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NOSB Meeting Report

Alexandria, Virginia

November 27-30, 2007

This National Organic Standards Board meeting focused on organic aquaculture standards. Aquaculture was the subject of a day-long symposium and considerable public comment. In addition to several petitions and sunset items, the NOSB also addressed (1) inspection and certification of grower groups and other multi-site operations, (2) guidelines for the commercial availability of organic ingredients and seeds, and (3) definitions of materials on the National List.

Andrea Caroe chaired her last meeting as an NOSB member and was recognized for her service. Texas organic farmer Rigoberto Delgado was elected chair, with Jeff Moyer of the Rodale Research Center elected vice-chair and Katrina Heinze of General Mills elected secretary.

Materials Decisions

Gellan gum was unanimously recommended to be added to the National List as a nonsynthetic, nonagricultural, nonorganic ingredient. The NOSB reconsidered the petition, which was rejected at previous meetings. Representatives from CP Kelco, the petitioner, presented how it is made, some uses, and explained why xanthan gum and vegetable gums are not acceptable substitutes. Because isopropyl alcohol is used to recover gellan gum, it was previously assumed to be synthetic. However, U.S. Federal regulations set a limit of 750 ppm (0.075 percent) isopropyl alcohol.

The NOSB rejected a petition to allow nonorganic **grape seed extract**. The NOSB received negative comments regarding the listing of the substance. There are thousands of acres of organic grapes and organic grape seeds appear to be widely available.

The NOSB recommended the addition of **potassium silicate** to the National List as a fungicide and insecticide without an annotation although it will be listed as *Aqueous Potassium Silicate*, which effectively excludes sources derived from industrial slag. The petitioner withdrew a request to have it considered as a soil amendment.

Kristen Knox, speaking on behalf of the petitioner BioSafe Systems, offered the NOSB convincing evidence that **sodium carbonate peroxyhydrate** is a safer alternative to hydrogen peroxide. It was recommended for inclusion on the National List as an algicide, disinfectant, or sanitizer. The substance recently received EPA approval for use as an algicide in rice, where it is expected to be a substitute for copper sulfate.

The petition for the molluscicide **sodium ferric hydroxyl EDTA** was rejected because ferric phosphate is allowed and appears to have less of an environmental impact. The NOSB requested an accurate description of the adverse impacts on humans and the environment.

The NOSB addressed the sunset of materials added to the National List in 2003 as well as petitions for crops and processing. **Agar agar, carrageenan, calcium sulfate, animal enzymes, and glucono delta lactone** were all voted to be relisted for food processing. Some questioned the nonsynthetic nature of

glucono delta lactone, but ultimately, the NOSB recommended that it remain unchanged. **Cellulose** was also recommended to be relisted as an allowed, synthetic ingredient for use in regenerative casings, as an anti-caking agent, and as a filtering aid. **Potassium hydroxide** and **ethylene** were not subject to sunset because they were listed prior to 2003.

Tartaric acid was not on the agenda because of a drafting error. The NOSB prematurely recommended renewing the listings for tartaric acid and **carageenan** in August 2005.

The allowance for **copper sulfate** as an algicide and for shrimp control in rice in crop production was continued. While some NOSB members considered that sodium carbonate peroxyhydrate might be a viable substitute to copper sulfate, it is relatively new and has not yet been registered for use in California. **Ozone** gas was retained as an algicide and irrigation system cleaner. **Peracetic acid** was also renewed for use as an algicide, disinfectant, and for fireblight.

The NOSB also renewed the allowance for restricted use of nonsynthetic **calcium chloride** to treat a physiological disorder associated with calcium uptake.

The NOSB is aware of the EPA's reclassification of inert ingredients and plans to work on the issue in the future. The NOSB voted unanimously to retain List 3 **inert ingredients for use in passive pheromone dispensers**. Robinson suggested that inert ingredients may require case-by-case review in the future.

Table of Materials Decisions

Substance	Origin/Petitioner	Category	Rule Section	Vote	Outcome
Agar agar	Sunset	Processing	205.605(a)	15-0-0	Renewed
Calcium chloride	Sunset	Crops	205.602(c)	15-0-0	Renewed
Calcium sulfate	Sunset	Processing	205.605(a)	15-0-0	Renewed
Carrageenan	Sunset	Processing	205.605(a)	15-0-0	Renewed
Cellulose	Sunset	Processing	205.605(b)	15-0-0	Renewed
Copper sulfate	Sunset	Crops	205.601(a)(3) & 205.601(e)(3)	11-3-1	Renewed
Enzymes (Animal)	Sunset	Processing	205.605(a)	15-0-0	Renewed
Gellan Gum	CP Kelco	Processing	205.605(a)	15-0-0	Accepted
Glucono Delta Lactone	Sunset	Processing	205.605(b)	15-0-0	Renewed
Grape Seed Extract	San Joaquin Valley Concentrates	Processing	205.606	7-8-0	Rejected
Inerts for passive pheromone dispensers	Sunset	Crops	205.601(m)(2)(ii)	13-0-2	Renewed
Ozone gas	Sunset	Crops	205.601(a)(5)	15-0-0	Renewed
Peracetic acid	Sunset	Crops	205.601(a)(6) & 205.601(i)(7)	15-0-0	Renewed
Potassium Silicate (aqueous) insecticide	PQ Corporation	Crops	205.601(e)	15-0-0	Accepted
Potassium Silicate (aqueous) plant disease	PQ Corporation	Crops	205.601(i)	15-0-0	Accepted
Sodium Carbonate Peroxyhydrate	BioSafe Systems	Crops	205.601(a)	14-1-0	Accepted
Sodium Ferric Hydroxy EDTA	Woodstream	Crops	205.601(h)	0-15-0	Rejected

Petitions

Materials Committee chair Dan Giacomini stated the petition process takes a minimum of 145 days with most items taking over a year. Giacomini and Caroe stated that the NOSB does not require Technical Advisory Panel reviews for items intended to add to 205.606. USDA Deputy administrator Barbara Robinson stated that petitions to remove substances will be given priority over petitions to add substances.

The NOP has received the following petitions since the last meeting: **propionic acid, sorbitol octanoate, and dextrin**. The following petitions have been tabled: **ammonium salts of fatty acids, pelargonic acid, sulfuric acid, and yeast**. For use with livestock **fenbendazole**, a parasiticide, has been petitioned. Giacomini stressed that **methionine** is not eligible for sunset because the material has a phase-out date.

The processing committee has petitions pending for **glucosamine hydrochloride, propionic acid, and yeast**. Several agricultural ingredients were also petitioned since the previous meeting, including **chinese thistle daisy, black pepper, camu camu extract, caramel color, chickory root extract, condonopsis rood, ginger root, jujube, marsala cooking wine, peony root extract, polygala root extract, horia fungus extract, rehmannia root extract, sherry cooking wine, and tangerine peel extract**.

Definition of Materials

Dan Giacomini led an extensive discussion of the definition of materials along with Julie Weisman, chair of the Handling Committee, and Kristina Heinze, the NOSB's Scientist representative. The NOSB needed to address two questions when considering petitions: (1) Is the substance agricultural or nonagricultural? (2) Is the substance synthetic or nonsynthetic?

The NOSB has found inconsistencies and difficulties in resolving these dichotomies. The NOP's letter to Applegate Farms permitting sodium lactate and calcium lactate was cited as one example of the inconsistent interpretations. According to the letter, the reaction of two permitted substances could create an allowed substance that does not appear on the National List.

Another driver in the debate was the petition to reclassify yeast as agricultural. Such a reclassification would mean that organic yeast would have to be used in organic feeds.

The TAP reviews could address whether it is synthetic and/or agricultural in greater detail. However, due to budgetary constraints, TAP reviews have been limited. The NOSB also indicated that access to confidential information is essential to make informed decisions.

There was general support for the formation of a working group to determine what is synthetic. It may be hosted by the Organic Trade Association or another group in which NOSB members can legally participate. OMRI plans to join the working group.

Commercial Availability

The NOSB proposed guidance for certifiers to implement the commercial availability requirement for agricultural ingredients permitted from nonorganic sources. Significant changes were made to the draft recommendation published prior to the meeting.

The NOSB withdrew references to seeds and plans to address them at a later date. The NOSB dropped several requirements imposed upon certifiers. A motion to increase certifier's reporting and database management requirements failed by a two-to-one margin. The NOSB called on the NOP to require processors to proactively develop organic sources of ingredients when they are not commercially available and document specific steps in their Organic System Plan (OSP).

NOP Report*

Barbara Robinson presented the NOP report. Freedom of Information Act requests consume a lot of staff time. To respond better, the NOP will create an electronic reading room that will make everything available on the website, organized by certifiers. The information will include a list of clients, audits, audit reports, all appeals and appeal decisions that are completed, noncompliances identified, and all NOP decisions and guidance documents.

Equivalency discussions with Canada are moving ahead. The US Trade Representative is negotiating and hopes to have an equivalency agreement with Canada by December 2008. The NOP wants to be engaged in an equivalency discussion. According to Robinson, the Canadians have indicated that they have problems with Chilean nitrate and potassium carbonate. Canadian standards permit the use of antibiotics in dairy livestock with a 14 day withdrawal.

Robinson indicated that rule making dockets on sunset 2008, sunset 2011, sucrose octanoate ester, and the livestock medications have been signed off. They are expected to be published as final in December. Robinson also reported that the pasture docket has made 'significant progress' and was cleared by USDA's attorneys. It will need to go to the Office of Management and Budget (OMB), which will be given 60 days where it is expected to face significant opposition. Robinson plans to brief the OMB. Origin of livestock rules are expected to follow pasture. Once proposed, all public comment is now handled through the site regulations.gov.

J. Burton Eller, Deputy Undersecretary of Agriculture, gave a presentation on the Farm Bill. The administration proposed expansion of funding for the NOP, organic research, data collection, and cost share. Eller noted that the 15-20% growth in the sector is unique in USDA; no other agricultural sector is growing at the rate of organic. Most of what USDA proposed for organic is included in both House and Senate bills, with the Senate expected to vote on it next week.

Certification and Accreditation

There was no final recommendation from the NOSB on the proposal from the Compliance, Accreditation, and Certification Committee (CACC) on inspection of multi-site operations, particularly cooperatives of small land owners and retail chains. The CACC's majority opinion was to require that at least 20% of sites must be inspected annually regardless to the size or type of the operation.

The International Federation of Organic Agriculture Movements (IFOAM) made a rare public statement in opposition to the proposal. Most comments wanted to see some form of exemption, but few could agree on how lines could be drawn to exempt some operations and not others. Barbara Robinson spoke strongly in defense of the current NOP rule requiring all inspections and indicated that certifiers have no discretion to waive the annual inspection requirement.

Separately, the NOSB recommended that the NOP issue guidance on standardized certificates. Guidance on the Certification of Operations Involved in Crops Research was revised to make it clear that land treated with prohibited materials requires a three year transition.

Aquaculture

The NOSB hosted an [aquaculture symposium](#) that featured researchers and people from industry. Most of the participants spoke in support of the development of farmed fish. Many of the papers presented are on-line. However, two speakers were substituted due to last minute health and family emergencies. Md. Shah Alam of the University of North Carolina, Wilmington; Craig Browdy of the South Carolina Marine

* From notes taken by Emily Brown Rosen and Rose Koenig

Resources Institute, Torbjørn Åsgård, Institute of Aquaculture Research, Norway; and Steven Craig of Virginia Tech presented data from studies that experimented with different diets for black sea bass, shrimp, salmon, tilapia, and cobia. Results are species specific, but most of researchers said that fish meal and fish oil were essential for feed conversion, protein formation, and quality. In particular, limiting amino acids include methionine, tryptophan, and taurine as well as omega-3 fatty acids.

Commenters from industry advocated the '12/12 rule,' which allows 12% fish meal and 12% fish oil from wild-caught sources proposed to sunset in 7 years. Some producers presented the cases for net pens. Organizations, including Consumers Union, Environmental Defense, and the Center for Food Safety expressed concerns over the aquaculture standards and specifically net pens and the 12/12 Rule.

Aquaculture is number one on the NOSB Livestock Committee's work plan. The NOSB will continue to review and evaluate these two controversial issues along with the proposed allowance of compost use in ponds. The Aquaculture Working Group's supplemental report for bivalve mollusks was accepted unanimously. The NOSB is planning to vote on Livestock Committee recommendations on all of these issues at the next NOSB meeting.

Other Livestock Issues

Outdoor access of poultry, animal care, and apiculture along with previously mentioned petitioned materials are also on their work plan.

Willie Lockeretz and Kathleen Merrigan presented a paper on [animal welfare that compared different international standards](#). The paper was originally presented at the first IFOAM conference on organic livestock. While they found many similarities, they also found some significant differences, particularly with respect to animal drugs and living conditions.

Margaret Wittenburg presented the Global Animal Welfare Initiative initiated by Whole Foods. She explained [their five tier program](#) that has been approved by the Food Safety Inspection Service. The lower tiers form a gateway for organic producers, while the higher tiers were constructed to be compatible with NOP standards, and address some of the animal welfare issues not addressed in the NOP.

Policy

The Policy committee continues to update the Policy and Procedures manual. Two former NOSB members submitted public comment and filed a formal complaint against a current NOSB member alleging violations of the National Organic Standards Board's Duty of Loyalty, Conflict of Interest, and Professional and Ethical Standards contained in the Policy Manual. The NOSB updated the New Member Guide to better describe the Federal rulemaking process. The Policy committee also plans to work with the NOP to create a historical database of all NOSB recommendations.

Future Work

The crops committee is expected to work on hydroponics and mushroom standards, with Tina Ellor expected to take a lead role. Inert ingredients are expected to require changes. Pet food standards are also expected to move ahead on the Handling Committee (HC). The HC also intends to offer guidance on flavors, fortification of food, and food contact substances. Robinson requested that the NOSB consider organic methods to control pathogens in almonds, given the recently implemented AMS regulations requiring almond pasteurization. The Policy Development Committee (PDC) is expected to work collaboratively with the NOP's on a developing database of previous NOSB recommendations that makes NOP's response and the status of the recommendations more clear. The PDC also plans to add a list of common technical sources that can be used by committees in materials review to the new member guide.