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ACA Members Meet in DC

ACA members attending the meeting of the National Organic Standards Board met on Tuesday evening, November 3 to discuss current activities, and future work priorities. Miles McEvoy, recently appointed Deputy Administrator of the National Organic Program joined our discussions.

Miles spoke on the following topics:
NOP Quality & Program Manuals:

NOP will begin work on the development of a Quality Manual and a Program Manual. The Program Manual will be a public manual addressing compliance with the NOP and since this will be based upon the regulation, it will be enforceable. Miles indicated that the Program Manual will include all parts of the rule with specific clarifications and that there may be various ways of being compliant with a specific requirement, and that the Program Manual will encompass this. Miles is aware of our ACA Working Groups and the progress we have made in developing guidance documents and is asking that we submit ideas for this manual.

Penalty Matrix

Miles also noted that he hopes to develop a penalty matrix to provide consistent compliance actions. He

noted that good work has been previously done by the NOSB in this regard. He suggested that the NOP may consider “tickets” for minor violations. He indicated that NOP has imposed fines – a total of 3. Currently, NOP compliance is focusing on organic claims where there is no certification, and of course fraud.

Training Program Plans

The NOP will be giving several public presentations at Upper Midwest Conference, and other industry gatherings. These sessions will not be specific to certifier training, but will be designed to provide information on the Program to the general public. NOP Certifier training sessions will be held at the Savannah, GA ACA meeting, Bio Fach in Germany, and at least one other foreign certifier training. When asked if training for certifiers would be required, Miles indicated that eventually this would be the case. In addition, he would like to see IOIA accreditation expand, and additional training and testing for inspectors

Collaboration

Miles emphasized that he expects to work on a collaborative basis with the organic community. He asked for the input of certifiers regarding NOP operations. *(continued on page 2)*

ACA Members Meet in DC (cont.)

Other Discussions

- The Poultry Outside Access Working Group and the Apiculture Working Group completed their Guidance Documents and these have been submitted to the NOP and the NOSB.
- Zea Sonnabend provided an update of one of the issues addressed by the Seed Working Group – the Mexican government prohibition on the importation of seeds unless treated with specific materials. The Mexican government is prohibiting untreated seed from going into Mexico; US government has stepped in and is trying to do negotiations. The Organic Seed Association is holding a Summit event at the Upper Midwest conference. They are also sending a survey to growers.
- Dave DeCou provided an update on the upgrade of the OMRI Seed Database. The

intent is to have sellers, distributors, producers of seed listed. To assist the further development of the organic seed industry, the database will also collect inquiries from producers seeking specific seed varieties. With this expansion, OMRI intends to develop a steering committee, consisting of certifiers, marketers, and producers, to oversee this work.

- Additional ACA Working Groups will be forming addressing greenhouse issues and the continuing work of the NOSB on this topic; there is also interest in a food safety working group, and we will form a working group to address the NOP Program Manual.
- Future issues to address include solicitation for new ACA Board members beginning in 2011, and encouraging aca's to consider applying for the certifier seat on the NOSB. Joe Smillie's term expires in January 2011.

National Organic Standards Board Meeting

The National Organic Standards Board meeting opened with remarks from Jeff Moyer, Board Chair, and with the introductions of the Board Members. Jeff noted that two Board members were not able to attend this meeting: Jennifer Hall and Gerald Davis. It was also noted that this was the last meeting for several Board members. Jeff introduced Barbara Robinson, former NOP Acting Director, and Barbara recapped the changes that have occurred regarding the National Organic Program since the May, 2009 Board Meeting – the separation of NOP from Transportation & Marketing, the increase in funding for FY 2010, and all the other funding initiatives that affect organic production. Barbara then introduced Miles McEvoy, the new

Deputy Administrator of the NOP. Miles presented Barbara with a plaque in appreciation of her efforts in leading the NOP in the past few years. Miles then presented a very comprehensive vision of the future work of the NOP. The complete presentation can be found on the NOSB website below.

Highlights included:

- **NOP Founding Principles & Values**
collaborative clear & consistent
transparent strict & sensible
organic
- **Input & Collaboration**
from / to all corners of the organic
community *(continued on page 3)*

<http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5080769&acct=nosb>

National Organic Standards Board Meeting (cont.)

- **Establishing Program Priorities**
 - Publish Access to Pasture Rule
 - Peer Review
 - Hire additional staff
 - Implement NOSB Recommendations
- **Work Plan Highlights**
 - Petitioned Substances Database
 - Training Module for Access to Pasture
 - Penalty Matrix
 - Canadian Equivalency
- **Decision Making Procedures**
- **Increased Enforcement**
- **Review of Organizational Structure**
- **Staffing Plan**
- **Preliminary Budget**
- **Additional Practice Standards**
- **Materials Issues**

Miles also noted that the NOP and NOSB will conduct a strategic planning session in February 2010. NOP is also asking that the following topics be discussed at the Spring NOSB meeting tentatively planned to be held in California in mid-late April:

- accessory nutrients – clarification of 1995 recommendation
- pesticide residues in compost
- corn steep liquor
- oversight of materials review programs

Attendees at this meeting expressed much appreciation for the detailed report. It was very apparent that Miles has a clear vision for the NOP and great energy & enthusiasm for his work.

(continued on page 11)

The results of the National Organic Standards Board Votes follow.

Policy Development Committee

Topic	Comments	Vote	Result
Revision of the following sections of the Board Policy and Procedure Manual: <ul style="list-style-type: none"> • Section 3: to clarify secretary duties regarding Board meeting notes and a revision of the Executive Directors role; • Section 4: to clarify process used by NOSB when contacting elected officials regarding presentation to the Board; • Section 5: systematic review to improve tie in with other sections of PPM Manual on materials review and collaboration with NOP; • Section 6: revision of protocol for surveys by NOSB and proxies at public meeting; • Revision of Materials Evaluation Checklist to include a reference to “biodiversity” in Category 1 # 3, and Category 3, # 2. 	These documents were voted on in one motion.	Yes: 13 No: 0 Absent: 2 Abstain: 0	Policy & Procedure Manual Revised

The results of the National Organic Standards Board Votes (cont.)

Compliance, Accreditation & Certification Committee

Topic	Comments	Vote	Result
<ul style="list-style-type: none"> • Retailer Certification Guidance 	<p>There were no revisions made to the document. There was discussion among Board members whether the process of asking questions of the NOP in a Guidance document was the path to use. The balance of the Board believed the document will provide retailers with a tool for their use. Katrina Heinz voted No.</p>	<p>Yes: 12 No: 1 Absent: 2 Abstain: 0</p>	<p>Approved recommendation.</p>
<ul style="list-style-type: none"> • Personal Body Care Standards 	<p>This document was voted upon as written, with no revisions. There was discussion regarding who has the jurisdictional authority to oversee the use of the word “organic” on personal body care products. NOP Deputy Administrator M. McEvoy noted that the NOP would like direction from the Board about how they would like the NOP to proceed, but whatever action is done will require coordination with other agencies – Office of General Counsel; Food & Drug Administration and Federal Trade Commission. Dan Giacomini voted No.</p>	<p>Yes: 12 No: 1 Absent: 2 Abstain: 0</p>	<p>Approved recommendation.</p>

Materials Committee

<ul style="list-style-type: none"> • Nanotechnology Recommendation 	<p>There was much public comment and Board discussion on this document. Based upon public comment a revision was proposed to the definition of nanotechnology to include <i>engineered</i> technology...and a change in the particle size to 1 – 300 nanometers. In addition, there was discussion regarding accepting the minority opinion, along with a substantial revision of the minority opinion.</p> <p>Due to a lack of agreement, the motion for approval was withdrawn. The Board will continue work on this and provide an additional recommendation for the Spring meeting, allowing for public comment on any revision.</p>	<p>Recommendation withdrawn for further consideration.</p>
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The results of the National Organic Standards Board Votes (cont.)

Crops Committee

Topic	Comments	Vote	Result
<ul style="list-style-type: none"> Manganese sulfate monohydrate 	<p>Based upon review of the petition submitted, the Crops Committee believes that this material is already on the list at 206.601(j)(6)(ii), and does not need to be added.</p> <p>The motion is not to list the material.</p>	<p>Yes: 13 No: 0 Absent: 2 Abstain: 0</p>	<p>Specific material will not be added to the National List.</p>
<ul style="list-style-type: none"> Peracetic Acid <p>The EPA has changed the status of peracetic acid from an inert ingredient to an active ingredient. Peracetic acid is also used in hydrogen peroxide in small concentrations (as an inert).</p> <p>Two recommendations were presented: the first to remove the annotation from peracetic acid § 205.601(a)(6) and § 205.601(i)(7), allowing unrestricted use of peracetic acid.</p> <p>The second recommendation was to amend the annotation of peracetic acid to read: §205.601(a)(6) Peracetic acid- for use in disinfecting equipment, seed, and asexually propagated planting material. Permitted in hydrogen peroxide formulations at concentration of no more than 5%. §205.601(i)(7) Peracetic acid- for use to control fire blight bacteria. Permitted in hydrogen peroxide formulations at concentration of no more than 5%.</p> <p>Note: during the discussion NOP noted that this may not be the proper procedure. Clarification may be made when NOP addresses this recommendation.</p>		<p>Yes: 0 No: 13 Absent: 2 Abstain: 0</p> <p>Yes: 13 No: 0 Absent: 2 Abstain: 0</p>	<p>The motion to remove the annotation failed.</p> <p>The motion to amend the annotation passed.</p>
<ul style="list-style-type: none"> Hydrogen chloride for delinting cotton seed 	<p>This material is scheduled to sunset in 2011.</p> <p>The motion was to relist the material.</p> <p>* one member out of room</p>	<p>Yes: 12 No: 0 Absent: 3* Abstain: 0</p>	<p>Motion passed. Hydrogen chloride of delinting of cotton seed will be relisted at §205.601(n)</p>

The results of the National Organic Standards Board Votes (cont.)

Livestock Committee

Topic	Comments	Vote	Result
<ul style="list-style-type: none"> Eprinomectin (parasiticide) 	<p>Eprinomectin is a new material petitioned for addition to the National List at §205.603.</p> <p>In discussion the Board noted that this material is similar to materials currently listed. They do not wish to expand the materials used. The motion is to list the material.</p>	<p>Yes: 0 No: 13 Absent: 2 Abstain: 0</p>	<p>Motion fails; will not be added to §205.603.</p>
<ul style="list-style-type: none"> Vaccines 	<p>This recommendation was for an annotation change to permit the use of vaccines as a broad category, without specific review for placing on the National List. This would permit the use of vaccines developed from genetic engineering. There was considerable discussion on the recommendation, especially regarding consumer perceptions.</p> <p>The recommendation was revised to read: §205.105(e) Excluded methods, except for vaccines, <i>Provided that vaccines manufactured without the use of excluded methods must be used if commercially available.</i></p> <p>Bea James & Barry Flamm voted No.</p> <p>Note: the entire process of the annotation change was questioned by the NOP. Livestock Committee chair Hue Karreman noted that the NOP had previously approved of the committee working on these annotations. The NOP indicated that the Board should continue with these recommendation votes. The Board made a note to review this process prior to future recommendations.</p>	<p>Yes: 11 No: 2 Absent: 2 Abstain: 0</p>	<p>Motion passed; annotation will be revised.</p>
<ul style="list-style-type: none"> Excipients 	<p>Recommendation was revised to read: §205.603(f)</p> <p>Excipients, only for use in the manufacture of <i>drugs</i> or animal health care products used to treat organic livestock when the excipient is: Identified by the FDA as Generally Recognized As Safe; Approved by the FDA as a food additive; or Included in the FDA review and approval of a New Animal Drug Application or New Drug Application.</p> <p><i>Drugs</i> was reinserted in the section.</p>	<p>Yes: 13 No: 0 Absent: 2 Abstain: 0</p>	<p>Motion passed; annotation will be revised.</p>

The results of the National Organic Standards Board Votes (cont.)

Livestock Committee

Topic	Comments	Vote	Result
<ul style="list-style-type: none"> • Chlorhexidine 	<p>The recommendation was not revised. The annotation will read: 205.603(a)(6) Chlorhexidine Allowed as a germicide for medical and surgical procedures. Allowed for use as a teat dip when alternative germicidal agents and/or physical barriers have lost their effectiveness.</p>	<p>Yes: 13 No: 0 Absent: 2 Abstain: 0</p>	Motion passed; annotation will be revised.
<ul style="list-style-type: none"> • Xylazine 	<p>The recommendation was to remove the current (ii) The existence of an emergency; and in order that Xylazine could be used in planned surgical situations.</p>	<p>Yes: 13 No: 0 Absent: 2 Abstain: 0</p>	Motion passed; annotation will be revised.
<ul style="list-style-type: none"> • Animal Welfare Recommendation 	<p>Many of the public comments on this recommendation supported withdrawing and allowing additional time for consideration. The Livestock Committee did not wish to do this. The recommendation was substantially revised to include much of the work done by the ACA Poultry Outside Access Working Group. However, the actual space requirements were removed from the final recommendation. These will be addressed in an additional recommendation at the Spring 2010 NOSB Meeting.</p> <p>Note: A copy of the revised document is available from ACA office.</p>	<p>Yes: 13 No: 0 Absent: 2 Abstain: 0</p>	Motion passed.
<ul style="list-style-type: none"> • Bivalves Recommendation 	<p>This recommendation was not revised.</p> <p>Kevin Engelbert & Bea James voted no.</p>	<p>Yes: 11 No: 2 Absent: 2 Abstain: 0</p>	Motion passed.

The results of the National Organic Standards Board Votes (cont.)

Joint Materials & Handling Committee

Topic	Comments	Vote	Result
<ul style="list-style-type: none"> Clarifications of the Definitions of the National List Recommendations 	<p>The recommendation was not revised.</p> <p>Kevin Engelbert voted no.</p>	<p>Yes: 12</p> <p>No: 1</p> <p>Absent: 2</p> <p>Abstain: 0</p>	Motion passed.

Handling Committee

<ul style="list-style-type: none"> Egg White Lysozyme 	<p>This material is scheduled for Sunset in September 2011.</p> <p>The motion is to relist.</p>	<p>Yes: 13</p> <p>No: 0</p> <p>Absent: 2</p> <p>Abstain: 0</p>	Motion passed. Will be relisted at §205.605(a).
<ul style="list-style-type: none"> L-Malic Acid 	<p>This material is scheduled for Sunset in September 2011.</p> <p>The motion is to relist.</p>	<p>Yes: 13</p> <p>No: 0</p> <p>Absent: 2</p> <p>Abstain: 0</p>	Motion passed. Will be relisted at §205.605(a).
<ul style="list-style-type: none"> Microorganisms 	<p>This material is scheduled for Sunset in September 2011.</p> <p>The motion is to relist.</p>	<p>Yes: 13</p> <p>No: 0</p> <p>Absent: 2</p> <p>Abstain: 0</p>	Motion passed. Will be relisted at §205.605(a) Nonsynthetics allowed.
<ul style="list-style-type: none"> Activated Charcoal 	<p>This material is scheduled for Sunset in September 2011.</p> <p>The motion is to relist.</p>	<p>Yes: 13</p> <p>No: 0</p> <p>Absent: 2</p> <p>Abstain: 0</p>	Motion passed. Will be relisted at §205.605(b) Synthetics allowed.
<ul style="list-style-type: none"> Cyclohexylamine 	<p>This material is scheduled for Sunset in September 2011.</p> <p>This is a boiler chemical. There was much discussion on this and the other two boiler chemicals. Concern was expressed due to the initial TAP review of the material. Originally, the committee voted not to relist; however, based upon public comment, the committee now recommends relisting.</p> <p>Hue Karreman & Barry Flamm voted no; Bea James abstained.</p>	<p>Yes: 10</p> <p>No: 2</p> <p>Absent: 2</p> <p>Abstain: 1</p>	Motion passed. Will be relisted at §205.605(b) Synthetics allowed.

The results of the National Organic Standards Board Votes (cont.)

Handling Committee (cont.)

Topic	Comments	Vote	Result
<ul style="list-style-type: none"> • Diethylaminoethanol 	<p>This material is scheduled for Sunset in September 2011.</p> <p>Originally, the committee voted not to relist; however, based upon public comment, the committee now recommends relisting.</p> <p>Hue Karreman & Barry Flamm voted no; Bea James abstained; one additional member out of room.</p>	<p>Yes: 10 No: 2 Absent: 3 Abstain: 1</p>	<p>Motion passed. Will be relisted at §205.605(b) Synthetics allowed.</p>
<ul style="list-style-type: none"> • Octodecylamine 	<p>This material is scheduled for Sunset in September 2011.</p> <p>Originally, the committee voted not to relist; however, based upon public comment, the committee now recommends relisting.</p> <p>Hue Karreman, Barry Flamm & Kevin Engelbert voted no; Bea James abstained.</p>	<p>Yes: 8 No: 3 Absent: 2 Abstain: 1</p>	<p>Motion passed. Will be relisted at §205.605(b) Synthetics allowed.</p>
<ul style="list-style-type: none"> • Peracetic Acid 	<p>This material is scheduled for Sunset in September 2011.</p> <p>The motion is to relist.</p>	<p>Yes: 13 No: 0 Absent: 2 Abstain: 0</p>	<p>Motion passed. Will be relisted at §205.605(b) Synthetics allowed.</p>
<ul style="list-style-type: none"> • Sodium Acid Phosphate 	<p>This material is scheduled for Sunset in September 2011.</p> <p>The motion is to relist.</p>	<p>Yes: 13 No: 0 Absent: 2 Abstain: 0</p>	<p>Motion passed. Will be relisted at §205.605(b) Synthetics allowed.</p>
<ul style="list-style-type: none"> • Tetrasodium Pyrophosphate 	<p>This material is scheduled for Sunset in September 2011.</p> <p>The motion is to relist.</p>	<p>Yes: 13 No: 0 Absent: 2 Abstain: 0</p>	<p>Motion passed. Will be relisted at §205.605(b) Synthetics allowed.</p>

National Organic Standards Board (cont.)

The Committee Work Plans are:

<p>Compliance, Accreditation & Certification</p>	<ul style="list-style-type: none"> • Plan for February NOP / NOSB Strategy Session • Hold on recommendations until we hear from NOP – would like to see standardized certificates addressed • 100% Label Issue • Expanded version of made with organic label claim - use of organic in company names
<p>Livestock Committee</p>	<ul style="list-style-type: none"> • Stocking rate tables for Animal Welfare Recommendation • Definition for animal healthcare products • Apiculture • Sunset Materials 2012 • Methionine
<p>Handling</p>	<ul style="list-style-type: none"> • Work with Materials for Classification of Materials Guidance Document • New petitioned materials • 95 Sunset Items • Sunset procedures clarification
<p>Policy Development</p>	<ul style="list-style-type: none"> • Helping to prepare training materials for new board members • Review of Policy Manual section 5 – NOP/NOSB collaboration • Review & update to the new member guide • Update Section 8 – Material Review • Addition of Classification of Materials recommendation when complete • Public access of Guidance Documents • Clarification of technical corrections • Rotation of current Board positions to eliminate retirement of too many Board members at one time
<p>Crops</p>	<ul style="list-style-type: none"> • Review of Technical Reviews in the pipeline • 2012 Sunset Materials • Continuing work on greenhouse • Mushrooms • Food Safety • List 4 Inerts
<p>Materials</p>	<ul style="list-style-type: none"> • New Materials Petitions • 2012 Sunset • Classification of Materials next steps • Nanotechnology revision • Work with NOP and issues of petitions involved in “take from the table” • Items identified as never on the table

National Organic Standards Board Meeting (cont.)

Miles closed his presentation with the following quote from Wendell Berry:

“An organic farm, properly speaking, is not one that uses certain methods and substances and avoids others; it is a farm whose structure is formed in imitation of the structure of a natural system that has the integrity, the independence and the benign dependence of an organism.”

Additional USDA Staff also attended the meeting including the new AMS Administrator Rayne Pegg and Edward Avalos, Under Secretary for Marketing and Regulatory Affairs – who announced that the Access to Pasture Rule was on its way to OMB.

During questions from the Board, Miles noted that they hope to have the pasture rule out in January 2010. He also indicated that they are considering another branch to administer the cost sharing funds.

As is the case at NOSB Meetings there were many hours of public comment, with the Board staying in session until 7:30 pm both Tuesday and Wednesday evenings. Committee work generally follows in the late evening.

The NOSB recognized Barbara Robinson and Richard Matthews for their work with the Board.

The NOSB meeting concluded with recognition of the new incoming members of the NOSB and the 5 outgoing members of the Board. The new members - four of which attended this meeting – are:

Joe Dickson, Whole Foods Market, retailer
 Jay Feldman, Beyond Pesticides, environmentalist
 John Foster, Earthbound Farm, handler
 Wendy Fulwider, CROPP/Organic Valley, producer
 Annette Riherd, producer (not present)

The outgoing members of the NOSB were presented with plaques, sincere appreciation for their service, and a gift bag of goodies. They are:

Gerald Davis
 Rigoberto Delgado
 Hue Karreman
 Bea James
 Julie Weisman

The Board also elected new officers for 2010. They are:

Chair: Daniel Giacomini
 Vice Chair: Tracy Miedema
 Secretary: Tina Ellor



Retiring NOSB Members (left to right)

Hue Karreman
 Bea James
 Julie Weisman
 Rigoberto Delgado
 Not pictured: Gerald Davis

A Fun Event

In celebration of the appointment of Miles McEvoy as the Deputy Administrator, Jim Pierce of OTCO, arranged for our *Inaugural Ball* (for lack of a better name). It was an event focused on food and music of course. Held at the Skewer's Restaurant, open to all, for a minimal fee, about 45 folks signed up to attend. We had an enjoyable evening of talk, eating, and dancing. Miles held up very well after a long day at the NOSB meeting! Thanks, Jim for organizing a fun time.



National Organic Standards Board & Valeria Frances, Executive Director NOSB
November 2009