we

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1 need some sort of strategy to recover from that.

2 And so I'm going to re-plug my previous comment
3 on the research agenda around needing more public
4 investment in the season breeds that we need to
5 be developing.

6 I don't think we should take it at
7 face value. This is hard and it takes a long
8 time, so we don't do it. Or this is hard, and it
9 takes a long time, so what other resources do we
10 need to be recommending that we bring to bear to
11 solve the problem? So it's recommendations from
12 us, and it's the Farm Bill moving in tandem. But
13 I don't think the sort of current state of things
14 should stop us from making recommendations that
15 go toward the heart of OFPA. And if it's going
16 to be challenging, then we also need to think
17 about how we overcome those challenges as a
18 community.

19 MS. BRUCH: Yeah, I just have another
20 comment. Nate, thanks for your comment to Jenny,
21 and Jenny this might also tag on to what Nate
22 said.

1 I think this is an important request
2 from the community, and I appreciate the
3 attention to it on, you know, just the
4 requirements of organic seed. I wanted to
5 understand though when we had our, oh, just a
6 report from Kiki from the Organic Seed Alliance,
7 we have hardly any data from international
8 producers. So when we're recommending these
9 requirements, which I think are necessary, how
10 does that impact people from overseas? Because I
11 don't think that technology is advancing in this
12 arena as much, and just the accessibility to
13 organic seed right now, we have very little data
14 according to Kiki. So we just need to kind of
15 put the whole big picture in perspective.

16 And I don't know, Jenny, if you can
17 talk, if regulations are being looked at and how
18 that will impact the international community.

19 MS. TUCKER: So any rulemaking we do
20 will impact any operation certified to the USDA
21 standards around the world, and so they'll have
22 to follow the exact same rules. I think one of

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1 the -- to get a better sense of where are the
2 actual issues right now, every year, Robert --
3 Robert are you here? There's Robert. Robert and
4 his team identify audit priorities for the year.

5 And so based on community feedback and
6 based on feedback from this Board, a couple of
7 audit priorities over the last couple of years
8 have been natural resources and biodiversity and
9 the soil provisions. And so those are things
10 Robert's team looks at when they go out and do
11 audits. Livestock's another big one that we've
12 been looking at. I do -- I wonder if at some
13 point, okay, we have and that has been a really
14 important audit priority for natural resources
15 and conservation. I think a lot of that came up
16 with native ecosystems, and so that was something
17 we could do.

18 Now, I think the question is next year
19 do we need to do that again, or? And, you know,
20 now we've issued the non-compliances, and
21 certainly, we'll check to see if those
22 non-compliances were corrected in audits, but

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1 we've got to make space for another priority.
2 There are only so many priorities the auditors
3 can do when they're on the ground looking at all
4 of these full systems, and they also need to look
5 at the origin of livestock implementation next
6 year, and they'll be looking at SOE
7 implementation. And so we need to be very
8 choiceful in the audit priorities.

9 I do think how certifiers are
10 overseeing seed searches, and so the different
11 variables that have been raised in those
12 recommendations. That's the conversation and one
13 of the options that the team has kind of laid
14 out, is what do we need to learn about how
15 certifiers are doing this and where are the gaps
16 that they need to fill. We don't need new
17 regulations to follow the existing regulations.
18 Does that answer the question?

19 MS. BRUCH: Yeah, that insight is
20 helpful.

21 MS. TUCKER: Okay.

22 MS. BRUCH: I think it's just, you

1 know, there's a lot more resources in our nation
2 that are pointed to organic expansion, organic
3 resources, organic tools, or organic inputs. And
4 these resources maybe aren't as available
5 overseas. So even though seed searches are going
6 to be completed overseas, the accessibility and
7 the commercial accessibility to those seeds
8 aren't available, and the data currently isn't
9 being tracked by the Organic Seed Alliance, that
10 I am aware of.

11 And I believe I asked that question to
12 Kiki, and we don't know what's happening
13 overseas. I think when we look at just -- if
14 this is going to be considered as a priority or a
15 regulation, look at it on a global scale, as
16 well. Because as a producer, we want to make
17 sure that everybody is following the same rules.

18 And it's different when we have more resources
19 here. Our rules actually become more stringent,
20 which I agree with completely. But there's not
21 an ability to follow those same rules overseas
22 just because of the lack of accessibility to

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1 these audits.

2 MS. TUCKER: Yeah. Yeah. Again, I
3 want to -- I agree with that statement, and I
4 want to do a shout out for the certifiers who
5 are, you know, trying to figure out how --
6 anytime you have -- it's a fascinating construct
7 that we're dealing with on most of these topics
8 in that you've got a public-private partnership
9 and so you've got, you know, private sector
10 certifiers figuring this out, and oh, by the way,
11 you have operations around the world to certify
12 due to a USDA standard. I mean, that's a
13 complex, tough system.

14 And the work that you do on this Board
15 and these recommendations, impacts and has ripple
16 effects across all of those certifiers and across
17 all of those operations. And how do you make it
18 rigorous and fair? And fair may be different
19 depending on what topic it is and who you're
20 talking about. And so, yeah, I think those are
21 one of the reasons I like to celebrate certifiers
22 and their work because they're on kind of the

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1 front line of that every single day, and they are
2 tough decisions.

3 MS. BRUCH: Thanks, Jenny, and thanks,
4 Kyla.

5 CHAIR POWELL-PALM: Any other thoughts
6 or questions? All right, back to you Wood.

7 MR. WOOD: Thanks. Well, I just
8 wanted --

9 MS. TURNER: Well, I'm going to just
10 say one thing, if you don't mind.

11 MR. WOOD: Go ahead.

12 MS. TURNER: Honestly, I'm really
13 excited about the possibilities of working on
14 this TBD list because it seems like the history
15 has been a need for expertise. And I think we
16 have the expertise, and I think we have OFPA, and
17 I think we have NOSB recommendations on criteria
18 for evaluating the Excluded Methods. And even if
19 we can't come up with the most hair-splittingest,
20 perfect recommendations, I do think we can make
21 some progress on this list and make some clear
22 recommendations.

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1 So honestly, I'm not daunted by the
2 tension, and I'm really glad that you're asking
3 all the questions about the seed requirements.
4 And thank you for sharing information with us
5 about the progress of that. But for me, I think
6 we can do it, and I'm excited about working on
7 this TBD list. And so thank you.

8 MR. TURNER: Yeah. Thank you for your
9 resolve, Mindee, and the great leadership you've
10 shown on this. And also, I just want to sort of
11 echo Allison's comments to Brian. Brian, I mean,
12 you're a huge player in this committee and a huge
13 player to this work with Mindee, and the wisdom
14 of your comments really resonated with me, so
15 thank you. And we'll move on to the next -- oh.
16 Go ahead, Kyla.

17 MS. SMITH: Sorry. I wanted to say
18 one last thing. And just sort of, yeah, echoing
19 everybody's support and acknowledgment, Mindee,
20 of your leadership.

21 And I just wanted to quote something
22 out of the ACA Best Practices document on

1 material review on this particular topic, so.
2 Which just underscores that your work, or
3 collectively, the Board's work on this topic is
4 not going unnoticed. And so it says certifiers
5 and MROs should utilize both the Excluded Methods
6 definitions at 205.2, as well as the list of
7 Excluded Methods developed by the National
8 Organics Standards Board to evaluate potential
9 Excluded Methods technology. Excluded Methods,
10 as identified by the NOSB, can be incorporated
11 into affidavits for manufacturers. And so the
12 work of this Board is being utilized currently.

13 MR. TURNER: Thanks for that, Kyla. I
14 appreciate you reading that. So a related topic
15 or a somewhat related topic or a very related
16 topic is work that Mindee has also led us on in
17 the committee on the TR Template update. The
18 Technical Report Template update. Mindee?

19 MS. JEFFERY: Thank you. This is
20 really -- it's such a great experimenting
21 collaboration because I think I just wrote the
22 document, and I don't feel like I really did the

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1 work, so. First, I'd like to thank the program
2 folks, especially Jared, for assistance on
3 getting this project together. Thank you, Jared.

4 And also, thank you for your patience with me.
5 And thank you, OMRI so much for your work on TRs
6 in general, and the very extensive and sensible
7 suggestions that OMRI made for updating the
8 template when materials first embarked upon on
9 this work. So I appreciate you so much.

10 The stated goals of the document were
11 to harmonize the flow of information requested in
12 the TR with the petition process and OFPA
13 criteria, while reducing redundancies and add
14 relevant questions and sections to the template
15 for Excluded methods. We didn't get a lot of
16 public comments back. My apologies to the
17 community for how we could present the template
18 with some updated suggestions. And I realized
19 that was hard for everybody, so thank you for
20 your patience with evaluating those two appendix.

21 The public comments were totally
22 supportive of this initiative and expressed

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1 agreement that it is a worthy project from a
2 functionality perspective and are supportive of
3 the effort to capture information about Excluded
4 Methods risks in the technical reports in a
5 consistent and formalized manner.

6 The Material Subcommittee understands
7 that the TR Template is technically a tool for
8 the Board and can be updated by the Subcommittee
9 without a proposal. When we return to the
10 Subcommittee, we plan to incorporate the
11 stakeholders' suggestions and move forward with a
12 new template unless the follow-up conversation
13 from the full Board suggests another route. I'm
14 excited about these revisions, especially in
15 light of the consistency issue that may occur
16 around Excluded Methods.

17 One certifier commented that they are
18 wondering how confident the organic industry is
19 in accepting non-GMO statements, and it's unclear
20 to them if everyone that signs an affidavit is
21 following the same recommended chart to determine
22 what is an Excluded Method and what is not. So

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1 thank you, Kyla, for that. A psychic moment a
2 few minutes ago.

3 My hope is that we are able to update
4 materials with new TRs, and this is going to take
5 some time. So future Board members, I encourage
6 you to be proactive about updating TRs.

7 The additional questions around
8 Excluded Methods in the TR process along with
9 Excluded Methods determinations by this NOSB will
10 bolster our ability to protect organic from
11 transgressive technologies.

12 One commenter said that they believe
13 that the information presented in the TR Template
14 and the drafted new TR Template presents the same
15 information, but organized in a way that is
16 easier to understand and apply. In some cases,
17 the new template may prove to be less repetitive,
18 so that was some good feedback.

19 Another group supports the suggested
20 updates to the Technical Report Template, and
21 they specifically support questions related to
22 the use of Excluded Methods in the creation of

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1 materials, their presence in raw agricultural
2 materials, and their use and presence in
3 fermentation processes. In addition to the
4 questions on Excluded Methods, they suggested
5 that a question be added as to whether a
6 substance contained nanoparticles as defined by
7 the NOSB and the NOP. Furthermore, this
8 commenter encouraged technical reports to include
9 language about how a petitioned material would
10 fit into an organic production system. Not just
11 whether there are other materials that could be
12 alternatives. This commenter emphasized that
13 organic agriculture is not just input
14 substitution, but rather the integration of
15 materials into a production method and systems
16 approach and noting that all materials should
17 constantly be looked at through a system's lens.

18 A certifier, in their public comment,
19 said that periodically updating templates is an
20 important way for certifiers to continually
21 improve their verification procedures and
22 supports the updated template. This certifier

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1 noted that they use TRs to complete review of
2 materials, and that TRs contain information about
3 ancillary materials and production methods that
4 can be a key to understanding whether a material
5 that an operation wants to use is the same
6 material that appears on the National List. And
7 they also made a very specific suggestion for an
8 edit. So thank you.

9 Another group likes that we're working
10 to harmonize the flow of information requested in
11 the TR with the petition template and the OFPA
12 criteria, and they concur with the elements of
13 the goals, and both the elements of the goals.
14 And that these revisions will help streamline the
15 flow of information needed at the various stages
16 of the material review process. And that clarity
17 of format and information transmission will help
18 prevent errors and omissions as various bodies
19 and stakeholders participate in the steps of the
20 review process. As far as the questions are
21 concerned, we did receive some great suggestions
22 in specificity around Excluded Methods, and I

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1 look forward to unpacking those in the
2 Subcommittee. Unless anyone wants to dive into
3 those suggestions, I can leave it there. I
4 appreciate the information given by commenters
5 around the question of TR users because my
6 experience has been that system changes go well
7 when consideration is made at the beginning of a
8 process to include the widest possible view of
9 when, where, and who is using the system, and so
10 if anyone was wondering about that question.

11 And to the last question, is the TR
12 Template functional for all types of materials,
13 methods, and practices, and if not, does the NOSB
14 need to develop another Report Template for
15 methods and practices? And the commenters were
16 pretty clear on the usefulness of the TR Template
17 for many considerations. And one commenter
18 stated that the template with the additions
19 suggested above, is probably functional as long
20 as contractors are familiar with all of the other
21 organic regulations and NOSB actions and the
22 history of organic production.

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1 And so we got a lot of support and
2 some great suggestions. And I took particular
3 note of the suggestions that the TR capture the
4 potential for nanomaterials. And they also
5 appreciated the very extensive suggestion for
6 revisions to the petition template.

7 So with that, I don't think I need to
8 take a bigger dive into that. But I'm excited to
9 keep working on this. Anybody?

10 MR. LEWIS: I just have a logistics
11 question. What's the -- what would we be the,
12 like if, you know, we'll get an updated TR
13 Template, and we'll vote on in the fall, and then
14 it's --

15 MS. JOHNSON: We don't have to.

16 MR. LEWIS: We don't have to, it's
17 just --

18 MS. JOHNSON: We own this.

19 MR. LEWIS: Yeah. But --

20 MS. JOHNSON: But that's -- go ahead.

21 MR. LEWIS: But is it part of the PPM,
22 or is just a standalone document?

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1 MS. JOHNSON: It's a template.

2 MR. LEWIS: Yeah, okay.

3 MS. JOHNSON: Yeah. That was my
4 understanding when we went through the process of
5 discovery and got support from everywhere.
6 Nobody objected to our own ability to fix this
7 template. But I asked the question about -- we
8 asked the question about who uses it because we
9 do want to honor its functionality in all ways.
10 And so that information hopefully, as we go back
11 and have a dialogue about this, will keep us
12 clear about making sure we're also considering
13 all of the other users.

14 CHAIR POWELL-PALM: Logan?

15 MS. PETREY: Which Subcommittee do you
16 think that we're going to have Excluded Methods
17 come up in this process the most? Some of them
18 were looking at prioritizing TRs, you know so
19 that we do say in front of it. Because, you
20 know, if we do a TR, we're saying our standard is
21 every ten years we're going to update a TR. I
22 just didn't know if there were certain materials

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1 or things that were going to come up that we need
2 to highlight and say, well, if the TR and the
3 template's already going to be used immediately,
4 then that's fine. I was wondering about the
5 logistics of it, and if was going to take some
6 time to get adopted. But I guess that that's
7 going to go ahead and be used immediately.

8 MS. JEFFERY: Yeah. I mean, as fast
9 as we can get together and agree --

10 MS. PETREY: Okay.

11 MS. JEFFERY: -- that this is where
12 we're headed and this is going to be the new
13 template, we can start using it.

14 MS. PETREY: Yeah.

15 MS. JEFFERY: But then that's why I
16 suggested that we and future Board Members should
17 continue to be really proactive about updating
18 TRs so that the rapidly advancing biotechnology
19 can be understood through that process.

20 MS. PETREY: That's right. I realized
21 that my question had been answered as I was
22 asking it.

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1 MS. JEFFERY: Yes.

2 MS. PETREY: And that it was going to
3 be already adopted. And I was like, hmmm.
4 Maybe, we don't have to worry about that. Okay.

5 MS. JEFFERY: I mean, I love a
6 question. If I'm unclear, I'm going to ask it
7 again, so.

8 CHAIR POWELL-PALM: All right. Nice
9 job, Mindee. Thank you.

10 MR. TURNER: Thanks, everybody.

11 CHAIR POWELL-PALM: All right, that's
12 a wrap. Oh, I saw hand motions. Oh, for the
13 Board, we're going to be doing a group photo
14 tomorrow morning, so pick your fanciest shirts
15 and best smiles. And we're going to get some
16 good lighting. So tomorrow morning -- well, for
17 the rest of everyone in the audience, we're about
18 to wrap up, but for tomorrow morning, let's plan
19 to be here at 9:30 for the Board, and we're going
20 to start at 10:00, so then we'll have a little
21 time to figure out our photo and not rush it.

22 All right. So one more time, the

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1 happy hour over at Wrecking Bar Brewpub, 219
2 Moreland Avenue, NE. It actually started at --
3 it starts in three minutes, so everybody rush
4 over there. But it goes until 7:00, so if you
5 want to pace yourself, then you can show up
6 fashionably late.

7 Otherwise, thank you for a great day
8 two, and we're going to jump back in tomorrow at
9 10:00 a.m. And so we'll recess for now. Thank
10 you, everybody.

11 (Whereupon, the above-entitled matter
12 went off the record at 4:57 p.m.)

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DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

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NATIONAL ORGANIC STANDARDS BOARD

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SPRING 2023 MEETING

+ + + + +

THURSDAY
APRIL 27, 2023

+ + + + +

The Board met at the Crowne Plaza
Atlanta Midtown 590 West Peachtree Street, NW
Atlanta, Georgia, at 10:00 a.m., Nathaniel
Powell Palm, Chair, presiding.

BOARD MEMBERS PRESENT

NATE POWELL PALM, Chair
MINDEE JEFFERY, Vice Chair
KYLA SMITH
AMY BRUCH, Secretary
BRIAN CALDWELL
GERARD D'AMORE
CAROLYN DIMITRI
KIMBERLY HUSEMAN
ALLISON JOHNSON
NATHANIEL LEWIS
DILIP NANDWANI
LOGAN PETREY
FRANKLIN QUARCOO
WOOD TURNER

NOP STAFF PRESENT

MICHELLE ARSENAULT, Advisory Committee
Specialist

JARED CLARK, National List Manager

FRED DAVID, Assistant Director, Standards
Division

ERIN HEALY, Director, Standards Division

ANDREA HOLM, Agricultural Marketing Specialist

ALEXIS McINERNEY, Program Analyst

JOHANNA MIRENDA, Agricultural Marketing
Specialist

JENNIFER TUCKER, Ph.D., Deputy Administrator

ROBERT YANG, Director, Accreditation Division

PENNY ZUCK, Agricultural Marketing Specialist

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

2 (10:00 a.m.)

3 CHAIR POWELL-PALM: All right. So
4 we are officially back from recess, finishing
5 up day three. We're going to start off with
6 handling today.

7 We're going to shoot for a break
8 around 11:15 and then we're going to go all the
9 way through to the end. So lunch after we're
10 done here today.

11 With that, I'm going to kick right
12 over to Chair of Handling, Kyla Smith.

13 MEMBER SMITH: Good morning
14 everybody. Okay. We had a great crew on the
15 Handling Subcommittee this past semester which
16 now also includes Nate Lewis, and we were happy
17 to have him join.

18 We had a packed work agenda this
19 past semester. We had 19 sunsets and of course
20 everyone's favorite topic, ion resins. Like I
21 said, we're super grateful to have an
22 additional member as we plan our work for next

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1 year.

2 We have a few petitions that are in
3 the pipeline. We're waiting on TRs, and we
4 have 29 sunsets to review. As my table mate,
5 Amy stated, we're working collaboratively
6 across scope -- across the scope sub-committee,
7 so crops, life stock, handling, to streamline
8 the process such as evaluating the next batch
9 of sunsets for TR determination earlier in the
10 year in the hopes that we might get TRs
11 earlier.

12 I also wanted to reiterate that we
13 too in handling experience receiving some TRs a
14 bit late in our process and while the
15 subcommittee may not have formally deemed them
16 sufficient, which is the trigger to post them
17 for the wider community, we did have the draft
18 to utilize in the write-up and will ensure full
19 incorporation of the info from the TR prior to
20 the fall vote.

21 Okay. Now let's get into it.
22 Kicking off handling with ion resins which I am

1 the lead on. Okay. So the topic of ion
2 exchange was sent to the board in 2019 by the
3 NOP. The memo asked the board to make a
4 recommendation on "Whether it is appropriate to
5 include these substances on the national list."
6 The Handling Subcommittee decided to split this
7 topic into the two components of the ion
8 exchange process, the recharge materials and
9 the resins.

10 The recharge materials were voted on
11 at the fall 2022 meeting and recommended to the
12 program that the recharge materials do need to
13 be listed on the national list. Last fall we
14 also presented three options for how to address
15 resins and got feedback from stakeholders.

16 These options and the stakeholder
17 comments were discussed at the subcommittee and
18 the outcome of those discussions are presented
19 in the proposal before the board today which is
20 to move forward with Option 1, resins do not
21 need to be listed on the national list. The
22 reason for that being that resins do not meet

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1 the definition of ingredient or processing aid
2 as well as that certifiers and inspectors have
3 oversight and are evaluating operations that
4 use ion exchange systems and they do so in
5 compliance with the organic regulations such as
6 having protocols in place to prevent potential
7 contamination.

8 We've heard from stakeholders
9 through written and oral comments. Most were
10 in favor of the proposal. Those in favor
11 included four certifiers, a trade organization,
12 an international consulting firm, and an
13 inspector co-op. Those opposed were a couple
14 of certifiers, a couple of advocacy groups, and
15 a farmer. I will say that of the certifiers
16 that commented, a strong majority were in favor
17 of the proposal.

18 Comments in support of the proposal
19 to not list resins focused on and agreed with
20 the subcommittee's rationale related to the
21 definitions and the board's scope of authority
22 and felt confident in certifier's ability to

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1 evaluate through the OSP review and inspection
2 process, and operation's compliance with the
3 requirements to prevent potential
4 contamination.

5 Comments not in support noted that
6 while resins do not meet the definition of an
7 ingredient or processing aid, they are
8 functionally different than other food contact
9 substances. They are in favor of listing
10 resins so that we as a board can review them
11 individually and evaluate compatibility with
12 OFPA and also for transparency to stakeholders.

13 Commentors opposed to the proposal
14 also focused on the theoretical potential for
15 leaching. One commentator also stated that
16 organic food and water that goes through an ion
17 exchange system is synthetic and therefore also
18 needs to be listed on the national list.

19 I'd like to break down -- break each
20 of these down and provide my thoughts and then
21 I'll open it up for discussion.

22 Regarding definitions. As a

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1 certifier, the organic regulations at 7-CFR
2 part 205 which includes the definition section
3 is like my bible. It is how certifiers make
4 decisions, certification decisions, and enforce
5 the regulations on the daily. If we aren't
6 going to adhere to them, what's the point?

7 After the meetings that the NOP held
8 with FDA, the board was encouraged to use our
9 own definitions in OFPA and the organic
10 regulations such as ingredient and processing
11 aid due to the sorted history with FDA on how
12 they classify resins. This is reflected in the
13 proposal.

14 By law, OFPA, resins don't really
15 have a home on the national list. I would like
16 to acknowledge that there are a few items on
17 the national list that also might not meet
18 those definitions, but I think we have an
19 opportunity here to not continue to set bad
20 precedent, not to put bad on top of bad. I'm
21 mostly thinking of equipment sanitizers in this
22 case, by the way.

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1 Regarding leaching, the FDA process
2 for inclusion of resins requires submission of
3 estimation of dietary intake, EDI recording,
4 essentially a toxicological assessment
5 evaluated by FDA through their review and
6 approval process. Restated in their oral
7 comments that "Migration of chemical elements
8 originating from exchange resin to food is a
9 potentiality but not guaranteed and is low
10 risk."

11 Certifiers and inspectors are
12 evaluating an operations adherence to their OFP
13 that describes management practices and
14 procedures, frequency of monitoring, and
15 contamination and co-mingling prevention, along
16 with in general, assessing an operations
17 adherence to food safety protocols.

18 Regarding transparency, it is true
19 that without listing resins on the national
20 list anyone, an educated consumer say, would
21 not be pointed to the FDA food contact
22 substances database to be able to see all the

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1 resins that could potentially be in use. That
2 said, that is why the instruction to certifiers
3 is such an important part of this proposal.
4 Not only will it ensure certifiers will utilize
5 a consistent review process for these resins,
6 it references the FDA database and can serve as
7 the public-facing transparency that some
8 commenters were concerned about.

9 Regarding chemical change and the
10 synthetic determination, organic juice that
11 goes through an ion exchange system is still
12 juice. There are ions that have been exchanged
13 to filter out certain elements such as heavy
14 metals and other things, but it is still
15 organic juice.

16 Per NOP guidance 5033, Section 4.4,
17 classification guidance does not determine the
18 eligibility of a substance for organic
19 certification. And water, which is probably
20 the most common ingredient that is filtered
21 through ion exchange systems is not synthetic.
22 This isn't perfect, it's not a perfect

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1 solution, we've heard that theme throughout
2 this week, but it's the best path forward that
3 we have that most aligns with our process and
4 scope of authority and has the least amount of
5 risk.

6 That's my summary, let's hear your
7 all thoughts.

8 CHAIR POWELL-PALM: Questions for
9 Kyla from the board. Well, when you answer all
10 the questions in your summary, boom.

11 Amy, please go ahead.

12 MEMBER BRUCH: Kyla, table mate,
13 thank you so much for that thorough review of
14 this topic. It's really interesting to me, I
15 have several questions but the first one I'm
16 going to ask is just international compliance
17 with the subcommittee's recommendation. We
18 mentioned that the resins are reviewed by FDA.
19 I just want to understand a little bit more
20 internationally how our recommendation will be
21 executed.

22 Are resins that are located

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1 internationally, are these processes that are
2 completed by manufacturing facilities
3 internationally, are they following FDA
4 compliance first and then also our
5 recommendation? Because I know they have to be
6 reviewed by accredited certifiers, but could
7 you speak more to that please?

8 MEMBER SMITH: I don't really know
9 if -- what exchange systems are available in
10 the international community. This proposal as
11 written would require, does require that the
12 recharge materials be listed on the national
13 list which we already approved. So
14 international certifiers would need to follow
15 that.

16 It also would require that the
17 resins be listed on the food contact substances
18 database and that would be an instruction to
19 certifiers which the program would follow-up
20 with certifiers to make sure that they're
21 adhering to that instruction. So without those
22 two components, I would think that those resins

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1 would then -- you know, or those systems, if
2 those two things were not true, would not be
3 able to be used.

4 CHAIR POWELL-PALM: Nate.

5 MEMBER LEWIS: I'm trying to
6 assemble my thoughts on the topic. The issue
7 of definitions really resonates with me Kyla,
8 and thanks for kind of honing in on that.
9 Processing aids and ingredients are defined
10 terms, well ingredients are, processing aids
11 are, but ingredients, one of the challenges of
12 the organic standards.

13 But I think the importance of being
14 true to those, the way we use those and have
15 historically used those not just relate to the
16 national list but to how certifiers do
17 calculations and label determinations every day
18 on various processed products. And so if we
19 were to suggest that something that wasn't a
20 processing aid should live on the national
21 list, the implications aren't just for the
22 other things that might go on the national

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1 list, but there's implications that extend to
2 how products are calculated, how labels are
3 assigned and I think we really just need to,
4 whether it's you know, I understand it can be
5 frustrating that if we can't use the national
6 list as a tool to address certain concerns that
7 folks may have, we do need to kind of respect
8 the precedent there.

9 So I want to just acknowledge that
10 that is a frustration, and I can see how that
11 would make folks want to use the national list
12 as a tool. But I think it kind of goes back to
13 the, if you're only tool is a hammer, then
14 every problem looks like a nail issue. And so
15 we don't have a home for these types of
16 materials. That's unfortunate.

17 And so where I tend to go with
18 things like that is, what do we have in the
19 standard. And I want to sort of make sure we
20 don't forget that 205.272 requires every
21 producer, every handler to have a system plan
22 that prevents contamination of the products

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1 that they manufacture. And it's the
2 certifier's job to verify that those plans are
3 in place.

4 So ion exchange resins are overseen
5 by FDA. There's really, you know there's a
6 public list of things that are allowed as ion
7 exchange resins. There's pretty strict and
8 comprehensive testing requirements to ensure
9 that there isn't leaching of these resins. We
10 can argue about whether we trust the FDA's
11 approach or not, but they are the scientists
12 there and those things will continue to govern
13 these materials whether they're on the national
14 list or not if they're in contact with any
15 food, organic or non.

16 So I just want to make sure folks
17 are kind of thinking within that context and
18 perhaps we kind of extend the conversation to
19 how do we support certifiers in their
20 assessments of contamination prevention plans.
21 We have a really good system for supporting
22 certifiers in verifying buffer zones on farms

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1 through residue sampling and I would like to
2 see the board spend some time looking at how we
3 can support certifiers of handlers and having
4 some additional tools for verifying those
5 prevention -- those contamination prevention
6 plans in a facility.

7 And I'd like to see kind of a
8 testing 2.0 element added to our work agenda,
9 maybe perhaps within the context of a global
10 supply chain. But there's a number of
11 processes going on in a handling facility that
12 have the potential to contaminate products.
13 Operations are obligated to prevent that.
14 Certifiers are obligated to ensure those
15 prevention plans are adequate, and I think a
16 testing component could support those
17 endeavors.

18 So I think for me, you know, I'm
19 intending on voting in support of option 1
20 because I don't believe they belong on the
21 national list. I do recognize the concerns
22 elevated around contamination and I believe the

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1 way to address those is through the existing
2 regulations and some additional guidance around
3 what tools would be effective in supporting
4 certifiers verifying handlers are doing their
5 obligation of preventing that contamination.

6 MEMBER CALDWELL: Thanks, Kyla. I
7 really appreciate the work that Handling
8 Subcommittee does on this and as I've mentioned
9 before, it's like a whole new world to me. So
10 I defer really strongly to your
11 recommendations, but I do have a couple
12 questions.

13 One is that it seems to be that the
14 classification of material is a little bit
15 ambiguous. There doesn't seem to be universal
16 agreement as to what it is from what I'm
17 getting here. So I'm not you know, I'm not
18 totally convinced by the fact, well it doesn't
19 have a place on the list because it's defined
20 thusly. But what I wanted to ask in particular
21 was, when I read through the ion exchange
22 process, it seemed to me there are actually

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1 sort of three classes of materials that are
2 involved. And one is the resin backbone, and
3 the second one which is part of the resin
4 system is the, basically, these ions that are
5 impregnated into the resin that then serve as
6 the exchange sites. And then the third
7 material is the recharge materials.

8 And so with the proposal the way it
9 is, those first two groups, both the backbone
10 materials and whatever cad ions are affixed to
11 them would not be reviewed at all. And I guess
12 I'm wondering -- and it sounds like from some
13 of the stakeholder comments, that there are
14 actually not very many of these materials.
15 It's a pretty -- maybe -- I saw the number 15
16 total for the, both the combinations of
17 backbones and these ions. So it seems like
18 it's not a huge lift to sunset them and review
19 them every five years.

20 And I'm just wondering, what is the
21 -- since there is concern amongst our
22 stakeholder community, segments of them -- what

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1 would be the resistance of just doing that for
2 those 15 or finite number that I guess -- and
3 I'm going to maybe anticipate your answer --
4 they would have to go through a position
5 process, right? And there would have to be
6 some kind of allowance for continuation of
7 what's in use through that. But anyways, what
8 would be the resistance of having those
9 reviewed in the sunset process, sort of
10 regardless of their status, you know, as a type
11 of material?

12 MEMBER SMITH: I think there's more
13 than 15. I saw that number to, but I think I
14 also saw like 30. So I think mostly the
15 resistance from me anyway is because it sets
16 bad precedent and then the potential gets
17 opened up for other things to be petitioned
18 that don't have a home on the national list
19 because they don't meet our definitions.

20 And so it's putting bad on top of
21 bad and it just is bad precedent.

22 MEMBER JOHNSON: Thank you so much

1 for all of your work on this, Kyla. Your
2 presentation was really clear.

3 And I also appreciated your
4 question, Brian because it's the one that I've
5 been sitting with. I think Kyla's answer is
6 spot on and is what leads me to continue to
7 support the proposal.

8 I think at the end of the day these
9 resins are more like equipment than a
10 processing aid or something else that ends up
11 in the product. And if we start to go down
12 that road, what else are we going to start to
13 feel the need to scrutinize. It becomes, I
14 think, an overwhelming and impractical
15 direction to go very quickly.

16 Saying that, I still recognize that
17 you know, we have concerns about plastic, we
18 have concerns about PFAS, all of these
19 materials and this like, track record of, oh
20 this is fine and safe. Oh, oops, it wasn't and
21 now we have some sort of chemical contamination
22 problem. So I'm sitting with that.

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1 But under the regulatory framework
2 that we have, I think the proposal that we've
3 put forward is the most, kind of, reasonable
4 and practical way to deal with this issue at
5 this time.

6 CHAIR POWELL-PALM: Nate.

7 MEMBER LEWIS: Brian, I really liked
8 your question. I think it's a good one to
9 consider which is you know, why not. You know,
10 sort of precedent and definitions aside, it is
11 a tool for evaluating materials so why not add
12 it.

13 And I think my response is that I
14 don't think the national list is structured in
15 a way that allows the board to address the
16 concerns that these materials raise to the
17 community. These -- from what I heard from
18 public comment the concerns are primarily
19 around degradation of the product and its
20 unintentional entrance into the food chain, or
21 the food -- you know, the product. And whether
22 or not it's listed on the national list doesn't

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1 give us any tools to restrict that because it
2 is all about proper operation and maintenance
3 of the product that prevents that.

4 So that's again why I go back to 272
5 as the place in the rule to address the concern
6 that I heard from the community. And simply by
7 putting something on the national list, you
8 don't necessarily have that added definition to
9 enforcement. So that would be my reaction to
10 that question.

11 MEMBER SMITH: Yeah. I was going to
12 also add too, that like it's not that these
13 substances or the resins themselves are not
14 being reviewed. They are being reviewed by
15 certifiers in the context of their OFP and
16 through inspection and ensuring operators are
17 adhering to the regulations. So it's not that
18 they're not being reviewed, they're just not
19 being reviewed in the context of the national
20 list.

21 MEMBER CALDWELL: Just a quick
22 thought I had during the conversation. I was

1 trying to think of well, so I mean one of the
2 issues is that these materials are in intimate
3 contact with the product. And I was thinking,
4 well what would be another example of that.
5 And of course I'm coming from the crop world.
6 And I'm thinking about salad mix harvesters and
7 snap bean harvesters.

8 And when they go through a field,
9 they cut everything down and it goes through
10 all kinds of belts and you know, air movement
11 and everything like that, pretty intimate
12 contact. So I can see that there is potential
13 for other kinds of things that we might not
14 want to be evaluating on the national list that
15 I hadn't thought of at all before. So anyways,
16 I just wanted to share that idea.

17 CHAIR POWELL-PALM: Amy and then
18 Dilip.

19 MEMBER BRUCH: Okay. This has been
20 really great conversation. I'm a big proponent
21 of basic conditions and definitions as well. I
22 think the clarity for me happened in the term

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1 "leakage" and really understanding what that
2 term meant in this context.

3 But I did have a question. You
4 mentioned you know, option 1 points us to where
5 we need to go because of precedent. I just had
6 a quick thing to reconcile though because
7 initially this was done based on, or kind of
8 this whole work project began because the NOP
9 issued a memo to all certifiers in May of 2019
10 saying actually all these materials needed to
11 be listed on the national list.

12 So I'm just trying to reconcile our
13 you know, our vote here today in precedence
14 with what the NOP initially had communicated to
15 the program or sorry, to the community.

16 CHAIR POWELL-PALM: Just because we
17 have the program right here, I feel like we
18 should kick it to them for one second.

19 MEMBER BRUCH: Yes. Perfect.
20 That's fine too, because initially the
21 framework was different than potentially what
22 option 1 is telling us to do now, so.

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1 DR. TUCKER: Thank you for letting
2 me speak up. You know, when the community,
3 when the industry encounters new problems you
4 know, sometimes we have to you know, establish
5 new solutions and new processes to make sure
6 we're being really thoughtful about the broader
7 industry that will be impacted by any of our
8 decisions.

9 And material conflicts is a big one.
10 And so broadly, when there is a material
11 conflict and somebody says you know, well this
12 should be allowed, or this shouldn't be allowed
13 or should be on the list and certifiers
14 disagree it does come to us through a process.

15 And sometimes we say, okay,
16 "Certifier A" yeah, you made a mistake. You've
17 got to change your mind because you made a
18 mistake. And sometimes it becomes a bit of an
19 irreconcilable difference. I think at some
20 point we thought we could answer these
21 questions. So this came in, and a team looked
22 at it and said, okay we think that yeah. We

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1 think they should be on the national list. And
2 we issued that. That's what you're referring
3 to. And man, did we get the letters flying.

4 That happened three times. There
5 were three times where there was a material
6 conflict, we made a decision in the program, we
7 put it out there, and immediately we got a , oh
8 my God, you can't do that. This is more
9 complicated than you think it is.

10 So we responded with a new process,
11 which actually has led to today. You are the
12 new process. And so I think that initial
13 charge that we gave was based on our best
14 assessment at the time. Whatever you determine
15 as a board is what where we're going to end up
16 because we probably weren't -- we have changed
17 the process so that we have a greater sense of
18 humility in putting out decisions related to
19 materials.

20 And we got some pretty clear letters
21 in saying, arguing the opposite side. So no
22 one's view is complete, right?

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1 MEMBER BRUCH: Sure. No, that's
2 helpful. I was just trying to reconcile
3 because the initial decision from the program
4 said that these substances, all substances
5 essentially, needed to be on the list including
6 the materials we're talking about today. So I
7 was just trying to understand that initial
8 thought process.

9 I'm clear about the current process,
10 but I'm just trying to reconcile them.

11 DR. TUCKER: Kyla's hand's up, so.

12 MEMBER BRUCH: Thank you.

13 MEMBER SMITH: Yeah. I'm just like
14 looking at the notice to certifiers here that
15 Amy's referring to. And my read on it is that
16 they were equating the entire filtration
17 process to things that were already on -- other
18 filter needs that were on the national list and
19 looking at the whole system. And I think that
20 the community reacted because it's not that
21 simple and they were able to provide more
22 justification to say, you have to look at the

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1 component parts and put the recharge materials
2 on and --

3 Anyway, I think the original
4 assessment was based on the whole and then now
5 we're breaking it apart.

6 DR. TUCKER: And can I just say, I
7 really appreciate how much this board has
8 engaged in this complexity. And honestly, it's
9 a little -- there's so many complicated
10 problems. And I feel, frankly, a little
11 relieved that this has been as hard as it is
12 because honestly, when we had to pull that back
13 up and then I thought, oh my God, I'm a new
14 deputy administrator and here I am pulling back
15 memos already.

16 And to have actually, the validation
17 that this isn't as simple as we probably
18 thought it was and it was right to set up a new
19 complicated process. That takes time. So
20 actually I've been really pleased with how --
21 although it's long and complicated -- how this
22 has worked. So thank you, again.

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1 CHAIR POWELL-PALM: Dilip.

2 MEMBER NANDWANI: Kyla, you may have
3 answered, probably I missed it. Just to
4 clarify, is there any list of resins so far
5 available? I don't know, you mentioned it. Is
6 it like 15 or 30? So do we have a list of
7 resins being used? And any review on those
8 particular resins included in the TR or any
9 elsewhere the information is available, their
10 effects on, whether on plants, and all that?
11 Thank you.

12 MEMBER SMITH: So the list of resins
13 can be found in, and what's recommended in the
14 proposal, is that they be listed either on the
15 inventory of effective food contact substances
16 notification database, or the inventory of food
17 contact substances listed at 21-CFR. So those
18 are the reference points.

19 The TR didn't look at the resins
20 individually, but looked at them more you know,
21 as a class.

22 MEMBER NANDWANI: Okay. Thank you.

1 CHAIR POWELL-PALM: Franklin.

2 MEMBER QUARCOO: Yes. I have a
3 similar question, maybe a follow-up to what
4 Dilip said. What are the tools available to
5 certifiers and inspectors to carry out proper
6 oversight. For example, how many times should
7 you use this column, what flow rate,
8 temperature. What are the factors that lead to
9 more leaching, for example? Is there a certain
10 number of times when, after if you use this
11 product, best practice is that you change the
12 column materials and column sample?

13 So what are the tools available to
14 an inspector to do the oversight? Basically
15 everything is being moved to that side instead
16 of the regulation side. So what are the tools
17 available to the person actually interfacing
18 with the firm and making a decision so they can
19 tell these things are being followed? So
20 that's my main question. Because we're talking
21 about leaching.

22 Also, what amount? Is it 1ppm of

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1 leached material? All those values, you know,
2 I would like to see more information on what
3 are the effects of people exposed to that. Is
4 there a lot of work on that?

5 MEMBER SMITH: I would just say that
6 you know, the context of the OSP, an operator
7 you know, would be describing how, you know,
8 their GMPs, their good manufacturing processes,
9 and following and adhering to those.

10 And the FDA is ultimately the
11 regulatory authority like, over these, right?
12 It's a food safety issue. And so if an
13 operator is using these systems, they're going
14 to need to be -- that's the authority, right?
15 And it would be similar to like any other type
16 of equipment, like tubing or, I don't know, any
17 other type of food contact substances that are
18 overseen by the FDA.

19 But in an operator's organic system
20 plan it would cover information like that to
21 indicate when they would be needing to change
22 out the columns. PCO doesn't certify any

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1 operations that use ion exchange so I can't
2 speak specifically from experience on exact
3 type of information that are held within OSPs,
4 but I would imagine they're following you know,
5 user manuals and the like.

6 MEMBER QUARCOO: So you think that
7 certifiers currently have that information and
8 tools to adequately --

9 MEMBER SMITH: Yeah. I mean, and I
10 do --

11 CHAIR POWELL-PALM: Can I jump in as
12 an inspector real quick?

13 MEMBER SMITH: Yeah. I was just
14 going to say like, I do know that within
15 inspection reports, like the -- it's common for
16 inspectors to be evaluating that operations has
17 passed like their food safety protocols and
18 that they're you know, getting sort of passing
19 grades in regards to food safety. So I don't
20 know if you want to add anything.

21 CHAIR POWELL-PALM: Yeah. A couple
22 things. I'll try to keep this all linear. One

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1 comment that was made a few times was this idea
2 that these materials aren't being reviewed.
3 And I think it sort of shows a greater
4 misunderstanding of how we operate as an
5 industry. And that misunderstanding is the
6 role that the certifier plays.

7 And the certifier spends so much
8 human capital, money, resources, researching,
9 and managing this standard that Nate keeps
10 citing of, we have to prevent contamination and
11 comingling. And because there's a really broad
12 world of food contact substances, and I think
13 of you know, the tote bag that holds my own
14 wheat. Not something that's going to be
15 listed, but something that the point, and the
16 coolest thing about this industry is a human
17 goes and looks, is that tote bag falling apart
18 into the wheat, and is that an example of it's
19 time to be changed out.

20 And so when we think about going
21 through -- bingo -- when we think about going
22 through the ability for the certifier and

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1 certification industry to manage all of these
2 complex issues, a big component is trusting the
3 certifier as evidenced by the fact that for 30
4 years they have built this infrastructure in
5 partnership with inspectors and their own
6 material review teams to make sure that they
7 have evidence that we don't have contamination.

8 So as an inspector, when we go on
9 site we're going to be looking for a few
10 things. And this brought me back to that word,
11 "leaching." Leaching, as we heard, refers to
12 when the resin is no longer effective. So if
13 we're trying to pull arsenic out of a material,
14 it shows that the arsenic isn't getting pulled
15 out. That's the leaching. It's not that we're
16 testing for or seeing evidence that the actual
17 resin is breaking down.

18 And so as an inspector, we would be
19 looking at those certificates of analysis, and
20 they wouldn't be selling that because they
21 wouldn't be passing those certificates of
22 analysis. And so when thinking about how does

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1 the on the ground work get done, it really is
2 quite simple that we're looking for all of
3 these different food tests to come back clean
4 showing that the ion exchange is working.

5 And that then we can say, as an
6 inspector, could you show me the manufacturer's
7 protocol for this material in as much as how
8 long does the manufacturer recommend that it be
9 used before being changed out. And then ask
10 the producer, how old is this? How long has it
11 been here? And we can then raise a red flag
12 saying, this material seems a little dated as
13 evidenced by two things. One, it's beyond the
14 life of what the manufacturer recommended, but
15 two, it's not doing its job anymore.

16 And so that human factor is what
17 makes this industry so darn cool. There's
18 someone actually checking to make sure the
19 story that's being told stacks up.

20 MEMBER QUARCOO: I have a response
21 to that if you don't mind. So what was just
22 defined as leaching is what I thought was

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1 defined as "leaking" in the report. That it's
2 no longer able to pull out what -- so the
3 leaching, according what I read was when the
4 resins starts getting into the -- unless I read
5 it wrong. So that's one clarification that I
6 need on that.

7 The other aspect of it is, are we
8 saying that -- okay. I was thinking the whole
9 onus was going to be on the certifier, the
10 inspector. But hearing what you just said it
11 appears as if it's just now, okay, let's go
12 with the FDA. And I have no problem going
13 according to what the FDA says. So is that the
14 oversight? This is FDA approved and that's --
15 I just want to understand that it's not the
16 certifier or the inspector that has to at least
17 make sure that these FDA guidelines are being
18 followed, best practices. So I still think the
19 inspector or certifier has a key role to play
20 in option 1.

21 That is the strong point of option
22 1, is that the things that option 2 and 3 were

1 worried about were going to be looked at by the
2 inspector who interfaces with the producer and
3 makes sure guidelines are followed. Unless I'm
4 getting it wrong.

5 MEMBER SMITH: So yeah. You're
6 correct in your terms. Leakage I think, is the
7 term that you were talking about, not leaching.
8 Leaching I do think is like the potential
9 theoretical potential for the resin to you
10 know, leach plastic, like other types of
11 plastic that we talk about. Leakage is what
12 Nate was describing, so you are correct.

13 I think it's both in regards to the
14 oversight, right? So obviously the FDA has
15 oversight of food contact substances. It's a
16 food safety issue, right? The organic
17 certifier and inspector, as Nate described, is
18 looking at an operation's compliance with FDA
19 as well as further compliance to ensure
20 contamination prevention. So Nate's correct in
21 that like, those are the extra questions that
22 would get asked on an inspection. You know,

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1 are you following the user manual? The user
2 manual says whatever, you're not following
3 that. Like, what's going on here? So that is
4 the further questioning that would happen. So
5 it's both.

6 CHAIR POWELL-PALM: Allison.

7 MEMBER JOHNSON: Thank you. Thanks
8 for those questions, Franklin. I find some
9 theme stands out from every meeting and this
10 one is, we need to be really careful with our
11 words. And this a particularly acute example.
12 So thank you, Kyla for the parsing of "leakage"
13 versus "leaching."

14 The questions that we included to
15 stakeholders were there in part because I did
16 feel concerned about a leaching risk. So some
17 risk of material exposure from these resins
18 that are not associated with the proper
19 functioning of an ion exchange contraption,
20 operation.

21 And I feel convinced from public
22 comments that there isn't anything we can do --

1 I'm worried about unknowns, and it's really
2 hard to check for unknowns. We could test for
3 something, but we wouldn't even know what we
4 would be looking for. So I did feel comforted
5 by Gwendolyn's comment -- I don't know if she's
6 still here -- but her kind of very detailed
7 explanation about the proper working of columns
8 and that if there were some you know, tangible
9 problem with column you would start to see
10 those impacts in leakage. So the improper
11 functioning of the equipment before you would
12 start to see like a worse breakdown. So that
13 gives me some comfort.

14 It doesn't address the unknown
15 unknowns piece, but I think because these
16 really do function like as equipment, and
17 that's a concern for a much wider range of
18 materials that are part of our food processing
19 system. I'm comfortable being uncomfortable
20 with that at this point.

21 But I would hope if someone did find
22 evidence that you know, a particular resin is a

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1 problem or we're learning more, that people
2 would bring us that information and we could
3 address it.

4 MEMBER SMITH: And I would just say
5 too that I think OMRI also spoke to that as
6 well, which I did quote in my opening here.
7 That this you know, the potential like leaching
8 is like a potentiality and not a guaranteed and
9 it's very low risk based on those EDI numbers.

10 CHAIR POWELL-PALM: Mindee, go
11 ahead.

12 VICE CHAIR JEFFERY: Thank you.
13 When I was little, my parents only bought salt
14 and sugar because we lived close enough to both
15 my grandparent's farms that they mostly could
16 grow and can everything themselves. And that's
17 what I want for organic. I want the local,
18 whole food nutrition for everybody that's
19 certified organic because it's good for
20 politics, but that we'd all get to stay home in
21 our whole food food system, but we don't live
22 there.

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1 And so for me, when I face the
2 customer who wants raw, organic coconut water
3 shipped over from Thailand, I have to think
4 about the compromise of the best path in the
5 given reality. And so for me, looking at all
6 of the steps that have been taken to understand
7 option 1 at this level of depth, it's the best
8 process path with the most consistent ability
9 to trace what we're doing and live in an
10 organic system that grapples with industrial
11 reality in the most transparent way it can.

12 And so, thank you so much for
13 everyone who provided so many details in the
14 weeds on this one. I'm really comfortable with
15 option 1 from that process path perspective.

16 MEMBER LEWIS: Just really quick,
17 that sugar probably went through an ion
18 exchange column.

19 CHAIR POWELL-PALM: Other questions
20 for Kyla or comments? Feeling good, everybody?
21 All right.

22 MEMBER SMITH: Let me -- so the

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1 motion to approve the recommendation that ion
2 exchange resins used in the ion exchange
3 filtration process are not required to be on
4 the national list, and that NOP provide
5 instructions to certifiers as outlined in the
6 recommendation was motioned by me and seconded
7 by Wood in subcommittee and comes to the board
8 motioned and seconded.

9 CHAIR POWELL-PALM: Motioned and
10 seconded. All right.

11 Now that we're all here, and I'm
12 grateful that we're all feeling better, we can
13 all be taking this vote in person. We're going
14 to start again with Allison in the flesh and
15 we're going to work our way around.

16 So Allison, please go ahead.

17 MEMBER JOHNSON: Yes.

18 CHAIR POWELL-PALM: Brian.

19 MEMBER CALDWELL: Yes.

20 CHAIR POWELL-PALM: Nate.

21 MEMBER LEWIS: Yes.

22 CHAIR POWELL-PALM: Dilip.

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1 MEMBER NANDWANI: Yes.

2 CHAIR POWELL-PALM: Jerry.

3 MEMBER D'AMORE: Yes.

4 CHAIR POWELL-PALM: Kyla.

5 MEMBER SMITH: Yep.

6 CHAIR POWELL-PALM: Amy.

7 MEMBER BRUCH: Yes.

8 CHAIR POWELL-PALM: Mindee.

9 VICE CHAIR JEFFERY: Yes.

10 CHAIR POWELL-PALM: Kim.

11 MEMBER HUSEMAN: Yes.

12 CHAIR POWELL-PALM: Franklin.

13 MEMBER QUARCOO: I abstain.

14 CHAIR POWELL-PALM: Wood.

15 MEMBER TURNER: Yes.

16 CHAIR POWELL-PALM: Logan.

17 MEMBER PETREY: Yes.

18 CHAIR POWELL-PALM: Carolyn.

19 MEMBER DIMITRI: No.

20 CHAIR POWELL-PALM: Javier, absent.

21 And the chair votes yes.

22 MEMBER BRUCH: All right. The

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1 motion passes. We had 12 yes, 1 no, 1 abstain,
2 1 absent, zero recusals.

3 CHAIR POWELL-PALM: All right.
4 Thank you, folks. And thank you, Kyla.

5 MEMBER BRUCH: Yeah. Great work,
6 Kyla.

7 CHAIR POWELL-PALM: That was a lift.

8 All right. We're going to proceed
9 with the rest of handling.

10 MEMBER SMITH: I forgot.

11 CHAIR POWELL-PALM: I know. I feel
12 like we all just need to take a walk.

13 MEMBER SMITH: Okay. So moving into
14 the 2025 handling sunsets, we will start with
15 calcium carbonate which is listed at
16 205.605(a)(6)(m) non-synthetic allowed. And
17 this is Kim's material.

18 MEMBER HUSEMAN: Thank you, Kyla.
19 Okay. So calcium carbonate as Kyla mentioned
20 where it's listed. It has a wide array of
21 uses. It's used as a dietary supplement, an
22 antacid, dough conditioner, acidity regulator

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1 in wines, food stabilizer, anti-caking agent,
2 gelling agent, the list tends to go on and on
3 this particular material.

4 From the discussion standpoint, when
5 it was reviewed in the fall of 2018 there was a
6 significant amount of approval for relisting
7 this material noting it's essentiality to
8 organic production with the absence of a lot of
9 -- of a viable option.

10 Through public comment, I would say
11 that that same sentiment resonates. There
12 were, I'd say about a dozen different
13 commenters, all of which did support re-
14 listing. Noting more specific usages such as
15 adjustment to pH, being utilized in the
16 manufacturing of oat milk, soy-based cheeses,
17 and also as a stabilizer, anti-caking, and then
18 use in another arena for cleaning mixing
19 equipment.

20 There was one commentor that asked
21 for more specification for its use, to list out
22 all of these different options of how it's

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1 being used and not let it be as wide open as it
2 seems to be. It does seem that calcium
3 carbonate though, has not -- it just has a
4 significant amount of uses. And as a non-
5 synthetic is relatively benign.

6 So that being said, I'll open it
7 back up for any questions.

8 CHAIR POWELL-PALM: Questions for
9 Kim? All right. Back to you, Kyla.

10 MEMBER SMITH: Okay. Moving on,
11 next up is flavors. Flavors. Flavors are
12 listed at 205.605(a)(12). Non-synthetic
13 flavors may be used when organic flavors are
14 not commercially available. All flavors must
15 be derived from organic or non-synthetic
16 sources only and must be produced using
17 synthetic solvents and carrier systems or any
18 artificial preservative. And this material is
19 Logans.

20 MEMBER PETREY: Thank you, Kyla.

21 Yes, flavor is very extensive. It's
22 pretty broad. A lot of materials in that. In

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1 2014, OTA submitted a petition for -- that is
2 looking more to really get organic flavors,
3 organically made into the industry. And so
4 they added the annotation that, similar to the
5 seed that we have for organic flavors that are
6 commercially available, for those to be used.

7 That was passed in 2018 and the rule
8 making was in 2019. They also mentioned in
9 their comments that they were looking for --
10 they're going to be putting a survey out
11 hopefully this summer, before the fall meeting
12 so that we'll have it to see what the progress
13 has been in the industry and how many more
14 organic flavors have come on board and how that
15 whole process is working.

16 And so the use of natural flavors,
17 is typically used in very small amounts in
18 products. Natural flavors are widely used in
19 baking goods, dairy products, jams, jellies,
20 snack foods, juice products, and many other
21 foods. The significant function of natural
22 flavors must be flavor rather than nutrition.

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1 The manufacturing of these is very
2 extensive because there's a lot of different
3 products. So you're looking at cold-pressing,
4 steam, distillation, solvent extractions
5 because you've got distillates, extracts,
6 essential oils, so a lot of different materials
7 there.

8 At the international acceptance, it
9 is internationally used. These are very
10 important materials for a lot of products. The
11 annotation change was finalized in 2019.
12 Again, we'll see what that looks like. I'm
13 kind of excited to see how the use for organics
14 has increased.

15 And we asked three questions to our
16 commentors or stakeholders. We had 14
17 commentors on this material. All were in
18 support of it. All said that if we were to
19 take the synthetic away, that it would
20 completely disrupt the supply chain of these
21 products, so.

22 And then number three I thought was

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1 interesting, are there flavors currently used
2 in organic products that cannot be produced
3 organically, including any of these examples.
4 Like something from beavers, musk oil, musk
5 deer. These are crazy foods, okay. But
6 anyway, they -- liquid smoke. I've used that
7 one.

8 Anyway, so a lot of these products
9 are not going to be able to be listed as
10 organic because they're not covered underneath
11 you know, the NOP regulations or non-
12 agricultural. So we are always going to have
13 that. And so that kind of opens up to if we
14 ever get into, or we have commercially
15 availability for organic, we can you know,
16 break that up and then put certain types, and
17 get more specific on flavors.

18 You know, certain things that will
19 be listed as a synthetic list. So maybe with
20 time, this can progress. But right now we need
21 to -- it's stated that it needs to be re-listed
22 as is. Otherwise there's a lot of disruption

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1 in the marketplace.

2 But are there any comments or any
3 questions?

4 Yes Jerry? I'm sorry - Nate.

5 CHAIR POWELL-PALM: All good.

6 MEMBER PETREY: I don't want your
7 job, I promise.

8 CHAIR POWELL-PALM: Jerry, please go
9 ahead.

10 MEMBER PETREY: For the record.

11 MEMBER D'AMORE: In reading through
12 that material and listening to what you just
13 said, it brings me to one other thing that I
14 ran into on an earlier sunset which was colors.
15 And even when you have adequate supply, a
16 seemingly adequate supply of natural
17 ingredients, and I'll take blueberries because
18 I know them best.

19 The issue of batching and mixing
20 becomes complicated just because you have
21 blueberries here and blueberries there. And
22 say, oh good, I've got 100 pounds of

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1 blueberries. Well this 50 pounds and that 50
2 pounds don't play well together in terms of
3 varieties and other characteristics. It's a
4 tough nut as far as what I'm concerned with
5 what you're doing.

6 MEMBER PETREY: Thank you. Also it
7 seems like the progress that we make and the
8 growth that we get in organics seems to outpace
9 the availability of these organic products. So
10 we may always see that. But as long as there
11 is -- you know, one thing that we always want
12 to have for organic flavors is that we want
13 that marketplace to be important and we want it
14 to grow just like the seeds.

15 And you know, so I think it is
16 important to have that annotation to push
17 people in that direction, but we don't want to
18 slow the organic industry down, you know, and
19 captivate it. So that's a great point.

20 CHAIR POWELL-PALM: Kyla.

21 MEMBER SMITH: Yes. Thanks for
22 taking on this big topic, Logan. I always am

1 impressed that you raise your -- you're like, I
2 want the hard stuff. And so thanks for always
3 being willing. I know you just want to learn.
4 It's great.

5 So I was encouraged by the comments
6 that were like, we're on the right path, we're
7 moving in the right direction, and you know,
8 admittedly wanting that path to move a little
9 quicker, right? And so, I don't know that we
10 necessarily have a lot of control about that,
11 but I also was encouraged by Gwendolyn's
12 comments that we can continue to like peel back
13 the onion and try to get at more information,
14 whether that be through the you know, re-
15 engaging with the flavor's task force or to try
16 to get more narrow in the scope.

17 And I just did also want to remind
18 us here that we are talking about a non-
19 synthetic on the national list. These are
20 natural flavors and they're not synthetic.

21 MEMBER PETREY: Thank you, Kyla.
22 You are right. I didn't mention the synthetic

1 part, so I apologize for that but yeah. Thank
2 you.

3 CHAIR POWELL-PALM: Other questions
4 or comments for Logan? All right.

5 Thank you, Logan.

6 MEMBER SMITH: Okay. Moving in to
7 gums. I'm going to read all the gums in and
8 then we're going to talk about them as a class.

9 Is that okay, Andrea can you advance
10 the slides? Okay. Perfect.

11 Okay. So we are at 205.605(a), till
12 at non-synthetics, 13. Gellan gum (high-acyl
13 form only). We're also going to talk about
14 205.605, now we're moving into synthetics,
15 (b) (37), Xanthan gum. And now moving into 606,
16 205.606(j) gums, water extracted only (Arabic,
17 Gar, Locust bean, and Carob bean). 205.606(r)
18 tamarind seed gum. And 205.606(s) tragacanth
19 gum. And this is Carolyn, the gum queen.

20 MEMBER DIMITRI: I was going to
21 bring gum for everyone, but I thought, couldn't
22 find the organic kind.

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1 Thank you for saving me from having
2 to, aside from flavors, thank you for reading
3 those seven gums into the record.

4 So overall, gums are used to
5 thicken, gel, stabilize products. And as Kyla
6 pointed out, some are synthetic, and some are
7 non-synthetic. And they aren't one for one
8 substitutes. So each gum has a slightly
9 different property. And in general, I think
10 there is this concern -- you know, there's a
11 growth in micro-biome research which I still
12 think is in the very early stages.

13 And there is a body of research that
14 is looking at these types of food additives,
15 they're impact on the micro-biome. And I think
16 all I can say from having looked at it is it's
17 just in the very early stages and people can't
18 say anything definitive.

19 So I'll start with xanthan gum. So
20 I will talk about them sort of separately and
21 together. So xanthan gum is the most widely
22 used gum and it's a really important component

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1 for gluten free products. And so some of the
2 reviewers wondered why xanthan was -- I forget
3 -- xanthan is synthetic, and gellan is non-
4 synthetic so there was this argument that they
5 are produced by the same type of fermentation
6 process, and a few commenters asked for making
7 that more consistent.

8 Let's see, what else do I have to
9 say here? I know I have a lot of notes on
10 xanthan gum here. Okay. Generally there was
11 mostly support for relisting this project but a
12 few commentors questioned whether gums are
13 actually essential for handling. And one
14 commentor suggested de-listing it. And another
15 commentor said they currently don't use the
16 product, but they want to be able to use it in
17 the future in case a new product innovation
18 makes it necessary.

19 Okay. So gellan gum is, there's
20 like low to moderate use of this. Again, the
21 question is whether this should be synthetic.
22 This one there was concern about whether GM use

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1 was part of the manufacturing process. And
2 there are currently no organic versions.

3 Tamarind seed is not used at all,
4 but it was just recently added to the list.
5 And the reason for adding it to the list was
6 that if it could be -- if the supply of it in
7 an organic version became available, maybe it
8 would replace the use of some of the other
9 gums. And so, still one commentor said not to
10 relist it because it's not essential. But I
11 guess I would argue, it hasn't been around long
12 enough for people to really incorporate it into
13 their processes.

14 And then for the Arabic, guar,
15 locust bean, and carob bean gums. They're not
16 really widely used. The Arabic gum is an
17 ingredient in natural flavors. So there was
18 really no opposition to relisting but some
19 commentors suggested that we separate the gums
20 into different categories. And then there were
21 like mixed comments about organic availability.
22 Some people said yes, it's available. Some

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1 people said it's not.

2 And then for Tragacanth gum, that is
3 not widely used and someone -- one of the
4 commentators argued that we could add an
5 adaptation for the specific use of it.

6 That is all of the facts that I
7 learned about gums from the comments. So I'm
8 open to any questions and I hope Kyla will help
9 me answer them.

10 CHAIR POWELL-PALM: Nate, please go
11 ahead.

12 MEMBER LEWIS: I think the gums are
13 a good sort of exercise in looking at
14 essentiality. Because it's pretty clear that
15 gums of various natures are necessary to
16 prevent say, chalky mouth feel in different
17 products. But then the question is, is it
18 essential that there's the ability to prevent
19 chalky mouth feel in organic products?

20 So it's a nuanced element of that
21 same kind of question, but I think it's just an
22 interesting way to do the exercise about

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1 essentiality within the things that are in the
2 national list.

3 CHAIR POWELL-PALM: Any other
4 questions or comments for Carolyn?

5 Amy, please go ahead.

6 MEMBER BRUCH: Yeah, Carolyn. Thank
7 you for that review of gums. I just had a
8 question. There was one in particular towards
9 the end, you said some of our stakeholders say
10 this gum is commercially available organically
11 and some do not. Can we get any deeper insight
12 into that? Is it a regional thing? Is it just
13 a quantity thing? Or why would there be
14 disparity in that response?

15 MEMBER DIMITRI: That's a good
16 question, Amy. I don't know. I guess I can
17 look through the comments again and report back
18 to you. Like, that did not pop out at me at my
19 review.

20 MEMBER BRUCH: Okay. Yeah. I think
21 just to me, it just points to the need for more
22 transparency in this you know, commercially

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1 available arena for producers to understand
2 what's an option.

3 Thank you, Carolyn.

4 MEMBER PETREY: Thank you.

5 CHAIR POWELL-PALM: Any other
6 questions or comments?

7 All right. Thank you, Carolyn.

8 MEMBER SMITH: We are moving to
9 oxygen, 205.605, non-synthetics allowed at
10 (a) (21), oxygen, oil-free grades, and this is
11 Wood.

12 MEMBER TURNER: Thanks. Oxygen is
13 used in modified atmosphere packaging,
14 processing of olives, and by wineries,
15 breweries, and manufacturers of carbonated
16 beverages. It's an odorless, tasteless gas.
17 Thank you, oxygen.

18 It helps to maintain color and
19 prevent pallor in food. It can help prevent
20 spoilage in products that are higher in sugar
21 and water. Very strong support for this
22 material obviously, for a variety of reasons,

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1 but we see it across the board, certifiers,
2 producers, non-profits, and the like. So there
3 were no negative comments on oxygen.

4 I will say it again, similar to
5 comments during crops, and we've heard it
6 already this morning, is that getting specific,
7 thinking about specificity of use in these
8 materials, there is a clear interest from at
9 least one organization in the community to lean
10 into that question as we move forward. But
11 that was the only caveat in otherwise positive
12 comments.

13 MEMBER SMITH: Thanks, Wood.

14 Moving to potassium chloride.

15 MEMBER TURNER: I assume there are
16 no questions about oxygen?

17 MEMBER SMITH: Oh, sorry.

18 CHAIR POWELL-PALM: I'm concerned
19 that there are no --

20 Jerry.

21 MEMBER D'AMORE: Let me just make a
22 comment to support this exchange here.

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1 In some industries, it's absolutely
2 indispensable for, as Wood reported, for a
3 controlled environment processes of being able
4 to store fruit. And taking again, blueberries
5 as an example, to be able to move, to harvest
6 and then hold product for somewhere between
7 four and six weeks longer than you would
8 otherwise, takes you from a market perhaps glut
9 to a market of more value.

10 So in the industries that I'm
11 involved in, it can be a game changer.

12 MEMBER TURNER: Yeah, for sure. For
13 sure.

14 MEMBER D'AMORE: Thank you.

15 MEMBER TURNER: Yeah. It's just the
16 ability -- the role it plays in reducing food
17 waste and food loss and shrinkage. Similarly,
18 it has a sort of -- I was thinking about it as
19 Logan was talking about flavors as well. I
20 mean, there's a lot of opportunities here to
21 sort of you know, reduce food waste in the food
22 system so I appreciate that.

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1 MEMBER SMITH: Okay. Now we move.
2 205.605(a)(23), potassium chloride. This is
3 also Wood.

4 MEMBER TURNER: Yep. And this is
5 familiar material because we talked about it
6 during crops. Different use, different
7 discussion entirely but effectively part of
8 this pending TR that we have, where we ask for
9 specific examples of organic alternatives to
10 potassium chloride.

11 A little different from the feedback
12 in the crops setting. All the feedback for
13 handling uses of potassium chloride have been
14 positive among the community. It's used as a
15 flavor enhancer, flavoring agent, and does
16 effect -- does improve taste, texture, and
17 shelf life of food products. It's mainly used
18 to provide potassium enrichment in foods and is
19 a means of reducing salt content in foods.

20 Like I said, certifiers, users of
21 the material, advocacy organizations all were
22 strongly in support of this materials. So any

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1 discussion?

2 CHAIR POWELL-PALM: Questions or
3 comments? All right.

4 Thank you, Wood.

5 MEMBER TURNER: Thanks.

6 MEMBER SMITH: Okay. 205.605(b)(3),
7 Alginates. And this is Dilip.

8 MEMBER NANDWANI: Thanks Kyla. Good
9 morning. So Alginates, 205.605 (b) synthetics
10 allowed. Subcommittee review that uses --
11 alginates are used in food production and
12 handling as an emulsifier or emulsifying solid,
13 firming agent, flavor enhancer.

14 But the use of -- thanks, Michelle --
15 - the use of alginates is not limited to only
16 foods. Industrial use alginates to improve the
17 performance of products such as paper coating,
18 textiles, aerosol air freshener, gels and
19 ceramics. There are also utilized in a variety
20 of ways in the medical field. I'll not go into
21 those details.

22 Manufacture part, alginates are

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1 synthetic derivatives of brown seaweed, and
2 they are produced from algae. And they are
3 usually extracted from the cell walls of brown
4 algae, the seaweed. Their extraction process,
5 it renders alginates as synthetic.

6 International acceptance in the
7 Canadian General Standard Board, it is listed
8 as permitted in three forms, alginic acid,
9 potassium alginate, and sodium alginate. In
10 IFOM, International Federation of Organic
11 Agriculture Movement norms it is listed as
12 sodium alginate and as 401 alginate, 402, INS
13 as approved additives.

14 Environmental issues, seaweed
15 cultivations is largely considered to be an
16 eco-friendly form of agriculture due to the
17 lack of added inputs for virility and minimal
18 changes in physical landscape and potential for
19 bioremediation of polluted of nutrient rich
20 waters.

21 We are not aware of any evidence
22 that the harvesting practices for brown seaweed

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1 are damaging to local ecosystems. Discussion
2 part, alginates were added to the national list
3 in 2022 and have been renewed at each sunset
4 review.

5 Subcommittee received comments from
6 12 stakeholders and public comments from the
7 previous sunset review demonstrated a continued
8 need and relisting for this material.

9 One comment was that listing should
10 be broken down by species. They were concerned
11 that some rarer species may be overharvested by
12 others maybe for use. Another stakeholder
13 commented that alginic acid like seaweed and
14 fish oil should be reviewed within the product
15 context of marrying materials.

16 Additionally, the board was asked to
17 consider the addition of an annotation related
18 to harvest restrictions and risk based testing
19 for toxic materials using a decision tree to
20 identify harvesting areas where testing would
21 need to be or formed. The subcommittee
22 discussions entered on the current forms of

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1 alginate that are being used in organic
2 production.

3 Questions we asked to stakeholders
4 was, what forms of alginate are currently being
5 used in organic production. And we got public
6 comments stating that given the growing
7 interest in plant based meat alternatives,
8 sodium alginate would be of particular interest
9 of relisting. That's all I have for alginates.
10 Questions?

11 CHAIR POWELL-PALM: Questions for
12 Dilip? Franklin, please go ahead.

13 MEMBER QUARCOO: Thanks for that
14 report. I see some environmental impacts that
15 were stated for alginates for seaweed farming
16 including depletion of nutrients in coastal
17 waters and effects on factor planting and the
18 rest.

19 Then I see a suggestion that in
20 order to deal with some of the environmental
21 impact, to move focus on sustainability wild
22 harvest techniques. Yet, the seaweed is also

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1 being used for bioremediation. So if it's
2 being used for bioremediation and then we are
3 doing sustainable harvesting of wild seaweed,
4 how does that impact food safety? Especially
5 when the things that are being bioremediated
6 are things that we don't want in our food and
7 environment anyway. So that's the question
8 that I have.

9 MEMBER NANDWANI: Okay. That's a
10 good question. I would say, so the primary
11 impact on environmental, it say's it's
12 ecofriendly and environmental friendly.
13 However, it doesn't state that, what you
14 described, it comes under secondary
15 environmental impact of seaweed farming,
16 depletion of nutrients, and as you just
17 mentioned that.

18 Given these challenges of managing
19 this non-native seaweed population, some
20 researchers claim that it is preferable to
21 focus on sustainable wild harvest techniques
22 with regard to mitigating environmental impact.

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1 That's per the report.

2 I think we have in the TR. So
3 that's all I can share at this point. I
4 believe that answered your question.

5 MEMBER QUARCOO: It answers part of
6 it. I'm just looking at if we are using it for
7 bioremediation, when it's taking things out of
8 the environment that we don't want in the
9 environment, is that what we want to use and
10 process? I know that if I hear an answer like
11 the processing takes that out, then I'll feel
12 better. But if we are using something for
13 bioremediation -- if the answer for
14 environmental impact of seaweed farming is to
15 use wild, and the wild is -- that's what the
16 plants do, you pollute the environment is
17 bioremediating, is that what we want to use to
18 do this?

19 If I hear somebody say, okay, the
20 processing is done in such a way that yes, it
21 doesn't come back to impact the consumer then
22 I'll feel better. That's my question.

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1 CHAIR POWELL-PALM: Definitely point
2 taken. Anyone want to respond to the question?

3 MEMBER CALDWELL: Yeah. Thanks
4 Franklin, that was a really interesting point.
5 And I just assumed, when Dilip was talking that
6 the bioremediation would be just nutrient
7 loading and that would be a good thing to take
8 that out. But if it's other types of pollution
9 and maybe they're mixed in with extra
10 nutrients, you make a very good point. Do we
11 want to necessarily eating that? So thank you.

12 CHAIR POWELL-PALM: Jerry.

13 MEMBER D'AMORE: Yeah, I have a bit
14 of a history with that in my first year. And
15 the thing that struck me then and I think now
16 is that the entire industry is sort of young,
17 and sort of an opportunistic, and there seems
18 to be a lot of things that could be done
19 without a whole lot of work. Like moving the
20 crop out a little bit and into areas that --
21 where they don't draw our impurities from the
22 water.

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1 The one that we looked at earlier
2 was, it does have some significant benefits
3 against erosion, for instance. So, but I can't
4 be any more specific to your question either.
5 Thank you.

6 CHAIR POWELL-PALM: Other questions
7 or comments? All right.

8 MEMBER NANDWANI: Thank you. Thank
9 you for your comments and questions. I have
10 made notes of these and will definitely look
11 into that in future when we work on this
12 material.

13 CHAIR POWELL-PALM: And if it's all
14 right, Dilip, let's all go ahead and take a
15 break for 15 and then we'll come back with your
16 second material. So we'll be back in 15
17 minutes.

18 (Whereupon, the above-entitled
19 matter went off the record at 11:17 a.m. and
20 resumed at 11:33 a.m.)

21 CHAIR POWELL-PALM: All right.
22 We'll get started.

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1 Please go ahead, Dilip.

2 MEMBER NANDWANI: Okay.

3 MEMBER SMITH: One second. Let me
4 read the --

5 MEMBER NANDWANI: Please.

6 MEMBER SMITH: Read it. Okay.
7 205.605(b) (8) calcium hydroxide and again, this
8 is Dilip.

9 MEMBER NANDWANI: Thanks Kyla. This
10 should be straightforward. Calcium hydroxide,
11 205.605(b) is synthetics allowed, is used in
12 food processing as a pH buffer, neutralizing
13 agent, and firming agent processing. Also used
14 in making calcium acid phosphate.

15 So we do have new TR, I think it
16 just came a few weeks ago, I checked with
17 Gerard, that gives a little more information on
18 manufacturing side, the new techniques for the
19 manufacture of calcium hydroxide and that
20 continue to develop.

21 International acceptance in Canadian
22 Journal Standard Board, it is listed in organic

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1 production systems as permitted substances.
2 List as lime. In IFOAM, it is listed as
3 hydrated lime for the application on arial
4 plant parts only.

5 A very good discussion part during
6 the previous sunset review. Public comments
7 submitted by organic manufacturers, trade
8 associations, material suppliers, and
9 certifiers detail calcium hydroxide uses and
10 necessity in the processing.

11 Majority of public comments, I think
12 we received 11 comments, and the majority of
13 comments supported relisting of calcium
14 hydroxide. One commentor suggested that the
15 list be clarifying which uses of calcium
16 hydroxide are permitted, specifically if
17 calcium hydroxide can be used as a firming
18 agent. Additional commentors stated that they
19 use calcium hydroxide in infant formula.

20 One question we asked to
21 stakeholders, is calcium hydroxide essential
22 for organic food production. And I think,

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1 yeah, the second question also was that, since
2 the material was last reviewed have additional
3 commercially available alternatives emerged.

4 So we did receive 11 comments all in
5 favor of relisting of calcium hydroxide but not
6 much response received on the question we
7 asked. A couple of commentors said that they
8 are not aware of any commercially available
9 alternatives available. So that's all I have
10 for calcium hydroxide. Thank you. Any
11 questions?

12 Yes. Nate.

13 MEMBER LEWIS: Again, just from a
14 data set of one, during the pandemic we had a
15 lot of time on our hands, so we started -- we
16 grew some heirloom corn and nixtamalized it
17 ourselves to make tortillas and compared
18 calcium hydroxide nixtamalization process with
19 the more traditional wood ash process.

20 And I can tell you that it is
21 essential for a good tortilla to use calcium
22 hydroxide. We didn't have very good luck with

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1 the wood ash in the mixed nixtamalization.

2 MEMBER NANDWANI: Thanks Nate.

3 CHAIR POWELL-PALM: Other questions
4 for Dilip?

5 Go ahead, Franklin.

6 MEMBER QUARCOO: I take note of all
7 the things it does and especially the fact that
8 there are no alternatives. I was a little, not
9 a little, I was worried about the, the report
10 itself says that it makes expansive
11 environmental impact, loss of habitat. And if
12 you have effects of pollution of the
13 environment during the mining process. So
14 report says there are no alternatives. Does
15 anybody have any information whether there are
16 other things coming down the line that are less
17 impactful when it comes to the environment?

18 MEMBER NANDWANI: Not that I am
19 aware of. I don't know, anybody else on the
20 board is aware of.

21 MEMBER SMITH: No. There are no
22 other -- there are no current petitions before

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1 the board that would be an alternative to this
2 material.

3 CHAIR POWELL-PALM: All right.
4 Thank you, Dilip.

5 MEMBER NANDWANI: Thank you.

6 MEMBER SMITH: Okey doke. We are
7 moving to 205.605(b)(14) ethylene, allowed for
8 post-harvest ripening of tropical fruit and de-
9 greening of citrus. And this is also Logan.

10 MEMBER PETREY: Thanks Kyla.
11 Synthetic. Sorry. Got that one right this
12 time. Yeah. Ethylene is used in the post-
13 harvest ripening of tropical fruit and de-
14 greening of citrus. It is produced naturally
15 by fruits, but it's not been commercialized.
16 The amount that is used in algaculture is
17 miniscule compared to the bulk of ethylene that
18 is produced worldwide.

19 The manufacturing of this is,
20 through cracking, through thermal methods,
21 through also dehydration of ethanol. The
22 international acceptance is pretty wide. It's

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1 used for again, the ripening of tropical fruit,
2 the de-greening of citrus. There's also the
3 use of sprouting potatoes post-harvest and for
4 the onions as well. It's also listed here, the
5 flower induction of pineapple, which we have
6 that in our crop section.

7 As far as the environmental issues,
8 it's more related to the manufacturing and the
9 petroleum use. But ethylene itself it's
10 considered not to harm the environment or
11 organisms since the substance is not present in
12 quantities or concentrations that could cause
13 long-term harmful effects on the environment or
14 biodiversity.

15 As far as human health, the main
16 concern is because it is explosive in nature
17 but it's highly regulated through labeling and
18 registration requirements beyond the risk of
19 harm due to explosive accident, over exposure
20 could cause headaches or drowsiness. And so
21 following the label is -- if following the
22 label, there is no harm.

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1 Let's see, during our discussions,
2 the question of you know, whether alternatives
3 are available, the alternative I guess would be
4 just to let things ripen naturally. And that
5 has been brought up and brought up by
6 commentors, however -- and also the statement
7 is that it's not essential to produce the crop,
8 but rather is employed for economic reasons.

9 It may not be essential for the
10 fruit to ripen with it, but it is essential to
11 sustain the supply chain to operate. I think
12 that whenever it came up, the sunset on the
13 flowering for pineapples, the presence of
14 farmers that really relied on it for their
15 business to sustain I think really set the
16 precedent that sometimes you know, these things
17 are needed for the business to be maintained.

18 Other alternatives, there was a
19 mention of using smoke, but that resulted in
20 decaying of product and low quality of product.
21 We asked what types of organic tropical fruits
22 are currently being ripened. The list was

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1 bananas, mangos, avocados, and papaya.

2 Are there any questions?

3 CHAIR POWELL-PALM: Jerry, please go
4 ahead.

5 MEMBER D'AMORE: No questions, just
6 some supporting testimony. The banana industry
7 as we know it today would not exist without it.
8 Banana's are harvested absolutely dead green in
9 the tropics, shipped dead green over weeks,
10 usually brought all the way into retail
11 distribution centers and gassed there with the
12 ethylene.

13 We wouldn't have a chance of a good
14 banana where we live without it.

15 MEMBER PETREY: Thank you, Jerry.

16 MEMBER D'AMORE: Certainly.

17 MEMBER TUNER: I agree with Jerry.
18 I'm fully supportive of the material. I just
19 wanted to acknowledge that in the context of
20 our conversations about climate smart
21 agriculture, this is just a great example for
22 all of our reference of the complexity of

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1 really managing the full climate footprint of
2 the food industry, the organic industry, we're
3 looking at full scope of gas emissions
4 accounting. You know, this is a factor, this
5 is a material that's in a factor -- I don't
6 mean to call it out specifically -- but it is
7 one that sort of leads to an obvious
8 recognition from my perspective. So just a
9 note.

10 CHAIR POWELL-PALM: Amy.

11 MEMBER BRUCH: Logan, thanks for
12 your thorough review on this, both from a crops
13 perspective and also handling. I might have
14 missed this, but I see that it was petitions
15 for use with pears and it looks to be that the
16 NOSB did not recommend pairs to be added.

17 MEMBER PETREY: Yeah. I'm glad you
18 brought that up. Yeah. So in 2008 they
19 recommended not to put on, you know to have it
20 for pears. That vote was, it was eight yes,
21 five no.

22 It was petitions for that you know,

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1 but in the testimony, it found out that in the
2 industry that people were able to get rid of
3 all of their pears so there wasn't necessarily,
4 it wasn't make or break for the industry like
5 some of these tropical, you know, some of these
6 tropical fruits are. It seemed to be more of
7 just that economic boost that people were
8 looking for. And so it concluded on the board
9 that it was not necessary or essential for the
10 business, unlike what bananas would be.

11 MEMBER BURCH: Thank you.

12 CHAIR POWELL-PALM: Other questions
13 or comments?

14 Jerry, please go ahead.

15 MEMBER D'AMORE: Yeah. I'm not sure
16 why this doesn't get more play. But unless I'm
17 really off on my statistics, probably 80
18 percent of all the tomatoes we eat in the
19 United States has gone through this process as
20 well. If you get a red tomato without a calyx
21 on it, you probably have a gassed tomato as
22 well. Thank you.

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1 CHAIR POWELL-PALM: Any other
2 questions or comments?

3 MEMBER SMITH: I might argue that
4 that probably be wouldn't be allowed for a
5 tomato based on the current annotation as a
6 tropical -- I don't think tomato fits tropical
7 fruit, however --

8 MEMBER PETREY: It is for
9 conventional use.

10 MEMBER SMITH: Oh, it's
11 conventional.

12 MEMBER PETREY: I had growers call
13 me and ask like, why aren't tomatoes you know,
14 allowed for organics because it would make our
15 industry so much stronger. Because there's,
16 especially in the south, I think everything's
17 worse in the southeast but -- especially in the
18 southeast when you're dealing with you know,
19 all the rains and the issues you know, getting
20 that fruit that close to ripe because you
21 really lose a lot of that timing.

22 But no, yeah. In the conventional,

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1 it is absolutely used. That is mainstream for
2 conventional tomatoes. So I just want to sign
3 a petition and get it on, see what we can do.

4 CHAIR POWELL-PALM: Yeah. Go ahead,
5 Kim.

6 MEMBER HUSEMAN: I guess a follow-up
7 question from that is, are there, other than
8 the word "tropical," are -- is there an exact
9 list of which tropical or which fruits --

10 MEMBER PETREY: Sure. Yeah, so it's
11 not defined in the NOP, and I saw that in the
12 TR that it's actually not defined. So I don't
13 know, maybe they can branch out. But that was
14 one of the questions that we were having, and
15 the list that was put out there was bananas,
16 mangos -- I don't think it's a technical term -
17 - and so but yeah. Avocados, bananas, papaya,
18 mango, so.

19 Kyla, do you have anything on that?
20 Anything more?

21 MEMBER SMITH: No. Just that was
22 noted in the TR. We asked the question.

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1 MEMBER PETREY: Yeah.

2 MEMBER SMITH: Those were the
3 answers we got.

4 MEMBER PETREY: Tropical tomatoes,
5 so yeah.

6 CHAIR POWELL-PALM: Any other
7 questions? All right. Thank you, Logan.

8 MEMBER SMITH: Okay. Moving to
9 205.605(b)(16), glycerides, mono and di, for
10 use only in drum drying of food. This is
11 Allison.

12 MEMBER JOHNSON: Thanks, Kyla.

13 All right. Glycerides are
14 components of fats. They're used as an
15 emulsifier and a release agent in drum drying
16 processes that create flakes or powders for
17 products that might be used in snacks, soups,
18 baked chips, bakery items, cereals.

19 And I did think it was noteworthy
20 that in 1995, the NOSB had noted that the food
21 industry was trying to move away from these
22 materials, but they were particularly important

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1 for potato flake products. Glycerides are
2 prepared from fats or oils or fat-forming acids
3 that come from edible sources but go through a
4 number of chemical reactions to isolate them.

5 Canada has an equivalent listing,
6 but it doesn't appear to be listed on any other
7 international organic standards. There aren't
8 particularly significant environmental issues
9 aside from being produced from non-organic
10 agricultural sources which may involve
11 synthetic pesticide and fertilizer use.

12 A variety of other drying methods
13 can be used to create flakes, but drum drying
14 is apparently particularly effective for potato
15 flakes, although the TR does note that freeze
16 drying could be another option.

17 And there also are potential uses of
18 organic rice bran extract, organic soy
19 lecithin, or gum Arabic. But each of those
20 apparently has some sort of shortcomings. So
21 this again was a lesson in being careful with
22 our words.

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1 We wanted to find out what products
2 these glycerides are used in. Didn't specify
3 what organic products, so one commentor listed
4 many, many products that have glycerides, but I
5 don't think they were organic products. But
6 their comment did prompt me to do my own Google
7 search. And I did find two brands of organic
8 potato flakes that do list glycerides on the
9 label.

10 I did also find a couple of non-
11 organic potato products that don't. So maybe
12 it is possible to produce these products
13 without glycerides, but no one spoke to that
14 specifically in public comments.

15 We heard from a few certifiers and
16 only one noted that one operation was using
17 them. But several commentors did support
18 relisting just to keep options opened. One
19 commentor also suggested delisting because of
20 the potential alternatives that were noted in
21 the TR.

22 We didn't get any specific comments

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1 from producers about why this material and not
2 something else. But the past history around
3 potato flakes and apparent continued use in
4 potato flakes leads me to believe that there is
5 still something special about this ingredient
6 for this particular product.

7 CHAIR POWELL-PALM: Questions for
8 Allison? All right.

9 Thank you Allison.

10 MEMBER SMITH: Okay. Moving to
11 205.605(b)(19) magnesium stearate for use only
12 in agriculture products labeled made with
13 organics. Specified foods or food groups
14 prohibited in agriculture products labeled
15 organic. This is also Allison.

16 MEMBER JOHNSON: Thank you. And
17 this is another non-particularly commonly used
18 ingredient but is key for a few items. It's
19 most typically used as a binding agent in
20 supplements or an anti-caking agent in various
21 powdered products. It's typically made from
22 the hydrogenation of fatty acids that are

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1 derived from edible sources and go through
2 several chemical reactions.

3 Canada has an equivalent listing and
4 there was one little oddity, the 2018 TR said
5 that mag stearate was listed in the codex, but
6 I couldn't find the listing, so I don't know if
7 something has changed, or if that previous note
8 was in error, but it doesn't seem to be in
9 codex and no other mention of it in other
10 international organic standards.

11 Like the glycerides, environmental
12 impacts are mostly related to the raw product
13 being produced in conventional agriculture and
14 there may also be some other potential impacts
15 from the substances involved in synthesis, but
16 really just at high concentration, so it
17 shouldn't be an issue with the small quantities
18 that we're talking about here.

19 Heard from a handful of certifiers,
20 a few more folks apparently are using this.
21 One certifier noted that it's used particularly
22 as a binding agent in pharmaceutical and

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1 dietary products. And several organizations
2 stated that they don't oppose relisting it
3 particularly because it's limited to made with
4 organic products, so they felt that that was
5 less of a concern for the integrity of the
6 organic label. And one commenter just
7 generally supported relisting to keep options
8 open.

9 Any questions on this one?

10 CHAIR POWELL-PALM: Questions for
11 Allison? Seeing none.

12 Thank you, Allison.

13 MEMBER SMITH: Okay. Moving to
14 205.605(b)(23) phosphoric acid, cleaning of
15 food-contact surfaces and equipment only. This
16 is my material.

17 Phosphoric acid is, as stated in the
18 annotation is used in organic handling and
19 processing as a cleaning agent for food-contact
20 surfaces and equipment only. It's manufactured
21 using two different processes, the thermal
22 process or the wet process. It used to be, and

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1 the end use used to dictate the manufacturing
2 process however, now due to the thermal process
3 being more expensive, the wet process is most
4 exclusively being used.

5 The TR noted that it had -- was
6 relatively benign in regards to its impact on
7 the environment. As far as international
8 acceptance goes, it is similarly listed in the
9 Canadian standards but not listed in other
10 areas -- and also in IFOAM.

11 And we did ask two questions for
12 this particular use, as this is also listed on
13 the livestock list. So the first question was
14 focused on essentiality. This is widely used,
15 we got lots of comments, so it appears to be a
16 pretty important cleaner/sanitizer.

17 One commentor did specifically note
18 that since phosphoric acid acts as a de-scaler,
19 it can help remove biofilms and so the action
20 is different than other sanitizers. And so for
21 that reason, this material is the material of
22 choice in certain situations and may not

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1 necessarily be part of like a sanitizer
2 rotation.

3 The second question was aimed at
4 gathering information on a particular sector.
5 And this seems to be pretty widely used, and
6 spans across many different types of operations
7 from dairy's to processed product handlers, to
8 post-harvest handling uses. So lots of uses.

9 This substance was discussed
10 yesterday by my table-mate Amy. She did a
11 great job of summarizing all the comments.
12 Similar comments were also noted for this
13 listing as well. Most commentors seem to be in
14 favor of relisting, but as Amy indicated there
15 were lots of questions raised related to
16 consistency. So that is certifier consistency
17 as well as consistency on the listing itself
18 and the annotation itself.

19 And as I noted yesterday, I will
20 follow-up with the ACA materials with that
21 group because I know that they just discussed
22 this material to get more information to see if

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1 consensus was reached and if there's remaining
2 questions.

3 CHAIR POWELL-PALM: Questions for
4 Kyla? All right. Hearing none.

5 MEMBER SMITH: Okay. Moving to
6 205.605 (b) (24) potassium carbonate. And this
7 material is Kim's.

8 MEMBER HUSEMAN: Thank you, Kyla.

9 So potassium carbonate is listed
10 with a wide range of uses. Through the write-
11 up, we go through different potential uses that
12 potassium carbonate can be used. We did have a
13 TR; the TR has been completed and was returned
14 and found to be sufficient.

15 Through international acceptance it
16 is listed as an approved substance pretty much
17 throughout. The question that we asked for the
18 stakeholder was since reviewed, are there any
19 other substitute products that are on the
20 market or any other manufacturing processes
21 that could warrant the removal of potassium
22 carbonate.

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1 It seems that the most -- what's
2 used most for potassium carbonate is to lower
3 sodium content in products. Some up to 18
4 percent reduction of sodium. But it was also
5 mentioned in wine production, that it is a pH,
6 that it will reduce the acidity in wines. So
7 it is used in that capacity as well.

8 Of the half a dozen comments that we
9 had, there were two that asked for more
10 specification and to narrow the scope of the
11 use of potassium carbonate, wanting more
12 emphasis on -- to be used when sodium carbonate
13 is not appropriate or to reduce you know, just
14 as a reduction agent for sodium itself.

15 So I would like to hear more from
16 the community as we get ready for the fall,
17 around some of the other uses of potassium
18 carbonate, maybe more specifically in the wine
19 industry as well. That's what I've got for
20 today.

21 CHAIR POWELL-PALM: Questions for
22 Kim? All right. Hearing none.

1 MEMBER SMITH: Okay. Moving to
2 205.605(b)(35) sulfur dioxide for use only in
3 wine labeled "made with organic grapes,"
4 provided that total sulfite concentration does
5 not exceed 100 ppm. This material is Allisons.

6 MEMBER JOHNSON: And I cannot tell
7 you how much my favorite this listing is. I
8 have spent many, many, many hours talking about
9 sulfur dioxide, and organic and made with
10 organic wine.

11 So I'll just start by saying that
12 sulfur dioxide is an ancient food additive.
13 It's been used as an anti-microbial and
14 antioxidant in food and clean wine since Greek
15 and Roman times. Fortunately our wine has
16 improved quite a bit since then.

17 In wine, it's primarily used to
18 inhibit microbial growth and prevent spoilage
19 and oxidation. It can be made from elemental
20 sulfur, from mineral ores, and apparently waste
21 materials that contain sulfur. But most
22 typical is to burn sulfur to create sulfur

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1 dioxide.

2 It can be added in various forms,
3 such as pellet, liquid as sulfurous acid, and
4 as gas. And there are some notes that I'll get
5 to about different forms of, sources of SO2
6 that may be relevant here and may need some
7 more examination.

8 Wine can be made without sulfites,
9 but it typically needs to have other measures
10 in place to avoid microbial contamination, to
11 manage fermentation, and to control oxidation.
12 So they'll use things like really tight
13 temperature controlled facilities,
14 pasteurization with UV light, and stabled
15 gasses to fill the head space in the bottle.
16 And these wines typically have a shorter shelf
17 life.

18 I went into a lot of detail in the
19 sunset document about the international rules
20 for sulfur dioxide in wine because most of the
21 other international organic standards are much
22 more permissive of sulfur dioxide. They

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1 include more forms, so potassium metabisulfite,
2 potassium bisulfite. They allow higher levels,
3 and they allow organic labelling rather than
4 "made with organic".

5 And they also allow it for other
6 fruit alcohols. So things like cider and perry
7 which is interesting, as those are starting to
8 take off as bigger markets in the US.

9 Sulfites get a lot of attention
10 because about one percent of the population are
11 very sensitive to sulfites. Reactions can
12 range from mild allergic reactions to acute
13 anaphylaxis and death. So it's very sensitive
14 if you're sensitive to sulfites.

15 But unlike most chemicals that are
16 harmful to people, there's actually strong
17 regulation and oversight, and sulfites are very
18 clearly labeled on food. So if you are someone
19 who is sensitive to sulfites, you have labels
20 to protect you.

21 And I also wanted to just draw
22 attention to the impacts of the made with

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1 organic portion of the annotation and the
2 impact it may have had and continue to have in
3 the organic wine sector.

4 I can say just anecdotally from
5 working in handling certification, it's
6 extremely confusing to the wine industry, to
7 consumers.

8 Say this is a product that has all
9 organic grapes but no, you can't label it
10 organic. You say it's made with organic
11 grapes. There's a very strict way about how
12 you write that out, there's a lot of
13 interaction of TTB and the alcohol regulation
14 side. So it is a product of negotiation among
15 the community and getting comfortable with this
16 material that has some down sides and up sides.
17 But it has resulted in a very confusing
18 framework.

19 And just to note, conventional
20 production of wine grapes involves a huge
21 number of harmful pesticides and so we need to
22 weigh that trade-off as we're thinking about

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1 the impact of this material.

2 I realized my California bias was
3 showing in thinking about this material.
4 Because almost no one has clients using it
5 except for our California certifier, CCOF, who
6 has quite a few. And their comments were very
7 helpful. They have both organic and made with
8 organic producing clients. And they said that
9 they have gotten questions about other forms of
10 sulfur dioxide, so potassium metabisulfite, and
11 potassium bisulfite.

12 The -- sorry, I need to catch my
13 breath. I get all excited about SO₂, you guys.

14 SO the TR notes that potassium
15 metabisulfite is not allowed according to OMRI.
16 But apparently you can add potassium
17 metabisulfite to water and the gas, the SO₂ can
18 come off of that and that's a, maybe a grey
19 area about whether that's allowed. And they
20 also noted that they've heard anecdotally that
21 metabisulfite may be safer to use.

22 And then the TR they noted, which I

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1 appreciated, that the TR does not address
2 whether potassium bisulfate is allowed. It is
3 listed in several international regulations,
4 not specifically in the NDR's and not mentioned
5 in the TR. And they noted that they have heard
6 some EU certifiers interpret it as allowed.

7 So it looks like the actual
8 composition of SO2 is something that needs more
9 attention from us, maybe in annotation review
10 or through some other channel.

11 And several commentors supported
12 relisting. Several noted that they supported
13 relisting because of the made with organic
14 limitation, that draws a distinction around the
15 integrity of the organic label, and they were
16 more comfortable with that.

17 One commentor did note that in
18 addition to the risks around elemental sulfur
19 that we touched on yesterday, the farm market
20 risks and the inhalation risks, that using it
21 in processing also presents inhalation risks
22 for workers. But again, that the made with

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1 organic annotation gave them some comfort
2 around that.

3 We didn't hear directly from any
4 wine makers, and I was really disappointed.
5 I'd love to hear how this listing is impacting
6 the wine industry, what's changed since I was
7 kind of deep into it. There is new attention
8 around natural wines that may change how we
9 feel about this material, so I'd love for the
10 fall, if anyone has winemaker connections, to
11 hear more directly from folks who are using
12 this material or who have decided not to and
13 how that has worked out for their marketing
14 plans.

15 CHAIR POWELL-PALM: Nate and then
16 Wood.

17 MEMBER LEWIS: I may not have this
18 correct, but my understanding is that
19 biodynamic wines require the grapes to be grown
20 organically and do allow sulfites to be added.
21 So I am curious if there is any sort of kind
22 of, market access label confusion elements that

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1 might be worth discussing while we have this in
2 front of us.

3 MEMBER JOHNSON: Yeah. Thanks for
4 mentioning that, Nate. I got lost over it just
5 to not to get too deep into all of the other
6 standards. But yeah, sulfur dioxide is also
7 allowed in biodynamic lines. So I think I
8 often see biodynamic and organic marketed
9 together. So then it would be in the made with
10 organic, biodynamic camp, I guess. But yeah,
11 that's another data point under what's allowed
12 under other standards.

13 CHAIR POWELL-PALM: Wood.

14 MEMBER TURNER: Thank you, Allison.
15 Is there anything worth -- anything magical
16 about that 100 part per million threshold in
17 the listing and is that one of the issues that
18 we should maybe lean into a little bit and try
19 to understand whether there's something there?

20 MEMBER JOHNSON: That's a good
21 question. I don't think there's anything
22 magical about it. My, just like reaching back

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1 into my brain, but my understanding is that the
2 current annotation is the product of
3 negotiation. So I imagine that's how we got to
4 that number.

5 The EU has kind of most elaborate
6 rules around sulfur dioxide and that mirrors
7 how wine is regulated there generally. They
8 allow higher amounts in white wines; they can
9 be in sweet wines. Lower amounts in red. This
10 is -- hear me on my sulfur dioxide soap box,
11 but there's a lot of consumer misunderstanding
12 or misperception about sulfite use.

13 When we used to do wine tastings,
14 I'd frequently have people come to me and say
15 they drink organic wine because they're
16 sensitive to sulfites while they were drinking
17 a white, made with organic wine that had
18 sulfites.

19 So maybe the lower levels help but
20 consumer understanding of the issue and the
21 reality of production seem to have a big
22 disconnect. There are a lot of made with

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1 organic wines on the market, so that 100 ppm
2 threshold isn't keeping folks out, but I don't
3 have a great sense of whether, if we played
4 with that number, it would have a significant
5 impact. That would be another great thing to
6 hear about for the fall.

7 MEMBER TURNER: Thanks. I love the
8 nerdiness on wine. It's great.

9 CHAIR POWELL-PALM: Other questions
10 for Allison?

11 MEMBER SMITH: I don't have a
12 question; I just have a comment that I was so
13 grateful that you were on the Handling
14 Subcommittee when this material came up because
15 you have some great work. So super fortunate
16 for me.

17 CHAIR POWELL-PALM: Hear, hear.

18 MEMBER JOHNSON: And for me. Thanks
19 for letting me work on it.

20 CHAIR POWELL-PALM: All right.
21 Thank you, Allison.

22 MEMBER SMITH: Okay. Moving to

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1 205.606(g) fructooligosaccharides. I did it.
2 FOS. We will just say FOS from now on. This
3 is Jerry.

4 MEMBER D'AMORE: I'll take one run
5 at it because I practiced.
6 Fructooligosaccharides. And I'm happy to go
7 with F-O-S as well. Thank you.

8 Okay. FOS is on the national list
9 at 205.606 as a non-organically produced
10 agricultural product allowed as an ingredient
11 in and on products labelled organic. FOS is
12 incorporated into milk products, cakes,
13 biscuits, cookies, crackers, yogurt, ice cream,
14 soup, hard candy, among other foods.

15 It has two primary manufacturing
16 processes, one using inulin-derived -- called
17 inulin-derived -- from a dietary fiber found in
18 chicory or Belgian endive, Jerusalem artichoke,
19 agave, and other plants. The other one is
20 sucrose derived. Sugar cane, sugar beet,
21 extracted sugar, and fermented with
22 aspergillus.

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1 Both processes use heat and pH
2 control to speed up the enzyme reactions.
3 Specifically, adjustment of pH is accomplished
4 using hydrochloric acid, which is a strong
5 acid, and sodium hydroxide, a strong base.
6 Potassium phosphate is also used for pH
7 control. The FOS produced can then be further
8 purified through filtration or further
9 fermentation.

10 Regarding environmental issues,
11 there is no information available from EPA or
12 FDA to suggest that environmental
13 contaminations result from the manufacturer,
14 use, misuse, or disposal of short chain FOS.
15 Ancillary substances, there are no ancillary
16 substances intentionally included in FOS.

17 Discussions. During the last sunset
18 review, FOS remained at -- I don't want to get
19 into that, that's what I wanted to avoid.
20 Okay. I'm going to read it. During the last
21 sunset review, FOS remained at 205.606 by a
22 vote of 14 to 1. Most stakeholder comments

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1 were in support of the continued listing of
2 FOS. Further, there appeared to be no sources
3 of organic FOS coming out of the latest review
4 session.

5 Given the strongest opposition to
6 keeping FOS on the national list, centers
7 around the availability of organic supply. The
8 Handling Subcommittee will focus on this
9 aspect.

10 Our one question to the stakeholders
11 was, what is the current availability of
12 suitable organic supply for the manufacture of
13 FOS. The public comment process yielded not
14 much. As a matter of fact, it's the lightest
15 return on that I've seen in three and a half
16 years.

17 So there were eight respondents.
18 That doesn't minimize the value, by the way.
19 So there were eight respondents. Five
20 supported relisting, two opposed relisting,
21 with one saying that it has never been
22 necessary. The others saying that it is not an

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1 agricultural product.

2 I'll spend a little bit of time with
3 these myself. And there was also one
4 organization that is not taking a position.

5 So when I stumbled there for a
6 moment, I thought I was going to bring myself
7 into a position of having to explain the long
8 history of FOS with our program. But if you'll
9 ignore the fact that I stumbled on it, we won't
10 have to go into that. Because it really isn't
11 germane. So that's what I have.

12 CHAIR POWELL-PALM: Questions for
13 Jerry on fructooligosaccharides.

14 All right. Hearing none, back to
15 you Kyla. Thank you, Jerry.

16 MEMBER SMITH: Okay. Last material
17 here for handling, 205.606(1) lecithin de-
18 oiled. This is also Jerry.

19 MEMBER D'AMORE: Thank you. One
20 second please.

21 Lecithin de-oiled, 205.606, non-
22 organic agricultural substance allowed. The

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1 major applications for lecithin include
2 margarine, chocolates, in instantizing powder,
3 release sprays, and in baked goods. Lecithin
4 improves water absorption, increasing volume
5 and shelf life as well as improving uniformity.

6 Lecithin is extracted from soy beans
7 and other plants and is then isolated as a gum,
8 following hydration of solvent extracted soy.
9 The wet gums are then centrifuged, bleached,
10 and dried.

11 Environmental issues in the product
12 itself not much, but I'd like to read what
13 hexane plays in this. It's been asked a lot
14 historically and there is a conclusive FDA look
15 at hexane.

16 So under environmental issues,
17 hexane is used to extract crude oils in soy
18 flakes as it gives the highest yield. Hexane
19 is then separated from the soy bean oil in
20 evaporators. The evaporated hexane is
21 recovered and returned to the extraction
22 process. Hydrogen peroxide and benzol peroxide

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1 is used in the bleaching process.

2 Increase in environmental concerns
3 in using these chemicals have resulted in
4 legislation that could restrict processing
5 operations that use hexane. In 1979, which was
6 quite a while ago, a report contracted by the
7 FDA concluded that there is no evidence in
8 available information on lecithin with hydrogen
9 peroxide that demonstrates or suggests
10 reasonable grounds to suspect a hazard to the
11 public when used at levels which are now
12 currently used.

13 Regarding human health, there were
14 no acute exposure studies found for the soy
15 bean derived lecithin. Lecithin is affirmed as
16 a generally recognized as safe or GRAS with no
17 limitations then current good manufacturing
18 practices.

19 Discussion. Oh, ancillary
20 substances. Under current use as an
21 emulsifier, there are no ancillary substances
22 required for the use of lecithin. Discussion

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1 during the last sunset review the NOSB reviewed
2 12-13 to keep lecithin de-oiled in the national
3 list.

4 Stakeholder comments tended to
5 center around the availability of suitable and
6 sufficient supply of organic raw material,
7 mostly soy bean or corn. Five years ago it was
8 felt that there was not sufficient organic
9 supply.

10 The question of suitable and
11 sufficient supply of raw material, organic
12 material, was addressed by the 2022 limited
13 scope TR which was received in February of this
14 year. Although it appears to be some products
15 that are both organic and readily available, it
16 was noted that these alternatives do not result
17 in the same quality of finished product. And
18 to support that, I took something directly out
19 of our subcommittee meeting, the minutes.

20 The CR was not particularly
21 contentious. It is a limited scope TR and
22 given that we asked for was one specific

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1 question, it was deemed sufficient. We asked
2 for a look into organic alternatives to
3 lecithin and a list was provided. Some
4 products that appeared to be organic and
5 readily available, but the list was rendered
6 questionable with a broad statement of the
7 finished product can suffer with the use of
8 these organic alternatives.

9 Okay. This is one is not as light
10 in terms of current stakeholder comments for
11 this go around. At the full board meeting
12 there were about 16 total comments with the vast
13 majority being written. Half of the comments
14 were strongly in favor of relisting. One group
15 did not take a position but noted that they
16 have 12 registered users.

17 Tying in nicely with the TR that we
18 just looked at, three commentors noted that
19 there may, underlined twice, already be
20 adequate and suitable supply. Several
21 commentors were adamant that adequate and
22 suitable supply has not yet been demonstrated.

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1 And one major cooperative is not ready to
2 comment to the question of adequate supply,
3 suitable supply, which I think is the
4 overriding question, but will give an opinion
5 before the October meeting.

6 So again, focusing on perhaps
7 suitable, adequate supply. That's what I got.

8 CHAIR POWELL-PALM: Wood, please go
9 ahead, then Kim.

10 MEMBER TURNER: Jerry, can you
11 remind me, so it derives from -- the soybeans
12 are conventional soybeans that it's derived
13 from and not, not -- there's no distinction
14 between conventional versus non-GMO soybeans.
15 Can you offer any insight into that source?

16 MEMBER D'AMORE: Other than to say
17 that it can go both ways to my knowledge, and
18 no I can't go further than that. Maybe
19 somebody else though.

20 CHAIR POWELL-PALM: Kim.

21 MEMBER HUSEMAN: Yeah. I think
22 there is a comment in here about using non-GMO

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1 beans. I'd have to look back and see but there
2 is a comment if you look in the notes.

3 MEMBER TURNER: Okay. I'll look
4 again.

5 MEMBER HUSEMAN: Can I finish my --
6 oh sorry, are --

7 MEMBER BRUCH: Oh, I was just going
8 to say the comment on non-GMO soybeans or
9 organic soybeans was a potential for allergens.
10 So sorry, go ahead.

11 MEMBER HUSEMAN: So not only can
12 lecithin be produced from soybeans, but it can
13 also be produced from canola, sunflower. In
14 fact, we had a public commentor in the oral
15 comments talk about using sunflower derived
16 lecithin and the supply chain from that regard.

17 This is another revenue stream for
18 the organic oil seed industry. Shout out.
19 Okay. So I'd really like to hear some more
20 comments before the fall meeting of when we
21 talk about commercial availability you know,
22 what can be done. There's crush facilities all

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1 over the -- I say all over the US. There's
2 crush facilities very strategically placed
3 within the US.

4 Yes, can we be, as we talk about
5 climate smart there can be some logistic
6 constraints and moving products from one area
7 to another, but should that inhibit, when we
8 say, "commercially available," is it regionally
9 commercially available? Is it the incentive to
10 not strip the lecithin? What's the barrier?

11 Because I don't know if you tell me
12 the barrier is because we don't produce it, I
13 don't know if I believe that statement.

14 MEMBER D'AMORE: Well again, this
15 harkens back to a few other things that we've
16 talked about, and I'll always default to the
17 berry industry, and this one is colors as well.

18 The problem as I read it and
19 understand it is that yes, there's production
20 and yes, it's regional and yes, it doesn't mix
21 very well. You can't batch it that well. In
22 other words, getting some in Nebraska and then

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1 some on the east coast. It to me, has been
2 portrayed as mostly a logistic issue and
3 problem, and a batching problem.

4 CHAIR POWELL-PALM: Amy and then
5 Nate.

6 MEMBER BRUCH: Okay. We're ending
7 on a really good topic here in handling. I
8 have several questions for you Jerry.

9 MEMBER D'AMORE: Oh no, you've got
10 your big book out too.

11 MEMBER BRUCH: I actually do. Okay.
12 I do have a couple questions.

13 One, just to understand. You
14 mentioned in the TR, the limited scope TR that
15 you most recently got, there were questions of
16 quality on the finished product if organic
17 alternatives were used.

18 MEMBER D'AMORE: That's correct.

19 MEMBER BRUCH: Can you elaborate on
20 that first before I ask the other one?

21 MEMBER D'AMORE: Yeah. This morning
22 -- there's a list of five different things that

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1 were looked at pretty thoroughly. I don't have
2 it with me, it's up on my desk, but it's in the
3 TR. And the TR was a little bit of a tease
4 because they were going on and on and on about
5 -- giving none the sense that perhaps there is
6 a path here but then they you know,
7 systematically tore that apart by looking to
8 quality of the end product.

9 MEMBER BRUCH: Okay. I think
10 seeking to understand that piece is really
11 important, but I appreciated Kim's comments
12 about just -- and it fits in line, we've had
13 this common theme about market expansion. This
14 is a perfect, perfect example here of
15 connecting the pieces.

16 We have -- I actually need a home
17 for some of my crops right now, my organic
18 crops. I can grow organic soybeans, I have
19 actually tested on my farm, organic canola.
20 I'd love to produce that. If you look at the
21 latitude of where that crop is produced, I'm
22 right in line with that. Bringing that

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1 production domestically would be amazing.

2 As well as sunflowers. I've grown
3 those as well organically. That's -- we can
4 bring those home. I want to make a comment.
5 There was an indication that there was previous
6 potential supply chain issues with organic
7 sunflowers in the Ukraine but maybe
8 availability is better now.

9 If we look at the timing of the war
10 that occurred over there, that was February of
11 last year. Producers had the inputs in Ukraine
12 to actually produce the crop. The ports were
13 the challenge. This year will be a potentially
14 different story in the Ukraine.

15 My brother in law used to farm there
16 and I have some friends that farm over there
17 currently that are Ukrainian. They're saying
18 they can't get inputs. There's a problem. The
19 bottleneck now for production in the Ukraine is
20 inputs.

21 So I think we all need to be on our
22 toes in an organic community about just, when

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1 we are looking globally to source these
2 products, you know we might have a lag of
3 understanding if they're actually going to be
4 available. So I think again, availability
5 might be in question for international sources
6 of the base material.

7 And then secondarily, the market
8 expansion. This just dovetails in perfectly
9 what we need to expand the rotational crops
10 that we are able to grow in this country and
11 then meet these markets. So that's kind of a
12 couple things that I'd like to add.

13 MEMBER D'AMORE: Amy, could you
14 define market expansion for me in the context
15 of what you just said?

16 MEMBER BRUCH: When I say, "market
17 expansion" I am just referencing the organic
18 transition initiative which is part of the
19 administration's overall growth and transition
20 to organic success. And so what's looked at,
21 the crops that Jenny mentioned in her opening,
22 what's looked at or kind of the main focus is

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1 grains, it's rotational crops, and it's
2 legumes.

3 And if we look what is needed to
4 make this product happen organically, those
5 base materials. We mentioned sunflowers are
6 kind of --

7 MEMBER D'AMORE: Yep.

8 MEMBER BRUCH: That would be a great
9 rotational crop because it's different than the
10 demanding nitrogen consuming crops. It does
11 nitrogen, but it doesn't need as much as corn,
12 it doesn't need as much as wheat. So it really
13 compliments our rotational program great.

14 MEMBER D'AMORE: Good. Thank you
15 very much. What you did was bring me back in
16 line with your thinking which is what I asked
17 for. Which is that there is a supply source
18 right now that is not organic, and you can fill
19 that immediately.

20 I default always to the end product
21 and the pull for the raw material. So I
22 appreciate that, and I understand it and I

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1 agree with you.

2 MEMBER BRUCH: Well thank you. I
3 think it's the chicken and the egg. We'd love
4 to grow these crops; we need a market.

5 MEMBER D'AMORE: Okay.

6 MEMBER BRUCH: And then the market
7 needs to understand that farmers can grow these
8 crops and the cycle of the needs are a little
9 bit different with our production, you know.
10 At least in the Midwest. We're a little
11 different than Logan down there that can grow
12 whatever whenever. But we have one opportunity
13 --

14 MEMBER PETREY: Still need the
15 market.

16 MEMBER BRUCH: What did you say?

17 MEMBER PETREY: Still need the
18 market.

19 MEMBER BRUCH: Yeah, exactly. We
20 still need the market. We have kind of one
21 time a year to grow certain crops in the
22 Midwest. And we just need to, I just -- I mean

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1 I love this program because it isn't rocket
2 science. We just need to break things down in
3 these very simple components and have some
4 conversations. And we can solve so many
5 challenges and these barriers that are not
6 insurmountable. We can figure this out.

7 CHAIR POWELL-PALM: Nate and then
8 Ryan and then Carolyn.

9 MEMBER LEWIS: Yeah. I just want to
10 make sure that we leave the record clear that a
11 non-organic lecithin would still have the non-
12 GMO requirement that's applied to all organic
13 foods. So.

14 CHAIR POWELL-PALM: Thank you.
15 Brian.

16 MEMBER CALDWELL: Thanks Jerry.
17 This is a good topic to end on. Pretty
18 interesting stuff.

19 I have two questions. And the first
20 one was about the lower quality that -- when
21 you first said it I thought it was because of
22 different sort of feed stocks were being used.

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1 But is the lower quality that you were talking
2 about just simply because they're organic?

3 MEMBER D'AMORE: The lower quality
4 is the root material.

5 MEMBER CALDWELL: Oh, okay. Yeah,
6 that makes -- I was surprised. Yeah. That
7 makes sense. And I totally agree with Amy
8 about, we need those markets for those
9 rotational crops. It's a huge piece of the
10 whole puzzle.

11 The second question is about hexane
12 though. And maybe this has been beaten to
13 death in the past, and I'm sure I'm going to
14 show my ignorance of handling here, but for
15 instance, in the flavors discussion I was sort
16 of under the impression that hexane would not
17 be able to be used to extract those materials.
18 And I'm wondering if for instance soybean oil
19 allowed to be used from soybeans that are
20 extracted with hexane? Because hexane's pretty
21 nasty stuff. So, beyond harsh I would have to
22 say, so.

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1 MEMBER D'AMORE: I can't help with
2 the comparison between the two. I'm going on
3 the TR and quite a bit of history over a couple
4 of sunsets. So I can't comment to the colors.
5 Sorry.

6 MEMBER CALDWELL: Well I would love
7 to hear from some of the other handling folks -
8 -

9 MEMBER D'AMORE: Flavors. Beg your
10 pardon.

11 MEMBER CALDWELL: Is hexane allowed
12 to be used as an extracting agent for other
13 approved materials, listed materials? Because
14 I don't know, I just thought it was like an
15 automatic no-no, but I guess I was wrong.

16 CHAIR POWELL-PALM: Let's go Allison
17 then Kim.

18 MEMBER JOHNSON: I believe
19 everything on 606 is subject to the big three
20 scrutiny's of non-GMO, non-irradiated, no
21 sewage sludge. You need an affidavit verifying
22 that. But then beyond that, if it's not in the

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1 annotation, I don't think there's any
2 limitation on how it's produced. So that's
3 where we need to weigh what we think is okay.

4 MEMBER CALDWELL: Yeah.

5 MEMBER JOHNSON: It would be
6 interesting to know if there is an alternative.
7 Like if we could get to the point where we have
8 organic lecithin, it would have to be produced
9 without hexane. So is there a process, and can
10 we head in that direction?

11 MEMBER CALDWELL: That's perfect,
12 Allison. That would be my follow-up too.
13 That's great. Thank you.

14 MEMBER HUSEMAN: And that might
15 actually speak to the difference in quality is
16 because when you use a hexane extraction
17 process it's a very consistent product. When
18 you use an expeller/extruder process you can
19 have more variation. So you have to be willing
20 to take a little bit more of that variation
21 from that process of production.

22 But yes, it is specific to a non-GMO

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1 seed. That's where the difference ends between
2 conventional production and the approved used
3 for this. Is you can -- the manufacturing
4 process is still the same.

5 CHAIR POWELL-PALM: Logan.

6 MEMBER PETREY: Just to reference
7 back on the flavors. Just in the annotation,
8 it's a non-synthetic allowed. Non-synthetic
9 flavors may be used when organic flavors are
10 not commercially available. All flavors must
11 be derived from organic or non-synthetic
12 sources only and must not be produced using
13 synthetic solvents and carriers or artificial
14 preservatives.

15 CHAIR POWELL-PALM: Franklin.

16 MEMBER QUARCOO: Yeah. I had the
17 same question about hexane. Normally, my guess
18 is that there are other organic solvents.
19 Maybe the availability, maybe different cost
20 implications. I know that sometimes those
21 things come into play. But I'm also concerned
22 about the use of hexane.

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1 CHAIR POWELL-PALM: Carolyn.

2 MEMBER DIMITRI: This is not about
3 hexane. I wanted to follow up on Amy's comment
4 about being able and willing to grow organic
5 canola on your farm if you had a market. So
6 like, we use the phrase, "market development"
7 kind of casually and so like, specifically what
8 would you need to actually grow sunflowers or
9 grow canola's? Like can you operationalize
10 like, what that would look like?

11 So assuming maybe some of this
12 market development money could actually be used
13 in a way that's helpful for producers.

14 CHAIR POWELL-PALM: Amy then Jerry.

15 MEMBER BRUCH: Yeah.

16 CHAIR POWELL-PALM: Go ahead.

17 MEMBER D'AMORE: Thank you. I
18 asked, perhaps you even noticed me retreating
19 from the question that you're asking now, and I
20 appreciate that you are asking it. The answer
21 that I got is one that I understand from the
22 prospective of the grower which is that there's

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1 a market here. There is a current market.
2 That current market is being supplied by a
3 current input of materials.

4 Market development to me, and this
5 is where I didn't want to go, is to have
6 something on the far side that says, boy we
7 need a lot more lecithin. Not that we need,
8 you know, not that we need to replace the
9 current supply, the current stock supply. So
10 that's what I got out of it. Sorry for the
11 interruption. You're welcome to answer.

12 CHAIR POWELL-PALM: No worries.
13 I'll hand it to Amy to answer that question
14 from Carolyn, and then Nate.

15 MEMBER BRUCH: Yeah. Carolyn, I
16 appreciate the question. You know, from my
17 perspective, I just need a commitment on the
18 market. These are crops that I really have
19 investigated the ability to bring this
20 production back home. Because I do study how,
21 just kind of the transportation that's
22 happening behind the scenes of organic

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1 commodities, organic oil seeds, organic grains.
2 And just note that I could reduce the carbon
3 footprint if I could grow these products on my
4 fields. I'd be closer to where they're being
5 you know, consumed and taking out the
6 logistical components.

7 For instance, a lot of organic
8 canola is produced in Argentina and there's
9 processing facilities in North Carolina. I
10 think I could at least reduce that carbon
11 footprint if I could bring those home. And I
12 could grow them tomorrow if I had the seed, if
13 I had the market commitment, and then the
14 commitment from our risk management agency that
15 yes, these are appropriate crops for your
16 region and will at least put a safety net. If
17 the wheels come off the bus with a major crop
18 storm like hail, at least we'd be able to get
19 whole to be able to farm the following year.

20 So I need a risk management
21 component. I need a market component, and the
22 rest you know, us farmers can take care of.

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1 MEMBER DIMITRI: Great. Thank you.

2 CHAIR POWELL-PALM: Nate and then
3 Franklin.

4 MEMBER LEWIS: Just to add to the
5 you know, back to the rule, 606 does have the
6 commercial availability requirement. And this
7 sort of relates a little bit back to our
8 discussion yesterday on seed and the board
9 recommendation that gave a little more teeth to
10 the commercial availability seed requirement to
11 try to give certifiers some more teeth in
12 enforcing that commercial availability. And I
13 think that is a potential way that we can push
14 the industry towards seeking this and
15 developing these markets with a little more
16 urgency. So just sort of offering that
17 reminder of the structure within which 606
18 exists.

19 CHAIR POWELL-PALM: Franklin.

20 MEMBER QUARCOO: Yeah. I just
21 realized, right after my last comment the I may
22 have miscommunicated something. When I said

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1 "organic solvent" I was defining it from the
2 perspective of chemistry, not organic. And so
3 when I said there are other organic solvents,
4 I'm still basically talking synthetic. So I
5 wanted to be very clear.

6 CHAIR POWELL-PALM: Thank you.

7 MEMBER QUARCOO: Because of the
8 community I'm talking to. So like I said, I'm
9 sure there other organic solvents. Not organic
10 as here.

11 CHAIR POWELL-PALM: Yes.

12 MEMBER QUARCOO: But it will be an
13 issue of solvency and cost and other things
14 that may make the producers not want to use it,
15 but I'm still concerned about hexane.

16 CHAIR POWELL-PALM: Noted for the
17 record. Thank you.

18 Kyla.

19 MEMBER SMITH: Yeah. I just wanted
20 to read from the TR. I don't know if this is
21 helpful or not. But it says, "Though the
22 hexane and acetone extractions both involve the

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1 use of chemicals, the removal of these solvents
2 through subsequent evaporation meets the
3 requirements of a non-synthetic extract
4 described by the NOP guidance 5033,
5 classification of materials." I just wanted to
6 put that on the record.

7 CHAIR POWELL-PALM: Amy.

8 MEMBER BRUCH: Yeah. Kyla, one
9 question with that. You said it does qualify
10 for the removal. I'm wondering, through
11 testing would trace hexane be noted in the
12 finished product.

13 MEMBER SMITH: Don't know. Good
14 question.

15 MEMBER BRUCH: What?

16 MEMBER SMTIH: I said I don't know.
17 It's a good question.

18 MEMBER BRUCH: Okay. I'd like to
19 have that answered by industry please. Thank
20 you.

21 CHAIR POWELL-PALM: Homework for the
22 crowd. Other questions for Jerry? All right.

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1 Fun one to end on.

2 Back to you Kyla.

3 MEMBER SMITH: Thank you. That
4 concludes handling, you all. We did it!

5 CHAIR POWELL-PALM: All right.
6 We're going to -- we don't have any deferred
7 votes. So we're going to go over into the NOSB
8 work agenda/Materials update. Scroll through
9 that. I'm not going to read it out loud,
10 unlike Sacramento. So take a gander as --

11 Michelle, do you want to scroll
12 through?

13 MEMBER BRUCH: Could we highlight
14 some of the work agenda items, especially for
15 CACS?

16 CHAIR POWELL-PALM: Sure. Go ahead.

17 MEMBER BRUCH: I think some people.
18 Well no, you can just read them if you want,
19 but I think some people were just coming back
20 from lunch when I made the announcement. I
21 like to make sure that's clear.

22 CHAIR POWELL-PALM: Yeah. So on

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1 CACS we're going to be continuing with the
2 oversight improvements to deter fraud,
3 consistent location identification,
4 opportunities in organic support for
5 transitioning producers, oversight improvement
6 to deter fraud modernization of organic,
7 increasing the minimum reporting requirements.

8 Enforcement residue testing for
9 global supply chain. And that's what we wanted
10 to emphasize there I think. Organic and
11 climate smart agriculture, climate induced
12 farming risk of crop insurance, and then
13 organic and climate smart, what and why
14 organic.

15 Thank you, Michelle. That's the
16 list.

17 MS. ARSENAULT: I've left a couple
18 on here with question marks because I was
19 uncertain what we'll bring to the fall meeting.
20 Just so people know why it says, vote.

21 MEMBER SMITH: Yeah. Those three
22 petitions at the top there, magnesium

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1 carbonate, magnesium carbonate hydroxide, and
2 rye pollen extracts, we're waiting for TRs on
3 all of them. So it will likely depend on when
4 we get the TR and whether or not we'll go to a
5 discussion document or a proposal.

6 And then all those beautiful 29
7 sunsets.

8 MEMBER DIMITRI: Jerry, I want to
9 know if you used Google pronounce to pronounce
10 that very complex word that you had a lot of
11 flair with.

12 MEMBER D'AMORE: I guess before I
13 answer that, I'll ask you, should I have?

14 MEMBER DIMITRI: You're really
15 asking the wrong person.

16 MEMBER D'AMORE: I don't know. I
17 took a look at it and said, I need to master
18 this. And I went somewhere, and had it
19 whispered in my ear, and I thought I had it
20 right. So -- but I became a big fan of FOS in
21 any case.

22 CHAIR POWELL-PALM: And as a

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1 reminder for Michelle that all of this gets
2 posted on the website. So take your pictures
3 but if you didn't get it, it's going to be up
4 there.

5 All righty. Other business. We had
6 a request from a few advocacy groups that they
7 may not have heard us in the fall, for why we
8 meet when we meet. So I want everyone to take
9 a picture of this slide and send it to your
10 farmers when they ask why do we meet. And it's
11 not a conspiracy to keep farmers out of the
12 room.

13 And so a big shout-out to Michelle
14 again on this slide, in the spring meeting last
15 year, we heard from farmers that it's a
16 frustrating time of year to meet. And I will
17 just say that I agree. I am not planting my
18 fields right now. I should be. I wish I was.
19 But I am here. And so for those farmers who
20 are frustrated giving three minutes of Zoom
21 comments and then rushing out to their fields,
22 I envy you.

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1 But the reason that we don't meet
2 other times of the year, or the reason that
3 there's a -- it's a tricky schedule trying to
4 have it continually moving around -- are shown
5 on the slide as we went through the year. So
6 as you can see in January, we start our new
7 members on January 24th. And so if we met
8 earlier in January, we would technically be
9 landing before our new members start, which is
10 sort of a funky way to bring on and onboard new
11 folks.

12 We have some federal holidays. We
13 are competing with other meetings that I would
14 say a lot of people really love to go to and we
15 don't want to be the party crashers for those
16 meetings. So like the ACA training, the
17 EcoFarm event, winter travel for all those
18 farmers who escape to Florida for a minute.
19 All of those things we heard, and we were
20 thinking, remember we have to have a six-month
21 delay between meetings to keep them even. And
22 so if we meet in January and then January

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1 doesn't work, that corresponding six-month fall
2 meeting would also be out.

3 So as we look to July. We've got
4 Fourth of July. We've got a lot of vacations.
5 We want to try to land on meetings where
6 everybody can come and if we're picking really
7 hard to travel months, or months where people
8 are trying to get away, it's not going to be
9 good for anybody.

10 And so none of these are great for
11 everybody, and we really acknowledge that. But
12 as we look through, and as you kind of parse
13 through this slide, there are solid reasons for
14 why the other months of the year were just less
15 good than April and October. And so I had a
16 lot of hope that we could meet in January and
17 July because I'm doing nothing in January and
18 I'm really doing nothing in July, so that would
19 be great for me, and then there's reasons that
20 that doesn't work out.

21 So again, thank you Michelle for
22 putting this together and thank you to the

1 whole board. Because the whole board went
2 through it, we were pulled, we tried to figure
3 out for our communities, representing our
4 communities, what is the best time. And we
5 ended up rounding back to April and October are
6 the only best fits. Not great fits, but
7 they're the best for the options that we have
8 before us.

9 Jerry.

10 MEMBER D'AMORE: That was a great 1-
11 2-3 rendition of what we came up with, but I'd
12 still like to do an additional shout out to
13 Mindee and Michelle and tell you that I as
14 somebody without a dog in the hunt, I'm at the
15 point where I'm not -- I really can make things
16 meet. That the thing that was, it sounds very
17 simple, but it was so obvious is that we'd
18 caucus, we'd talk, we'd get one day and say,
19 God, that really works.

20 And then you know, and you said
21 this, then you move it up for six months. You
22 say, oh come on. That's -- it's right in the

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1 middle of the fiscal year of the US Government.

2 CHAIR POWELL-PALM: Exactly.

3 MEMBER D'AMORE: So I guess the only
4 thing I'd like to add to it again, as somebody
5 who didn't do any heavy lifting, is I watched a
6 whole lot of heavy lifting and if anybody
7 doesn't believe that this was given as good a
8 shot as we can possibly give, I'll give you my
9 phone number. Thank you.

10 CHAIR POWELL-PALM: We appreciate
11 that very much.

12 Any questions from the board?

13 Kyla, please go ahead.

14 MEMBER SMITH: I don't have any
15 questions, but I just wanted to say that we
16 also are listening and heard suggestions
17 offered that might get at the continued desire
18 for access, right? So there was the suggestion
19 of a winter listening session, we you know,
20 there's -- so keep those solutions coming.

21 Because we certainly you know, just
22 because we can't make a different timing of the

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1 meeting work doesn't mean we don't want to hear
2 from our stakeholders. And so let's figure out
3 how we get there. And so we certainly are
4 going to have more discussions around that as a
5 board and if there are other suggestions, like
6 please send me an email. I'd like to hear
7 them.

8 CHAIR POWELL-PALM: Hear, hear.

9 Yeah, Jerry.

10 MEMBER D'AMORE: Sort of
11 anecdotally, if you want to have a visual that
12 we're confronted with is that I think for most
13 of the session this morning we out numbered the
14 audience. So when we look over there, we know
15 we've got a problem too.

16 So that's to yours, Kyla. And we
17 are seeking and listening to what might be
18 potential solutions. Thank you.

19 CHAIR POWELL-PALM: And I do want to
20 give a shout out to groups who have invited us
21 to meet with them and to discuss their
22 concerns, their pain points. We meet twice a

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1 year, but we have the rest of the year to also
2 discuss things. And so please don't hesitate
3 to reach out to anybody on the board about any
4 topic because we're eager for the input. As I
5 said, bring your best and brightest ideas. And
6 whenever you can give them to us, we'll take
7 them.

8 Any other questions or ideas on this
9 topic? All right.

10 Thank you Michelle.

11 We're going to do a few things, so
12 close your marks, the slide will be up there.

13 Yeah, go ahead Mindee.

14 So we wanted to go around, we heard
15 a lot about -- coming out of the pandemic, we
16 went just out of pure necessity to a virtual
17 meeting format because we had to. And as we
18 experienced that, I think we had five meetings
19 fully virtual. And then we started figuring
20 out what are lessons learned from that
21 experience?

22 And I want to go around the room and

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1 get everyone's feelings on this. But for me I
2 noticed a really pleasant result of the virtual
3 experience, was folks got time to process what
4 everyone was saying in public comments. There
5 was space between when they needed to make the
6 very hard decision for how they're going to
7 vote and hearing everything. They had time to
8 digest, process, communicate, talk to their
9 fellow board members, and generally just give
10 themselves space to take on the --

11 I always almost feel like I have a
12 hangover after public comments because there's
13 so much information and we want to be paying
14 attention so carefully. And a lot of it is
15 like listening to folks' concerns and pain, and
16 the hardships that are being experienced.
17 That's internalized for us. We hear that, we
18 feel that. And getting just a little bit of a
19 break over the weekend before then we have to
20 convene and vote, I think it's yielded a very
21 healthy dialogue amongst all of us.

22 But I'd be interested in everyone

1 else's take. So the reason that we've
2 continued with that gap is a few reasons, as
3 I've expressed before. One being that it's
4 worked. It's been a really nice adjustment.
5 And so learning from the pandemic, this is just
6 one good thing to come out of the pandemic is
7 just this realization is that the way we've
8 done it is not necessarily the best way for the
9 process.

10 But too, I think talking about
11 equity really does speak to, how do we give
12 everyone the fairest shot to have their voices
13 heard and not elevate anybody over everybody
14 else. And so the thought of a farmer being
15 able to call in on three minutes, on Zoom, on
16 their tractor, with very minimal bandwidth,
17 very accessible.

18 And being able to then say, there's
19 a cutoff, just like in say, public comments for
20 federal rule making. There's a comment period,
21 there's a cutoff, and then we wright. And
22 similar to the board being able to digest all

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1 of the comments at once, have some space to
2 think about it, and then go into our decision
3 making procedure with the live board meeting
4 has been really nice.

5 But let's start with Allison. What
6 are your thoughts? How has this experience
7 been for you?

8 MEMBER JOHNSON: It's unfortunate
9 being in the first seat. I reflect on my
10 position as a comment receiver here and a
11 comment giver in a lot of other contexts. And
12 I learn from being on both sides of that. And
13 what I find as a comment receiver is there's
14 only so much my brain can take in in a given
15 day.

16 And I have like the pace of our
17 return to our in-person meetings where we're
18 together for five or so hours and there's some
19 spaciousness. It doesn't feel rushed, it
20 doesn't feel overwhelming. I feel like I'm
21 able to be present and think through issues
22 here in the room. And I do worry about trying

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1 to cram more in.

2 And as a comment giver, I've had
3 unusual access to DC from California in a way
4 that was impossible before the pandemic. And I
5 see that starting to disappear as the return to
6 in-person is sort of creeping back in. So all
7 of those things make me lean toward being happy
8 with the rhythm that we've settled into in
9 these last two meetings.

10 That said, I'm grateful to those of
11 you who made it through to the mighty end here,
12 but the room is looking sparse. And I do think
13 there is value in coming together as a
14 community. I feel like I've gotten to know all
15 of you hear on the board and here in the room
16 better, getting to have conversations as
17 people, not being like on a timer or on a
18 screen. So I guess I'll say my verdict is out
19 but those are my reflections at this point.

20 CHAIR POWELL-PALM: Perfect. Thank
21 you so much.

22 Brian, please go ahead.

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1 MEMBER CALDWELL: You know, I guess
2 I'm open to having the virtual comments the
3 week before and a targeted session within our
4 in-person meeting for comments. I think the
5 point was made to me that it's a powerful image
6 to have a lot of people in this room during our
7 meeting. It conveys the intense participation
8 and interest of our stakeholders.

9 So if we go through more years and
10 we have fewer and fewer people in our live
11 group here, I think that's not going to be as
12 strong of a statement as we might like. So I
13 think that's important.

14 I guess one thing I would say is
15 that I would really love it if we didn't have
16 repetitive comments. Like if we have two
17 sessions the week before and then a third one
18 here, that we have the same groups with
19 multiple comments in all those, I would love it
20 if we could avoid that in some way. But that's
21 the way I'm looking at it.

22 CHAIR POWELL-PALM: I appreciate it.

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1 Nate.

2 MEMBER LEWIS: Both those comments
3 resonate with me. I'm generally favorable on
4 having an in-person comment aspect to the
5 meetings, but also acknowledge that not having
6 a rushed meeting or extra-long days makes our
7 discussion as a board more robust and cohesive.
8 So I sort of want to try to find the right
9 balance there.

10 And I think that the elements of,
11 sort of equity in terms of access to the board
12 are relevant. And something that you know, as
13 the PDS is looking at updates to our policy
14 manual, the section on public comments and oral
15 comments could probably use a refresh and try
16 to incorporate some of the maybe best practices
17 for board members in terms of how do we ensure
18 that we don't give more weight to in-person
19 comments versus virtual, or just some
20 frameworks within which we can think about
21 those things.

22 CHAIR POWELL-PALM: Thank you.

1 Dilip.

2 MEMBER NANDWANI: Thank you. I
3 started last year on this board and the first
4 meeting was virtual, the spring 2022. And then
5 the first in-person meeting in Sacramento and
6 now. So I do see the big difference, in-person
7 versus virtual.

8 A lot of things I think I have
9 previously -- because they have already said,
10 and I echo what they have already mentioned the
11 benefits and some of the facts.

12 Face to face makes a big difference
13 while talking to our stakeholders face to face,
14 one on one. Even on our networking time, like
15 we are having a reception, and you're talking
16 to them. I think these are the great things.
17 I think the first day, some of us, we went to
18 the field. Some of us, we could not make it
19 because we were attending pre NOSB meetings.

20 So that's something also. Some of
21 us, we discussed if we do next time, see how
22 owe can attend a field day also and all those

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1 things. So yeah. So I think in-person, I would
2 support that. That's all. Thank you.

3 CHAIR POWELL-PALM: Thank you.

4 Jerry.

5 MEMBER D'AMORE: I'm trying to go
6 through my own mind on how to answer this and I
7 wouldn't want to take you on a torturous path
8 right now.

9 First of all, this question seems
10 pretty innocent but it's highly personal in
11 terms of personal preferences. So I'll say
12 this to begin with is that I get more out of
13 stakeholder comments, both oral and written,
14 than anything else I do. I cherish them. I
15 wait for Michelle to press the button where it
16 comes over and I can start slicing and dicing.

17 Another comment that has impressed
18 me just in the last two weeks. Our oral
19 session gave me great hope that we can really
20 engage, really talk to each other, and not be
21 obnoxious with each other.

22 I've lived -- this is my -- I'm

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1 winding down into my fourth year here. Some of
2 the earlier oral, virtual oral, I didn't enjoy.
3 I mean it was just pretty you know -- but this
4 time around, people got up, they talked,
5 opposing views, and I didn't notice one thing
6 that was out of order in terms of behavior.

7 So where do I stand? I'll give you
8 my third example here and that's talking to
9 somebody in this room that it really resonated
10 with me. So you've got the Zoom, and then
11 you've got the interactive Zoom virtual oral,
12 and then you've got what we've got here. I can
13 tell you that I am so bummed that for three
14 nights I wasn't out there with you and just the
15 ability to get face to face right here and
16 really interact, it's -- to use a word that's
17 not horribly masculine, it's precious to me.

18 And I had one person look at me and
19 we sort of had this conversation. He said,
20 yeah this is -- it's a progression -- this is
21 what you need to do, because I was complaining
22 about the population on the other side of the

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1 room which dwindled a lot. And the other
2 person said, if you want to rectify that, get
3 in our face more. Make this more interactive
4 on an annual basis.

5 So that's my rambling, thank you.

6 CHAIR POWELL-PALM: I appreciate it.

7 One question I have for Dilip real
8 quick, on your questions. I think that the
9 idea of meeting in-person is not on the table.
10 We're definitely always going to be, as long as
11 pandemic allows it, meeting in person.

12 Were you saying that you support an
13 in-person meeting, or in-person comments?

14 MEMBER NANDWANI: In-person
15 meetings.

16 CHAIR POWELL-PALM: Okay. Thank
17 you.

18 Kyla.

19 MEMBER SMITH: I mean, I just sort
20 of want to say ditto. Because I think
21 everybody sort of reflected what I'm thinking
22 about. I have been on the audience side of the

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1 table pre-pandemic, but I don't think any of us
2 sitting around this table have experienced in-
3 person comments as a board member. And so I
4 don't know. It's just interesting, right, that
5 we are all bringing our experience of only
6 having ever had virtual comments.

7 So the equity piece is compelling to
8 me. I do like that it is an equal opportunity
9 for everybody. I totally agree with sort of
10 the mental health aspects as a board member to
11 give myself time to soak in the vast amounts of
12 comments, written and oral, that we hear the
13 week before.

14 To reach out to fellow board
15 members, to reach out to commentors, it like
16 gives me that space, gives me time to reflect.
17 I definitely was able to do that in particular
18 with you know, resins where I was feeling a
19 particular, like I wasn't quite understanding
20 one particular commentor's thing and then I had
21 this space and time to reflect upon it and it
22 landed quite differently than me -- and had we

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1 had to turn around and had to go straight to a
2 vote in a shorter amount of time, I'm not sure
3 I would have landed there.

4 And you know, nothing is preventing
5 people from showing up and sitting in the
6 audience and engaging with us in other
7 opportunities. That's a choice that you all
8 made, that are sitting here in the room with us
9 today. I do acknowledge and understand that
10 for someone to make the trip it's more
11 compelling to be able to tack that on to an in-
12 person comment, but I would argue that I have
13 better connections, and learn more from you all
14 in the hallway and at the other, you know at
15 the receptions and things like that than I do
16 just in the three minute comment space.

17 So I'm not opposed because you know,
18 I have not experienced in-person comments as a
19 board member, so I'm certainly not opposed to
20 it and you know, for all the reasons that I've
21 mentioned, I think I lean a little bit towards
22 keeping it as it is but anyway. Thanks.

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1 CHAIR POWELL-PALM: Thank you.

2 Amy.

3 MEMBER BURCH: Yeah. Thanks Nate.
4 This is -- I'm glad we're able to do this.
5 This is, I think, a really important
6 conversation to have. This is really important
7 to the community. I sit in a farmer seat. I
8 feel a large responsibility to represent the
9 farmer voice in this conversation and the
10 farmer voice does appear to be split.

11 We've heard through the process that
12 efficiency is really important. Heard from
13 some oral commentators, it is nice to call in
14 from the tractor, have that availability. But
15 we also heard from farmers that were really
16 sincere in saying, "I want to be present in the
17 process. And that really resonates with me to.

18 As a farmer, to tackle problems, we
19 use multiple modes of action. So potentially,
20 we need to look at this as what are we trying
21 to be, or when we define equity, what is it.
22 If we define equity with accessibility, that

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1 might be a different way to look at this.
2 Multiple modes of action. When we looked at
3 the gentleman that spoke about the NASS survey,
4 farmers respond in very different ways. We
5 respond via the phone, we respond via the
6 internet, we respond via the mail to answer the
7 same question.

8 So maybe access needs to be looked
9 at and defined for equity, not necessarily
10 having one mode of action. So I really
11 marinated on this whole topic as well and again
12 trying to take my own personal views out of the
13 equation and just try to understand what the
14 farmers are telling me.

15 So that was really important and
16 then kind of my third point is just that we're
17 stronger together as a community. So I think
18 we really need to be able to have compromise
19 potentially in this situation because we have a
20 lot of challenges ahead of us and we need to be
21 able to tackle those challenges together. So
22 we're definitely listening to all comments on

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1 this situation. Thank you.

2 CHAIR POWELL-PALM: I just want to
3 reflect real quick on one point Jerry made,
4 that it appears sparse. But a few stats on
5 this week, that we had 92 people on Zoom on the
6 first day. We've averaged about 73 across the
7 three days. And that's 93 flights that were
8 not taken. That's 93 folks who will stay on
9 their farm and do their work. And I think
10 that's just -- we don't get to see that, so
11 just to add a little bit of color to who's
12 watching and paying and essentially
13 participating.

14 Mindee.

15 VICE CHAIR JEFFREY: Thank you. I
16 tend to interview things before I do them
17 because I understand how my brain works and how
18 my energy works and I'm pretty sensitive. And
19 so I went to an NOSB meeting to find out
20 whether I was capable of living in this
21 context. And the in-person public comments
22 were a level of interpersonal energy violence

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1 that I was shocked by. Honestly, like I was
2 like, I can't live in that context.

3 I realized it was a pretty intense
4 meeting and there was an orchestrated
5 filibuster of public commentators and so it was a
6 little bit of an extreme example. But also
7 like, I'm glad I got to sit in that example
8 because when I chose to do this, I chose really
9 consciously what I was going to put myself
10 through and grappled with that before I chose
11 to do this.

12 And so I'm very comfortable in the
13 process that we're in right now as a board
14 member because I need to think a lot about the
15 process because I don't live in this process
16 every day. As a retailer, I'm not looking at
17 606 and I have to really think my way through
18 things carefully to understand what I'm
19 choosing and so I love the time to study and I
20 love the time to like email someone and ask a
21 question and like, get really clear about it
22 within myself and really make sure I'm tracking

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1 process well so that I can be great at my job.

2 So that said, my personal preference
3 is the way we're doing it now. I'm very
4 compelled by the public comments. I'm very
5 compelled by the politics of presence and what
6 that means for organics future and what that
7 means for transparency. Because I see really
8 clearly that people who might like organic
9 don't understand the beauty of this process,
10 and the level of engagement, and what
11 public/private can mean in democracy and how we
12 can show that.

13 And so I do think that we need
14 people in this room to gain that understanding,
15 to show that to people. Because the power of
16 democracy is the thing I love the most about
17 what I get to do right now. And so for me, I'm
18 very willing to compromise towards in-person
19 public comments if I feel like we as a group
20 are really capable of grappling with that. And
21 that might be agenda oriented.

22 So if the fall meeting is really

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1 intense and we have a lot of votes and we have
2 big subject matters and we're sitting clearly
3 and strongly as a group, and we can add that
4 extra level of intensity to our process then
5 I'm going to advocate for the compromise
6 towards in-person comments. And maybe that
7 might be the spring meeting because it might be
8 a little less intense as far as agenda and
9 votes are concerned.

10 But just so you know, thank you for
11 causing us to continue to grapple with this and
12 I will advocate for a compromise in the
13 direction of folks asking for more in-person
14 comments and we'll try to do that thoughtfully
15 within what we're capable of.

16 CHAIR POWELL-PALM: Thank you.

17 Kim.

18 MEMBER HUSEMAN: That's hard to
19 follow. To not to repeat what I agree with on
20 so many of my fellow board member's comments.
21 I'll try to just pepper in a few additional
22 items of consideration as I've thought about

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1 this.

2 Kyla had mentioned in our last
3 meeting that this is like CSPAN. It's not the
4 most riveting meeting and to sit through three
5 days of this from the other side, I've been
6 there, I was there in Pittsburgh. It does have
7 a different feel to it. But applaud and
8 appreciate everyone who is here today, both
9 online and in the audience.

10 We as a board, have tried to
11 redefine this, you know the comments of equity
12 and one of the things that I -- because I was
13 throwing out different places to go for the
14 meetings. Because Denver's fantastic. If we
15 could just do it every year in Denver, that
16 would be great for me.

17 But I don't think that a dairy
18 farmer from the Northeast might find Denver to
19 be easy to get to or our next meeting is
20 actually in Rhode Island. My expectation is
21 that unfortunately, the wine community from
22 California is probably not going to bring us

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1 their sulfite free or their potassium as much
2 as we've tried to influence this.

3 But the movement of the meetings to
4 try to -- you know, we had George Organics
5 give us some very thoughtful and eye opening
6 aspects to what the Southeast region is doing.
7 So by moving the meetings from one region to
8 another, my thought and hope is that helps to
9 create the inclusion.

10 I'd like to try to find a way that
11 we can either be regionally pooling or you
12 know, ask the community what other ways outside
13 of public comment can we help to increase the
14 stakeholder involvement? Again, everyone has
15 said the same things that I would echo so I'm
16 not going to spend time on that.

17 But my question back to the
18 community would be, outside of public comment
19 how -- that's three minutes of somebody
20 standing up and talking and then getting back
21 on their airplane -- how can we have more
22 involvement from the community at the meetings.

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1 How can we be accessible at the meetings face
2 to face? Where you actually get to interact
3 instead of when someone's maybe slightly
4 uncomfortable with the topic, just hide behind
5 their computer, wait for me to finish and then
6 --

7 Or, that's my ask to the community.
8 If we were to say, okay public comment may not
9 be that connector. What would be? And I'm
10 going to leave it at that and say that I'm not
11 going to answer the question.

12 CHAIR POWELL-PALM: Okay. I would
13 just real quick echo that. That I think that
14 again, there's so many days of the year that we
15 could be hearing from you all and we're not.
16 And we could be having conversations at these
17 meetings and how do we increase that
18 opportunity? How do we have -- and again, I
19 would throw out that for example, Amy and I met
20 with the OEFFA Grain Growers. And just got to
21 hear what's on their mind. And there was just
22 an invitation.

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1 I think a lot of us are eager for
2 those invitations to understand how we can be
3 thinking and ideating together more than just
4 two times a year.

5 Franklin, please go ahead.

6 MEMBER QUARCOO: This was my first
7 NOSB meeting, so mine is not an informed
8 perspective. I have no basis for comparison.
9 But when we look at the equity issue, so the
10 virtual session, we need that so folks can
11 always participate. But the in-person session
12 is great. There are people who communicate
13 better that way.

14 I like meeting people so if there is
15 a way we can have both of them. I don't know
16 what the logistics, what the implications are
17 but it doesn't look like an either/or situation
18 for me. I don't know how it works, whether we
19 select one day, one question from somebody in-
20 person, one from virtual or if it's a different
21 day. I don't know how it works. But if we are
22 trying to increase participation, let's have

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1 multiple means by which people communicate with
2 us.

3 We look at the equity issue and if
4 we just go virtual and we keep it that way, is
5 that going to effect even the number we are
6 looking at, is that going to bring it down
7 further? If it brings it down further, we as a
8 board might just do everything online if the
9 participation --

10 So I think it shouldn't be an
11 either/or situation, how do we get both parts
12 of this oral comment sessions in?

13 CHAIR POWELL-PALM: Absolutely. I'm
14 always surprised at how many breakfast, lunch,
15 and dinners board members do not receive
16 invitations from audience members to go out and
17 chat. And I think it's a skill to you know,
18 ask someone to you know, chat and network.
19 It's a skill I think our community really
20 should exercise because there's a lot of time
21 in the day even outside of these sessions that
22 we could be having meetings and talking about

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1 things.

2 And I think I've heard from several
3 people here today saying, with a smaller crowd
4 a lot of you have gotten to talk to every
5 single one else of you. And that itself is
6 probably almost a bigger value proposition than
7 just getting to stand at a microphone for three
8 minutes. So that off to the side networking I
9 think is a huge opportunity.

10 Logan.

11 MEMBER PETREY: So right now we're
12 looking at a lot of agenda's that were prior to
13 the pandemic. And in 2018 I saw that there was
14 actually call-ins that were a week prior that
15 were on Tuesday and Thursday and then there was
16 in-person meetings on I think Tuesday maybe
17 after the introductions.

18 And so there was already kind of
19 this outreach for the community it seemed like.
20 I don't know, you guys have a lot more -- or
21 some of these people have a lot more experience
22 than me. So there was already kind of looking

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1 at that.

2 I don't think that we can ever drop
3 the virtual comment section because that is
4 going to just close that out and I don't think
5 that we need to. I think that we also have a
6 value -- that we understand the value of having
7 those people. And so far as saying well in-
8 person is going to be a different outcome than
9 the call-in, I think that we can see through
10 that. We already know that's valuable. So I
11 don't know that that's necessarily something
12 that we need to worry about.

13 But I think we need to try the in-
14 person. A lot of people in the past have said
15 that it's important and I think for us to just
16 ignore that is probably not fair. It's not
17 wise of us to do. But we also are in a spot
18 where we still have some time on the board. We
19 can experience it, see what it looks like and
20 if it doesn't have value then we can change but
21 we're not going to have any idea unless we know
22 and experience it.

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1 As far as accessibility, we did talk
2 about the listening session in the winter.
3 Just curious, what about the summer prior to
4 going into the fall? You all might be saying,
5 no we don't need any work in between the two.
6 But that might be a time where maybe their
7 voice, they feel like it's heard more if it's
8 right before the votes and most of that is
9 going into the fall.

10 And then as far as attendance, you
11 know, it's been great, but you can look -- I
12 was looking at the charts and when you have
13 Monday, Tuesday, and Wednesday, all the X's
14 that are on Monday and then it kind of fades.
15 And I think that's typical for any conference.
16 You're going to get people that have to leave,
17 or you know, that do that. So I think that's
18 going to be normal no matter what, we're going
19 to see that consistently.

20 But the relationships that are built
21 at breakfast, lunch, dinner. And board members
22 have to invite themselves sometimes. Sometimes

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1 you have to just go in the lobby and you just
2 are going to go with folks. But being able to
3 have that, I feel much more comfortable at just
4 being able to call somebody up and asking them.
5 You know, they're in the community or the
6 stakeholders for help. So I do like that.

7 And if that in-person comment
8 section brings more people in that to open our
9 availability up that it's absolutely worth it.
10 So thank you.

11 CHAIR POWELL-PALM: Thank you.

12 Carolyn.

13 MEMBER DIMITRI: As the second to
14 last person, because I know you still have to
15 speak Nate, I really have nothing to add except
16 I really like the virtual comment. It gives me
17 -- I actually have a research assistant that
18 takes notes so I'm sure that I hear everything
19 that I need to hear. And if we want to add an
20 in-person comment section, that would be fine
21 too. I'll go along with whatever the group
22 wants.

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1 CHAIR POWELL-PALM: Thank you.

2 MEMBER DIMITRI: If I had the money,
3 I'd bring him really. But I can't.

4 CHAIR POWELL-PALM: Well I really
5 appreciate you all engaging in this process.
6 We want to try to always improve and see what
7 we can do to serve the community better, and I
8 think that this discussion does nothing but add
9 to that process.

10 For me I think there's a certain
11 amount of accounting that, again I've never
12 been on the board during a public comment
13 period but whatever we're doing, it seems to be
14 working in a way. That we have a board that
15 really trusts each other.

16 When I look back and I was just kind
17 of scrolling some previous minutes, there's a
18 lot of disfunction. We are -- I mean to put it
19 lightly -- and we are super functional now. We
20 have everybody, I think on a really
21 interpersonally healthy basis, able to talk and
22 trust each other. And why that is, we might

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1 have just landed with a bunch of nice folks.
2 And I know for one, I am really grateful for
3 all of you.

4 But I think that when we look
5 through whatever has lead to this point in the
6 board, trying to figure it out, trying to
7 figure out how we pick out the best path so
8 that we can keep this going. So that we are
9 able to have, in ten years, a board that
10 continuously trusts itself and has built up
11 this culture of trust and respect and really
12 just a brilliant sense of earnest respect for
13 the whole process, for each other, for our
14 farmers, for our constituents.

15 And so I'm always just curious as to
16 the "why". How did we get here and did this
17 comment process as it exists, as it might
18 change, how can we influence it for the better?
19 And I don't have the answer to that, but I
20 think just asking that question, I feel like
21 we've landed in a really great spot right now
22 and how can we keep that going. So thanks for

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1 the discussion everybody.

2 And with that, I think I'm going to
3 hand it over to Jenny.

4 DR. TUCKER: Okay. I have a few
5 comments. I do realize we're about 20 minutes
6 over. Are they going to kick us out of the
7 room, or can we keep going for a little bit?
8 Great.

9 First I want to have all of us give
10 a huge round of applause to Nate. I think he's
11 done a beautiful job here and does a beautiful
12 job as your Chair. This board is remarkably
13 special, and that conversation was just really
14 cool to listen to.

15 You know, for the first time looking
16 around the room, I realize that I was the one
17 that called every single one of you to appoint
18 to the board and now that I think about it,
19 every time I hung up I thought, oh that will be
20 a really nice person to have on the board. And
21 so the fact that you are now all around the
22 room kind of agreeing, wow we're really nice

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1 people.

2 It's really -- that's very, very
3 special to have listened to you as individuals
4 with such shock and surprise and honor to join
5 to board to now be shaping what it is for the
6 future is just really incredible to see so I
7 cherish that relationship and collaboration
8 that you have built together.

9 And as Nate opened the meeting with,
10 you've done it on some really difficult
11 circumstances. You have been -- you had a
12 member, as Nate said right up front, really
13 graciously decide that this was not -- it just
14 wasn't the right time, it just wasn't the right
15 time.

16 You have another member who is not
17 here today and who I know that there has been
18 some challenges in managing workload. You had
19 a couple of team members who just joined, so
20 there's a little bit of a gap. So this room
21 has taken on extra work and we at the program
22 are very, very grateful for that. But the way

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1 you have supported each other is just really
2 deserving of applause.

3 So I think all of us, if you are on
4 Zoom, there were like 50 folks or something on
5 Zoom, if you could do the Zoom applause, we can
6 see you. And then in the room let's give this
7 group a big hand. You folks have covered your
8 responsibilities and duties to your community
9 with just beautifully and with tremendous
10 grace.

11 As we look to the future and future
12 nominations to the board, future self-
13 nominations to the board, do listen to this
14 group and kind of what they're doing and what
15 they need to be successful and consider who you
16 want to put forward to be on the board as who
17 could join this group in a way that continues
18 to lift us up as a community while doing the
19 really, really hard technical work.

20 So it's an honor to have listened to
21 you today. It's also an honor to be able to
22 give our new members, I don't think we've done

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1 this part before, the process has changed a
2 little bit in USDA and then we had a pandemic
3 and now we have two members for the first time
4 where we can give you your plaques right here
5 in the room.

6 And so I have here the certificate
7 of appointment for Dr. Franklin Quarcoo, and it
8 says, "With appreciation for accepting the call
9 to serve the nation and the United States
10 Department of Agriculture as a member of the
11 National Organic Standards Board." And it's
12 signed by the Secretary of Agriculture, Tom
13 Vilsack. So do you want to come over and get
14 yours? And Nate's says the same thing.

15 Thank you. We'll take a picture in
16 just a second here. Can you hold it? Okay.
17 And this one is also the Certificate of
18 Appointment for Nathaniel Lewis. It says the
19 same thing, also signed by the secretary. So
20 we'll get up and take a picture here of our new
21 members. I'm so happy to have you guys here.
22 All right. So thank you.

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1 And so I think with those thanks and
2 with the deepest appreciation to the board I
3 also want to extend my thanks and appreciation
4 to the NOP team who worked behind the scenes
5 all week to make this all happen. It is an
6 honor to work with you every single day. And
7 with that I think we close. Let's give them a
8 hand. Thank you.

9 And with that, do you have your
10 gavel? Are you ready to go? I think we
11 officially close the meeting.

12 CHAIR POWELL-PALM: We are ready to
13 adjourn.

14 (Whereupon, the above-entitled
15 matter went off the record at 1:25 p.m.)

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