UNITED STATES DEPARTMENT OF AGRICULTURE

WASHINGTON, D.C.

-----------------------------------X

ADVISORY COMMITTEE ON :

BIOTECHNOLOGY AND 21ST CENTURY :

AGRICULTURE :

-----------------------------------X

A meeting in the above-entitled matter was held on August 28, 2012, commencing at 9:06 a.m. at the Hyatt Regency Washington, Columbia B Ballroom, 400 New Jersey Avenue, NW, Washington, D.C. 20001.

Russell C. Redding, Committee Chair

Michael G. Schechtman, Executive Secretary

APPEARANCES

Russell Redding, Chair

Michael Schechtman, Executive Secretary

Mary Lisa Madell, USTR

Dick George, USDA (note-taker)

Committee Members:

Angela Olsen

Jerome Slocum

Mary Howell Martens

Marty Matlock

Barry Bushue

Gregory Jaffe

Laura Batcha

Paul Anderson

Melissa Hughes

Doug Goehring

Josephine (Josette) Lewis

Daryl Buss

Leon Corzine

Latresia Wilson

Lynn Clarkson

David Johnson

Darrin Ihnen

Michael Funk

Keith Kisling

Isaura Andaluz

P R O C E E D I N G

MR. REDDING: Good morning everybody. Good to see you. Welcome back. Hopefully, everybody enjoyed the evening. We had a very nice get-together at Ray's the Classics, a nice steakhouse in Silver Spring, Maryland, so thank you, Michael, for the arrangements. And we had a smaller than sort of desired group but nonetheless, a very enjoyable dinner, so thank you to each who attended. Michael, thanks for setting it up.

We've got a lot to do today. I've heard from several of you that you've got really departure needs or plans just given the weather and other commitments so we'll try to keep pressing on. It's pretty clear that by the time we get to mid-afternoon, we're not going to have everybody here but I don't want to cut this short just given what the task is so we'll keep pressing hard.

The discussion when we ended yesterday was around the recommendation 1 and options thanks to Michael's extended day, sort of took the pieces and through a few e-mail exchanges, was able to construct a revised option. And we'll circulate that in just a moment, but it uses the option 3 as a base, okay, and then pulls in the components around, and you'll recall that it had, the loss stated component and the crop insurance model and the pilot and some other things.

So what we're going to do, since you haven't had a chance to read that, we'll distribute it in just a moment. Take a look at it and read it over the, over the break that we've got scheduled, and we'll have that be the first point of discussion right after the break so you have a chance to actually review it and make sure it tracks with what we had heard yesterday and so forth, and that will allow us then to start in with recommendation number 2 here in just a moment.

But I want to say, you know, the discussion yesterday was incredibly helpful. I mean, I know the day didn't feel like it started quite where we wanted it but looking back, you know, that was an important part of the process realizing it had been, you know, some months since we had been around the table. And we had the e-mail exchanges and phone calls and as I had mentioned, you know, it's really hard in that type of exchange and communication to get the true sense of where, where members are on a particular topic but I think we ended at the right point. We ended with some great feedback. We ended with, I think, components of a better product than when we started today and that's the progress.

And I think knowing that our lead point of charge and the secretaries around compensation mechanism, that puts an additional emphasis on getting this first recommendation right. So I think we have captured, for the committee, you know, the major points that need to be included and again, I'm pretty pleased with it.

My other point is I think it just confirms for me, you know, we've got the right people around the table. If you're really trying to find, you know, solutions to coexistence, I mean, we've got the right people by organization, by talent, by perspective and life experiences so again, just thank you for staying engaged in this process and your willingness to give us your time and talent to help American agriculture.

The agenda lays out sort of what we need to do but just so everyone's focused, we're going to continue the discussions around the recommendations 2 through 5, we'll talk about the report framing and the text of that, we'll identify and resolve, hopefully, some of the issues around definitions, and not that we're going to spend time trying to, as a committee, write those definitions but want to make sure that we've got the definitions that need to be included or modified. I guess the footnote to that is certainly, the coexistence definition. I think there was a reference yesterday around the GMO definition we want to sort of come back to.

Some thoughts around the title of the report, that will be on today's agenda as well. To Missy's suggestion yesterday, suggestions for what the next charge, phase of the charge could be, get some thoughts on that as well. And as the reminder, we're still looking for a consensus. I want to keep saying that because I believe that after yesterday's conversation and the redrafting of this new option for recommendation 1 that that is possible, so we're going to try to end there today. Michael will spend some time this afternoon just sort of reviewing the next steps and time lines and reminding us all sort of what we've got to do between here and, you know, the October/November milestones, okay?

So with that, I'd like to pick up with our recommendation discussion, so that would put us into recommendation number 2 which is under the section of Stewardship and Outreach. We have two recommendations in this section, number 2 and number 3. I want to make sure that we focus on that.

You'll see in the document that Michael just distributed that the discussion yesterday that Jerry brought up about the tech providers and responsibilities, that is actually part of recommendation 3, so we've made that modification you'll note at the end of, on the backside of the sheet that was just distributed, okay? Again, I want to make sure that that captures what we heard yesterday. Okay.

So let's open it up. Recommendation 2, which deals with the comprehensive education outreach initiative of the USDA. Any, any comments? Hearing none, everybody okay with it?

UNIDENTIFIED FEMALE: Paul's got --

MR. REDDING: Pardon me? Oh, Paul. Yes.

MR. ANDERSON: I just wanted to throw in a word of support for it.

MR. REDDING: Okay.

MR. ANDERSON: I can see nothing wrong with it. I sign onto it completely.

MR. REDDING: Okay. Perfect. Laura?

MS. BATCHA: I am absolutely generally supportive of it in both parts 2 and 3. I think the only question I have that I'm really posing to the rest of the folks on the committee that I'd like people's input on, the idea of strengthening awareness of coexistence seems, I don't know whether it's definitionally funny or whether or not, it's just somehow a little bit off to me, the way that that's characterized in terms of awareness of coexistence. Is it more about education on knowledge around tools for coexistence? It's something about that like awareness of coexistence that is, seems sort of inadequate to me in general and so I'm just wondering whether or not anybody else had the same reaction to those words. I'm not sure I have a solution but I'm posing the question.

MR. REDDING: Marty.

MR. MATLOCK: Marty Matlock. I'll respond. I didn't react to that at first because of the fear of wordsmithing but I think this is a bit beyond wordsmithing because this is conceptual. I think what's missing is the awareness of what of coexistence. The awareness of the importance of coexistence, the awareness of mechanisms for coexistence. Coexistence itself is too broad to -- I think there's something that we, that's missing.

MR. SCHECHTMAN: Well, the importance is there after coexistence in the phrase.

MR. MATLOCK: I see that.

MR. SCHECHTMAN: Yeah.

MR. MATLOCK: And that's the reason I think it just kind of seems a little awkward there but the, I, but I was reticent to comment on it but I do agree with Laura that it is probably worth adding something else.

MR. REDDING: Okay. So we're open to suggestions what that looks like. Angela.

MS. OLSEN: Yeah. Maybe it could be just with strengthen awareness and the importance of coexistence, so we take out the of coexistence and the, and maybe that would take care of it because we address -- do you agree with that, Michael? I see a perplexed look.

MS. LEWIS: I think it's the word awareness. I was going to suggest maybe just the word understanding which is still broad but if you read the paragraph, then it kind of goes into more detail so if you replace awareness with understanding, perhaps that adds some clarity even though you have to read the paragraph to understand aware, understanding of what.

MS. OLSEN: I would support that.

MR. MATLOCK: We're not wordsmithing.

MR. REDDING: Pardon me?

UNIDENTIFIED MALE: Call it what you'd like.

MR. REDDING: Okay, Greg?

MR. JAFFE: I made this comment yesterday generally but it comes up here in the discussion about recommendation 2 and then in recommendation 3. We keep, again, using this word stakeholders and in this one, it says working in conjunction with all agricultural stakeholders but then it separately says public organizations, state and local governments and things like that.

I'm still not clear what we mean by all agricultural stakeholders and, and I guess I would prefer us to specify who we're talking about or define earlier on who we're talking about when we talk about this because then in number 3, we say USDA should work with agricultural stakeholders. Later, in number 2 we say as part of outreach, stakeholders should be provided with the tools to measure the success of effectiveness of their coexistence efforts, and I'm not sure if that's the same stakeholders or that's just farmers.

So I guess I'd like a little clarification of what do, what do we mean when we talk about all agricultural stakeholders to make sure we have the same understanding of what that is. And I guess I don't know what public organizations are separate from agricultural stakeholders who would be interested in this so I guess I was a little confused.

MR. SCHECHTMAN: Okay. We'll work on clarifying who's who in the various sentences to the report. We can do that.

MR. REDDING: Good point. Marty, then Mary Howell.

MR. MATLOCK: Marty Matlock. I didn't get much sleep last night so I'm a little more verbose today I suppose. The National Academies of Sciences' Understanding Risk document defines stakeholders very effectively as interested and affected parties, and I think interested and affected parties does distinguish it from organizations a bit so that's the reason I like the term stakeholders and I'd like to stay, keep it in. A simple definition, interested and affected parties, at the beginning would be very valuable I think. Does that help, Greg?  
 MR. JAFFE: I mean, I don't know. I mean, to me, that doesn't help particularly, no, because it doesn't list kinds of groups or people. I mean, that sort of, you self-proclaim whether you're an interested then --

MR. MATLOCK: Precisely.

MR. JAFFE: But how does, how does USDA know who to work with there and how do we, I mean, I think we use the phrase that may work in some instances but not in other instances in the last sentence, as part of this outreach, stakeholders should be provided with the tools to measure the success of effectiveness of their coexistence efforts. The way you've described it, not all those stakeholders will actually have coexistence efforts. But this, when we say that these are the ones who have coexistence efforts, that might just be limited to farmers so, so to me, that's why it doesn't, doesn't help me particularly.

MR. SCHECHTMAN: In the interest of time, let us work on it. We'll try to, try to keep stakeholders where it's particularly useful, be very specific where we need to be. Trust us on trying to take the general issue seriously.

MR. JAFFE: Right, yeah. I mean, because we might have seed developers of something who might be important. I just think we should specify, where we can, the specific groups.  
 MR. REDDING: That's a good point. I think we  
need to be more specific, so appreciate your comment. Any

other -- sorry. Mary Howell.

MS. HOWELL MARTENS: Just, just for the sake of simplicity, when I write something, I write it and then I go through and I knock off, out about a third of the words because I always write too many words in and I think in this case, especially the first section, there are too many words there. I would say strengthen coexistence between different agricultural systems and just take out awareness, understanding importance. Just strengthen coexistence between, because that's what, that's what we mean. That's the point. And it makes it stronger, it makes it more actionable, it makes it less passive.

MR. REDDING: Okay. Let us -- you're okay if we, you know, try to work with those words, right?

MS. HOWELL MARTENS: Oh, yeah.

MR. REDDING: Okay, good.

MS. HOWELL MARTENS: But I urge you to be less passive on the wording and more actionable on the wording.

MR. REDDING: Okay.

MR. SCHECHTMAN: I had thought that the intent of the group was to have this specific outreach campaign. There are various other steps that are the actionable ones telling people how to do it in recommendation 3, having neighbor-to-neighbor things in recommendation 1, but I had thought this one was intended as a get people aware of the issue, let people understand why it's important. So that's why I thought the wording was the way it was and that the real meat of the action things were in some of the other recommendations.

MS. HOWELL MARTENS: But this one talks about education, and there is action in education, and if there's education and outreach to strengthen coexistence.

MR. REDDING: Leon?

MS. HUGHES: I have a follow-up on --

MS. HUGHES: I'm on another one. If there's, you want another follow-up.

MR. REDDING: Okay.

MS. HUGHES: Yes. Can I just have a follow-up?

MR. REDDING: Yes.

MS. HUGHES: I agree with Mary Howell that, and for me, this recommendation is probably one of the most important, you know. If there's anything the USDA can do -- I didn't mean it that way, Michael.

MR. REDDING: Can do now.

MS. HUGHES: One of the best things that the USDA does is educate, and so let's make this one as strong and as powerful as we can because I think everybody can agree that the more farmers know about this the better. What I agree that this -- and for some reason, this has been one of my biggest bugaboos for the recommendations that it, the best analogy I can come up with, and it's not perfect, is to say to people we want to teach people about the importance of civil rights. It's not we want to teach people about civil rights. We want to teach people the necessity of civil rights.

So I would suggest that maybe we do something like initiative to, to strengthen awareness of the necessity of coexistence for diverse agricultural production systems. Like something that demonstrates that this is something that everybody needs to have a hand in and needs to be supporting and is working on. So I think that it's really important to get this section as, as strong as we can because I don't think it hurts anything.

MR. REDDING: Leon, your comment as on this recommendation?

MR. CORZINE: Yes.

MR. REDDING: Okay. Please.

MR. CORZINE: Leon Corzine. Thank you. I'm having trouble with, in that first paragraph. When you get down to the extent that the measureable, it just seems a bit presumptuous and kind of heavy-handed and I, it gets then pretty vague on what value in regional experimentation with a diversity of approaches. And I get uncomfortable with that and I'm wondering if it's necessary, we're always trying to shorten things up a little bit, if anything in that paragraph is needed. I would stop it with that, to the extent. I mean, it kind of covers it above but we just start getting, and for lack of a better term, I think kind of heavy-handed or opens that up. So I'm just uncomfortable when you get beyond to the extent.

MR. SCHECHTMAN: So you're saying remove, remove the last two sentences of that paragraph or the last one sentence?

MR. CORZINE: The last two.

MS. BATCHA: Could it be moved down to recommendation 3, Leon?

MR. CORZINE: I haven't quite gotten that far actually, Laura, to be honest with you but it just seems like it's just, like I say, kind of presumptuous and then gets pretty heavy-handed with what might or might not happen. Leaves it then way open-ended with that last phrase. I think those kinds of things are going to be covered when we get the data collection that we talk about in, in front of that in the, in recommendation 1.

MR. REDDING: I guess I'm struggling a little bit, Leon, just kind of --

MS. LEWIS: Might I suggest, I don't know -- this is, this is Josette Lewis -- a compromise. The first sentence in that last paragraph, USDA should utilize the capacity and expertise in land-grant university and research extension system is consistent with the idea of outreach and education. That's the mandate of the extension system and the language of the university system so that fits. The second sentence is, sentence, which is really getting more at the specific tools, could fit better with recommendation 3 as Laura suggested because that's where you talk about toolkits, the more specific management options based on, you know, whatever research and so forth.

So I don't know if splitting that where sort of you clearly state that in conducting education and outreach, USDA should utilize the capacity of land-grant university and research extension system, and then just, you probably don't even need the second sentence in 3 because it's kind of covered already, but I don't know if that helps.

MR. CORZINE: Yeah. Josette, well, for clarity, what I was -- I failed to mention that that, where the next paragraph starts with the USDA, I would be okay with. I agree with your, your adjustment to that but my main focus were the last two sentences of the previous paragraph.

MS. LEWIS: Oh, sorry. Okay.

MS. HOWELL MARTENS: And to follow up on that, I don't, I agree with you. I actually think the last sentence in that paragraph is a very awkward sentence and does not, and it's got way too many words for saying what it's saying. I do think rather than give the impression of being negative or heavy-handed, we could say that as experience is acquired, these educational initiatives will be fine-tuned to become more regionally appropriate and effective.

MR. CORZINE: I think something like that works because it really addresses it.

MS. HOWELL MARTENS: That is positive, that is adjustable, but it isn't heavy-handed.

MR. SCHECHTMAN: Would you -- do you think you could do that a second time?

MS. HOWELL MARTENS: As more experience is acquired, these educational initiatives will be fine-tuned to be regionally appropriate and effective.

UNIDENTIFIED MALE: Very good, Mary Howell.

MS. HOWELL MARTENS: That's it.

MR. CORZINE: Yeah. And if you wanted to be more specific, would you like putting data in there rather than experience?

MS. HOWELL MARTENS: As what?

MR. CORZINE: Data.

MS. HOWELL MARTENS: Data? Okay. Although I think I mean experience because the experience is going to be the experience of learning what is effective.

MR. CORZINE: Okay. Yeah.

MR. SCHECHTMAN: And just so I'm clear, is that replacing the last --

MS. HOWELL MARTENS: It is replacing from to the extent down to approaches.

MR. SCHECHTMAN: Okay.

MR. REDDING: Greg?

MS. BATCHA: Not --

MR. REDDING: I'm sorry.

MR. JAFFE: No. I was also thinking that that didn't belong so but it's, that's a good solution.

MR. REDDING: Okay.

MS. BATCHA: Not to just belabor this but one final thought about that. I like the sentiment about concrete goals so, but I think it doesn't necessarily belong in recommendation 2 so I just, I just put that out there. I think number 3 is more about the toolkit, to Josette's point, and if there's a way to communicate it there that concrete goals, you know, would be involved, I think that would be helpful.

MR. SCHECHTMAN: Just so I'm sure I understand, what has happened to the very final paragraph of number 2 now? Is that --

MS. BATCHA: That's still there.

MR. SCHECHTMAN: That's still there. Okay. Because I know there was some suggestion about moving it around. Okay. We leave it there. That's okay.  
 MR. REDDING: So, Laura, we can work with the goals piece. Maybe there's a spot somewhere in the recommendation or the context or --

MS. BATCHA: Yeah. Look at part 3, yeah.

MR. REDDING: Okay. All right.

MS. BATCHA: Just to not lose sight of it is all.

MR. REDDING: Got it. We've got a note. Okay. So any other, any other feedback on recommendation 2? If not, thank you. Let's begin looking at 3. And if you would, on the paper we distributed, recommendation 3 is rewritten to include the point of the benefits of effective communication with neighbors being included with the technology contracts. Okay. David?

MR. JOHNSON: Thank you. David Johnson. I would again bring up the concept of unintended presence versus gene flow specifically so that we're all-encompassing.

MR. SCHECHTMAN: We will go through all of those throughout the whole document to check.

MR. JOHNSON: Okay.

MR. SCHECHTMAN: There may be some places where one, one, the other one is actually more appropriate but we will look at every one.

MR. JOHNSON: Thanks.

MR. REDDING: Thank you. Angela?  
 MS. OLSEN: More of a question. The USDA should create incentives for joint activities by neighbors originally to provide buffer strips or zones that facilitate IP crop production through existing conservation programs. I don't know that we've had adequate discussion on how these existing conservation programs could be used to single this out as a recommendation. Frankly, I don't know how they work. And coexistence isn't a conservation issue so I just, I just think that that phrase doesn't fit here. I just, I throw it out to see if others react the same way to it. I would suggest striking it, the conservation assistance part just because again, I don't think we've had adequate discussion at the table. I don't know how it would work and I don't know how it's consistent with coexistence.

MS. BATCHA: Would you be comfortable ending the sentence, Angela, to facilitate identity preserved crop production, period, but leave the beginning part of it there?

MS. OLSEN: I also didn't know about to provide buffer strips or zones that facilitate, I mean, so I'm hung up on that too. I just, I don't know exactly how that would work and I don't think we've had adequate discussion at the table to address that. I'm interested in some of the growers, hearing from some of the growers and what they think as well. Again, I just don't think we've had enough discussion of that at the table to include that in the report. I just don't know how it would work either or if it's even consistent with coexistence but open to what others feel as well or how others react to it.

MR. CLARKSON: Lynn Clarkson. The conservation part came in during our earlier discussions. I think it's very appropriate here. With conservation, we put, the USDA works to encourage farmers to put in grass strips along waterways, conservation, they could do grass strips along field edges because they haven't in the past, contribute to CRP, put strips along field edges. Now you've got natural buffers. Natural buffers, on my mind, is the best tool we've got to support coexistence. So if the USDA is already engaged in these programs, why not align the programs with this valued coexistence. I would like to encourage the USDA to see if they can make it mesh. I believe that came out in discussion, a number of farmers here.

MR. REDDING: Alan was the, Alan --

MR. CORZINE: No, no, no.

MR. REDDING: You're saying no?

MR. CORZINE: Yes. Leon Corzine if I may, Mr. Chairman?

MR. REDDING: Sure.

MR. CORZINE: I would oppose that. I don't think that's where the discussion really went. I know it was mentioned but I don't see a conservation -- I think it's dangerous to start using conservation program for those type of buffers. I mean, they are used but wherever, for Lynn's examples, they're used for environmental purposes for buffer strips and as well as on fragile lands and, you know, especially in the budgetary situation wherein we're looking at a cutback in those type of things anyway which could be problematic and I don't see -- I oppose using conservation programs for that and I think, I think most, not all the growers, would as well.

MR. REDDING: For the record, I just want to make sure, I mean, I've had several conversations with Alan Kemper (phonetic sp.) that at least gave me, you know, the, in a direct conversation I think from one of our previous meetings and since, so, and the thought was that there may be opportunities to, you know, use the programs. If you're already doing conservation, is there a way to enhance that for purposes of meeting the goals. Now, I know that gets a lot of conversation going but it is also, just so we're clear, in the recommendation, rewritten recommendation, you know, that's why NRCS is sort of referenced there. It's the thought of having some of those resources available for meeting the expectation.

MR. CORZINE: If I may, the issue though is those buffer strips and those kind of things are long-term contracts that you do with, with the USDA for, and some of them are 30-year contracts, 15-year or 30-year, and that is not a fit for a buffer strip for a one-year crop. It doesn't work. I mean, as well as the environmental part. I just don't see that. It's not a good use of the program at all.

MR. REDDING: Okay. Lynn? Sorry. I've lost track here. Lynn, go ahead and then we'll come back.

MR. CLARKSON: The way it seems, if the program is already being used, you can use it for two values rather than one as an enhancement. And I don't see a problem in having multiple year applications because this isn't an issue that goes away in one year on raising IP crops. This sticks around for a long time for a farming plan, so I see it having multiple purposes.

MR. CORZINE: But you rotate crops, Lynn. You rotate crops.

MR. JAFFE: I mean, I guess I support having the language in the document here. I mean, I can get rid of the resistant conservation programs but I think the idea the USDA is going to try to create incentives for activities by neighbors that provide, you know, buffer strips and zones that facilitate IP, preserved crops, I mean, that's what we want to do. We want to push USDA to be creative here and help come up with different tools that different farmers can use either individually or regionally. I mean, who's to say we can't, you know, make the town green in between two

fields that being the buffer zone.

I don't know what they're going to do here but I think that our, one of the things we wanted to do in this report is push USDA to think creatively about these things and I think this sentence does that. And I tend to agree with Lynn that there may be a role for the conservation program here but I don't know enough about it. I'm comfortable with taking that reference out but I think this idea of USDA trying to create ways that jointly we can deal with buffer strips and zones is I think one of the major ways to foster coexistence. I think we should be stating that here.

MR. REDDING: So a potential amendment would be deleting through existing conservation programs, right? Okay. Let's, other comments. Mary Howell?

MS. HOWELL MARTENS: Okay. We've been involved in a lot of conservation programs. My husband's on the Soil and Water Board and has worked on conservation plans, so this is something we're pretty in the thick of. I think that it wouldn't be a bad addition to conservation plans. Trouble is that they are fairly complicated and to meet a number of different goals, they've got to all be integrated to primarily meet conservation goals. I think we could keep part of this sentence in here but remove the more specific parts of it and just say the USDA may also create incentives between neighboring farms through existing conservation programs. Have it sort of there as a suggestion, as a, as another tool but not specifically say buffer zones and strips and stuff like that because that kind of limits the way these things can be applied. We need to have the tool there but not, not the specifics.

MR. SCHECHTMAN: So we've heard sort of two opposite ends. One, remove the conservation programs but leave the specificity and one, take out the specificity but leave the conservation programs.

MR. REDDING: And there may be a third option. Barry?

MR. BUSHUE: Well, I mean, I guess I'm kind of between. I think Laura and Mary Howell, I like what Mary Howell said in terms of talking about leaving it more broad-based to create incentives but I really just don't think we want to go down the path of trying to, trying to tie these very complex long-term conservation programs. I don't think it's a good fit. This is primarily about a market and a preservation. It's not about environmental conservation that they -- the organization, the agency is already strapped. It's already difficult to maintain these conservation programs. If you just read anything about the Farm Bill, they're disappearing faster than they're gaining. I just think it's a very, very poor fit and it sends a very bad message. So I like the first part of Mary Howell's sentence and would support that. If she'd agree to take out conservation programs, we can all go home happy.

MR. REDDING: Okay. Doug, Josette and then Darrin.  
 MR. GOEHRING: Thank you, Mr. Chairman. Doug Goehring. I agree that, to Lynn and Mary's point. The NRCS and those conservation programs are directed towards soil and water, and it is about conserving and protecting those elements. You have every one of those soil districts that exist in a state, in those counties and sometimes regionally, plus NRCS having to deal with a whole different mission and directive. I think that just complicates the whole situation. Plus, as Lynn pointed out, you're looking at buffers that were established for soil and water protection and now, you're going to try and tie something else to them. I think it just muddies the water and makes it more complex just as Mary was pointing out.

I do like the fact that Mary identified just making a statement there and I would agree. I would even say to this, this point, USDA should create incentives for joint activities by neighbors, and they can find other ways within USDA to make those things work. If someone could come up with a way of tying something else into it that still doesn't disrupt the mission and the goal of the agencies that operate under USDA, I think that's great, but let that happen internally. Thank you.

MR. REDDING: All right.

MR. SCHECHTMAN: Can we leave on that facilitate identity preserved crop production?

MR. GOEHRING: Yes, to that facilitate identity preserved crop production, yes, but striking the stuff in there that the regionally, buffer strip, zones and through existing conservation programs.

MR. REDDING: Okay. Josette?

MS. LEWIS: I just add another vote to not broadening the objective of the Conservation Reserve Program, that from a public policy and what we want to communicate, I don't think we want to be suggesting we're taking something with an environmental goal and now adding an economic and market-based goal to that. I think it sends the wrong message, so I would prefer to keep the environmental objectives of the Conservation Reserve Program as it is and to not add in buffer zones for economic purposes to that objective.

MR. REDDING: Okay. Darrin, Isaura and then Lynn. Darrin?

MR. IHNEN: Darrin Ihnen. I'd agree with what Doug said. That was going to be my suggestion as well. Conservation programs are not intended for buffers, and if you read the sentence the way it is in there wholly, it looks like USDA, this is the only incentive program they could come up with was through buffer strips or conservation. I don't think that was the intent of the discussion either, I'm sure yesterday when we talked about incentivising. Thank you.

MR. REDDING: Good point. Isaura?

MS. ANDALUZ: First of all, I didn't know that until this morning, that the existing buffers that are in the transgenic plants, I always thought those crops on the buffer area were non-transgenic but I guess they're not necessarily they are supposedly they are transgenic. So I think that it's, you know, it has to be, in some ways, you already have these conservation areas and I don't see anything wrong with adding, with adding the economic part, part to this. If they're already existing, why not go ahead and, you know, add to this. If they're already there, it may increase incentive for the farmer to keep it that, keep it that way.

MR. REDDING: Lynn?

MR. CLARKSON: I'd just like to point out and thank the USDA for giving me bonus points on conservation strips for biodiversity and as far as I'm concerned, germplasm is part of biodiversity. So I think it's already  
included in the goals of this area beyond strictly erosion control.

MR. REDDING: Leon?

MR. CORZINE: Just to answer Isaura, is the, those, your CRP acres are not in the right place. You can't move them around for where you need your buffers as you rotate your crops and things like that as well.

MS. ANDALUZ: Some of them may already be existing, you know, so that's, that's a good thing.

MR. CORZINE: Well, if they're existing, it could be used but that doesn't even, but this is opening it up for new. So I think it's been addressed pretty well with the others.

MR. REDDING: Missy?

MS. HUGHES: Just because everybody's weighing in, Missy Hughes, I want to echo Greg's words that, you know, what we're trying to do here is to offer creative solutions and for me, this was a place where we were creative. And I'm fine if we say for example, the USDA might consider creating buffer strips or incentives, whatever the words are, but, you know, to take it out, why can't, why can't the USDA consider it? I mean, come on, you guys. We're trying to find some creative ways to deal with this situation and, you know, just saying no to everything, fine, but we've got to try and offer something up.  
 MR. REDDING: The original discussions were around if we're making the investments anyhow, is there a way to sort of, you know, structure them to accommodate potentially either the individual producer's own coexistence needs and/or with our emphasis now around the joint planning, could they be used to sort of, in furtherance of that joint planning. I think that was sort of what was envisioned. Not to re-write the rules anywhere but, you know, if two people are going to make investments and talk about how to do that, doesn't it make sense for the agency, lead agency with that responsibility in public funds to at least consider that as part of the mix for solving what we've got a document that says you need to, we want to further coexistence.

I mean, it's not a mandate, okay? If there's a way to use that, great, but I guess that's what we were trying to say, right? If you're already making investments, put this in the toolbox as a potential solution. We'll be sensitive to the references to current conservation programs but I think some way to keep, I recommend some way to keep the spirit of that thought in, in the discussion here around what the USDA can do or should do. Josette and then Doug.

MS. LEWIS: I guess I would just want it to be clear that we're not suggesting that we water down the primary environmental objective of any conservation program, that that, if there happens to be a way to encourage people to leave grass or put shrubs and that fosters a coexistence plan, then they can apply to the Conservation Reserve Program anyhow, but I don't want to send the public policy message that we're watering down the environmental objective of existing environmental programs by adding in a new and potential equivalent economic objective. So to keep the environmental focus is the primary public policy message I want to keep.

MR. REDDING: Good point. Doug?

MR. GOEHRING: A couple things about that. Keep in mind that some of these USDA programs access 319 EPA funds and to help with the protection of water. You don't have the ability to use those for anything else other than along those, those areas where you have tributaries. You need to create riparian areas. So that complicates it a little bit.

On another note, I understand the discussion about let's be creative but I do have a bit of concern. In the last three decades, Federal Farm Policy has continued to be whittled away at and it has taken a great deal of money out of our rural communities and out of farm programs per se. This next go-around, they're taking a huge chunk. There's hardly anything left and I guess if we start throwing things out here, let's whittle away more at the existing programs that are left with limited funds, we just take more and more resources away from those areas where we're trying to protect soil and water. I'm not opposed to is but I looked at this and I said okay, USDA should create incentives for joint activities by neighbors. Those are going to be local. They can be locally led with a lot of encouragement by USDA, by extension, by land-grant universities.

After all the fighting that has gone on the last three years within this Farm Bill, because we started hearing this, and the cuts we were going to have to endure this time around, I just hate to see anything else accessing what's left of the Farm Bill and take more away from production agriculture which is still trying to feed this nation and provide food security. Thank you.

MR. REDDING: Keith?

MR. KISLING: Keith Kisling. I've been on Frank Lucas' (phonetic sp.) Farm Bill Advisory Committee and there's a lot of things I've found out about that. One of them is that CRP is one of 122 programs that can't be messed with. It's long-term and the reason that it's not messed with, because most of the contracts are 10 years or 30 years, so it's not something that's changed every four years when we vote on the administration. It's in there for the duration and I just don't think we want to mess around with it very much here. I don't think they'll mess around with it very much in the USDA. So it's, it's kind of a premier, CRP is kind of premier for us. In agriculture at least. It's something you can depend on and it doesn't change very much.

MR. REDDING: Isaura and then Jerry.

MS. ANDALUZ: I just wanted to say again, you know, that like Greg and Missy both said, I mean, you know, we're just looking at, looking at new ways to do this and again, you know, buffers, these zones do increase by diversity, you know.

MR. REDDING: Jerry?

MR. SLOCUM: Thank you, Mr. Chairman. Jerry Slocum. I hope to move this into a different direction if that's okay with you.

MR. REDDING: Preferred.

MR. SLOCUM: Thank you. These zones, when you talk about zones, are we talking about like crop zones, crop districts? You know, out west where they grow both edible canola and inedible or industrial canola, producers gather into an agreement to plant certain counties into this particular canola or that particular canola and it's a, it's not a government function as such but it is a function that the government assists in because they sort of post the boundaries if you would. When we talk about zones here, is that what we're talking about?  
 MR. REDDING: This zone, think back to the panel discussion we had in the spring. That's where this, you know, concept came from and in that case, it was completely producer-driven.

MR. SLOCUM: Right.

MR. REDDING: Right. I mean, there wasn't any sort of government role in that but they were defining sort of the boundaries in what they were going to do. That's the word zone here, okay? That's what was envisioned.

MR. SLOCUM: So that's not a conservation buffer or a conservation strip or anything. So that's a different concept, and maybe we need to separate that from the conservation, traditional conservation buffer discussion because you certainly need the USDA to facilitate those zones, the creation of those zones because the way I understand it, and my understanding is not particularly good, but that they'll rotate those zones. Some years, they'll plant an industrial canola and other years, they'll plant the edible canola there, and USDA facilitates that discussion among growers.

MR. REDDING: All right.

MR. SLOCUM: And I think we're already seeing some of that happening, aren't we, where ethanol plants with the new corn varieties have been really engineered for their uses. They're trying to arbitrarily create zones perhaps to feed that stock. So I think that's an area where USDA could

explore and perhaps facilitate.

MR. REDDING: That's a good point, making a distinction. It's grouped in as though it's part of the menu of conservation options so --

MR. SLOCUM: It's really not.

MR. REDDING: Yeah, it's not. Laura.

MS. BATCHA: So at the risk of I think sort of ratcheting up the challenges for the rest of the day, I do feel like I need to sort of comment on how this discussion is unfolding, at least from my perspective. I think that if we go forward in looking at these recommendations and attempt to strip out all creative ideas that are not current status quo, at least from my perspective, it's not demonstrating flexibility to move to the middle and be open to the discussion. I, at least for me and the stakeholders that I represent, I perceive it as defense of the status quo where there's a view that existing agriculture, historical agricultural policy doesn't have room at the table for new entrants and diversity in agriculture.

And that's a challenge for me when I hear this conversation because I, in order to, all of us move to the middle and be flexible, we have to be operating from that premise. And I appreciate your comments, Keith, about production agriculture and shrinking resources for conservation programs. That's an issue for everybody. But at least in terms of what I represent, in terms of organic agriculture, if you view organic as a commodity class, at farm gate value, we're the fifth largest commodity that's tracked out there. It's just you don't aggregate us and measure us that way.

So our farm gate value is larger than peanuts and cotton combined and traditionally, those sectors have seats at the table and so it just, you know, I'm putting that out there, that what I hear from the discussion is a cost and attempt to strip away anything that challenges the status quo and I think that's not going to get me to a place where I'm comfortable we've moved to the middle.

MR. REDDING: I would hope though the last 20 minute discussion, I mean, I think there's been some movement around, Laura, the, you can retain some of the creative thinking without sort of referencing very specific existing conservation programs where I think there's some sensitivity to plugging in yet one more eligibility requirement on top of an existing program that may cause, it wasn't the intent and you're sort of reordering who potentially would be eligible and where those dollars would go.

You could retain the conservation piece again to say that if you have an individual producer who is doing some planning for zone operation, you know, keeping in mind that that conservation program may help you in furtherance of your own coexisting plan that we are encouraging folks to consider here or if you can do that jointly, certainly we're asking the USDA to consider that, right?

It's not a mandate. I think we can say that there are dollars being spent. I don't think it reorders sort of what the expectations are on Farm Bill or conservation but if you're going to make the investment anyhow, you know, use it as part of that equation that solves what we're in search of here, right? So that will take some wordsmithing to get there but that's sort of what I hear. You could say may, you know, the general references to conservation. I think the zone piece, Jerry, we can sort of figure out where that belongs and whether that's even appropriate to have it in here at all but that may be, but not losing the sense of the conservation program as a potential opportunity for us to solve the coexistence challenge, right?

MS. BATCHA: I appreciate that.

MR. REDDING: I just want to make sure that I'm saying this to try to sort of feedback what I hear and pieces that I think for Michael and I, as we draft out a couple of sentences, can make sure that we capture these things. Leon?

MR. CORZINE: Leon. I really don't like the reference that we're not trying to meet in the middle on this. We are talking about facilitating identity preserved crop production and that's fine, and we're working on -- but to specifically target conservation programs is bad. I mean, we've given the reasons around the room why and it doesn't work that way out in the field. And I, and I'm part of a couple drainage districts and conservation districts and this would just, it just doesn't work. It's not what the intent was, what it was designed for, any of that, so the conservation programs just should not be listed. It doesn't -- because actually, the way this is, it's, it is targeting the conservation programs and I just don't like that. We can't say it or do it that way. We are leaving it open for USDA to create incentives for joint activities by neighbors that facilitate identity preserved crop production. That pretty much does it. I don't see any need and actually, I object to having conservation programs listed there.

MR. REDDING: Okay. But just being clear, that the recommendation title deals with fostering good stewardship and incentivising appropriate stewardship practices, so this, you know, modifying language isn't keeping with that overarching recommendation. And maybe it's a point that we need to say that we're not asking this to be an eligibility criteria in the program but we're saying that if two folks would otherwise qualify, isn't it worth a conversation about potentially using this to further the objective of coexistence.

MR. CORZINE: The way I read this though, Mr. Chairman, is that that is, this buffer strip would be set for that purpose. It's not any other eligibility. It could be the best ground out there. That's --

MR. SCHECHTMAN: We will need to go back and rewrite, rewrite the sentence, I think, taking, you know, doing our best to take into account what we hear about the sensitivities and the desire for creativity as well and trying to figure out. I don't think we have time to make this sentence work perfectly right here. We're just --

MS. HOWELL MARTENS: I think I've got a sentence for you. I really do. I think everybody will like this. USDA should create incentives for joint activities between neighbors that facilitate IP crop production through FSA and RCS extension, local and regional opportunity zones and other local, state and USDA programs.

MR. SCHECHTMAN: Once again.

MS. HOWELL MARTENS: USDA should create incentives for joint activities between neighbors that facilitate IP crop production through FSA and RCS extension, local and regional opportunity zones and other local, state and USDA programs.

MR. GOEHRING: Mr. Chairman, Doug Goehring.

MS. HOWELL MARTENS: And churches and fraternal organizations.

MR. CORZINE: That's pretty good, Mary. Could you, could we add at the end of that Mary if, where possible?

UNIDENTIFIED FEMALE: Where possibly needed.

MS. HOWELL MARTENS: I'm saying this though because I feel that it isn't correct to single out conservation districts for a lot of good reasons, both what have been said and what have not been said. I think that we are pinning too much on RCS. We should include more under the umbrella.

MR. REDDING: So we'll take that sentence and work with it, okay?

MS. HOWELL MARTENS: Okay.

MR. REDDING: But I want to make sure that we don't lose, I mean, I think the point about creative solutions is an important one, okay? I don't want folks leaving here today feeling like, you know, we don't have that element of creativity imbedded in here because we found that yesterday, I think around recommendation 1, we pushed on a couple points here on both this stewardship recommendation and we'll probably do it again with the research one, so that's an important point, okay? Greg.  
 MR. JAFFE: Totally different sentence if we're

out of, if we're off this one.

MR. REDDING: Out of the recommendation or --

MR. JAFFE: No. Off of --

MR. REDDING: Okay.

MR. JAFFE: Off with that one we just discussed.

MR. REDDING: Okay.

MR. JAFFE: So I was looking at the language that Michael gave us to deal with what Jerry had brought up yesterday, and I think that language is good but I think it's missing one thing. So, so I would propose that where it says information, where the bold language where it says information about the importance of coexistence, I'd put a comma, get rid of the and. Then it says the benefits of effective communication with neighbors about their planting intentions, comma, and then I would add, and stewardship tools to foster coexistence because I think Jerry talked about things like, well, actually showing the maps and showing examples and things like that and I think, so I don't think it was just telling people the -- I think he got two-thirds of it right. One is coexistence is important, two is communicate with your neighbors and three is here's some examples of ways to actually --

MR. REDDING: Review it one more time, please.

MR. JAFFE: So I suggested a comma after coexistence.

MS. HUGHES: Greg, I'm sorry. Where are you?

MR. JAFFE: The new language that, the new language that was --

MR. REDDING: You have to go to the one handout.

UNIDENTIFIED FEMALE: Backside of option 4, he has a language insert under recommendation 3.

UNIDENTIFIED FEMALE: Oh, I didn't know that.

MR. REDDING: Down at the bold area.

UNIDENTIFIED FEMALE: Is that what we've been working? I've been working from the other one.

MR. JAFFE: So with the bold text, I was suggesting putting a comma after coexistence, deleting the word and, then putting a comma after intentions and adding, and stewardship tools to foster coexistence as a means to address potential conflicts and so forth. So the idea was, I think that captures better what Jerry was trying to get at.

MR. REDDING: Okay. That's good. Angela.

MS. OLSEN: So two points. To the point that Greg just made, a question. I assume this is across all IP systems and that's why we have here commercial seed purchases. I have a question but then I do have a follow-up comment as well. In the letter, and I honestly don't know the answer to this, in the letter that you referenced yesterday for, that you send to neighbors for organic production, does it include language about coexistence? Does it say, you know, I'm grower A and I'm growing organic corn and this is how I plan to plant it, or does it say anything about -- we talked a lot about that communication on both sides of the fence and so I'm just curious, because I haven't seen one of these letters, does it also talk about coexistence and having that discussion?

MS. HOWELL MARTENS: It does not, and it should. Currently, it's a form letter that basically says, you know, the, to the neighbor, we are planting organic crops next to yours and basically, that's it. I think that we certainly could do a lot better job to explain the whole situation of coexistence and cooperation than what we are currently doing and that is certainly something I'm taking back.

MS. OLSEN: So maybe on all sides of the fence regarding IP production then. It's not just transgenic but organic and anybody growing IP. It seems that that really gets to the heart of what we've been talking about over this past year which is that communication for the sides. So it was just a clarifying question. Thank you.

Then the comment I have on a different point, and this is, I'm interested in hearing from our growers, and that is USDA should promote the use of third party verification of appropriate stewardship practices. I know third party verification can be very costly. I assume it could be intrusive on a farm. Growers do take stewardship matters into their own hands and it's just a question. I'd like to get reactions from our different growers as to what they think about this third party verification concept.

MS. HOWELL MARTENS: Happens every year on my farm.

UNIDENTIFIED FEMALE: Mine too.

MS. HOWELL MARTENS: I have no problem with it. It's a requirement for what we do.

MS. OLSEN: For the organic program, right? But this is open to all IP now so I'm just curious, for example, Leon, how that might be, or any of our growers. Just react, or Doug, if you have a reaction to it.

MR. GOEHRING: Well, I was just going to say -- Doug Goehring. To some degree, we have this right now. I know we do in the organic program that runs through my office. But also, if you're a seed producer, the State Seed Department comes out and verifies that you have adequate buffer strips in. They verify that it looks like the purity is correct. If they need to, they sample.

They do, on occasion, contract, and we do have contractors that work like in the organic certification program, but they can have contractors working to verify as a third party, disinterested, making sure that the rules and specifications and requirements are met so that that particular product can be then delivered into a market after further evaluation, making sure it passes any final sanitary certification that's needed in cleaning and so on and so forth.

MS. OLSEN: So it's already occurring then is that right?

MR. GOEHRING: It is, to a great degree, yes.

MS. OLSEN: Okay. Thank you.

MR. REDDING: Leon?

MR. CORZINE: Leon. I'm not sure as a grower that, I mean, on some of the specialty contracts, yes, definitely, especially the IP, when you get to seed production and the high value products, and it's done very much like Mary Howell described for their high value products, but if this is third party verification to come on my farm or anybody's farm and just check stewardship practices, one, you've got to define what stewardship practices are and I'm uncomfortable with that much of a generalization. Are you talking about any farm? Are you talking about my farm that grows commodity crops next to my organic neighbor? I don't know about that.

MR. SCHECHTMAN: This doesn't say anything about requiring.

MR. CORZINE: Yeah, but where, where are we doing the third, what are we doing third party verification of?

MR. REDDING: You recall the panel discussion, the gentleman who spoke on the Excellence Through Stewardship I think it was called, right?

MR. CORZINE: Uh-huh.

MR. REDDING: That, again, that was sort of the, the anchor here around what they were doing that folks were, I think they were signing, I'm not sure of all the protocol there but there was a program available for that sort of third party verification. It wasn't seed provider, it wasn't the farmer or producer. It was somebody independent of that. I think that's what we were trying to capture here, you know.

MR. CORZINE: I guess I'd just be careful though on how broad that's allowed to go because we do that also with some of the conservation programs. With highly erodible land, with some of the other conservation programs that, that type of thing is done but just to say third party verification of appropriate stewardship practices is, that's, I guess I don't know what that means. That --

And in that specific case on that panel, Mr. Chairman, he was talking about being part of a program that did that. And there's also programs that do that for contracts now in today's, with some of the sustainability efforts, you get third party verification in your practice. It's kind of like ISO-9000 type things. And those kind of things are done for those but to just come on somebody that's just growing a commodity crop, I, it just, I don't, there just needs to be maybe a little more of a parameter around that about what we're talking about because still, even the good stewardship practices, which we all do, but what are they, right? And in different areas, they're different. I, you know, it's just --

MS. HOWELL MARTENS: We have two vehicles for this that we already are involved in, you and I both. That would be FSA programs and crop insurance. And so many of these seem to be linked and if we're going to be giving incentives through crop insurance and our, our max through crop insurance are coming from FSA, all of this will be sort of pool data and be information that is accessible. But I would certainly think that FSA and crop insurance could be the third party verification because I'm sure you have to go into your local FSA office twice a year and report your crop production and you go over your maps with the technician and, we do, and that would be an opportunity to verify the stewardship when you're standing there with your maps in front of you.

MR. CORZINE: Well, that's a little different than the way I was reading this quite frankly, Mary Howell.

MS. HOWELL MARTENS: It could be and it could not be. I mean, we could be talking I'm farm inspector who comes out and walks your buffers and walks your borders like our organic inspectors, but I don't read this to necessarily require that. Third party verification could be the FSA person who looks at your maps and also talks to you a little bit about coexistence and verifies that they are satisfied that you are doing sufficient.

MR. CORZINE: And that may be okay but to follow, just to follow up then, I just think that needs some work on that sentence. In the interest of time, if you get the point --

MR. REDDING: Yeah. We've got it. We've got a couple of words. And understand, again, the spirit of that was to have, I mean, you want some parameters as to what they're doing.

MR. CORZINE: Yeah. You understand the concern.

MR. REDDING: Yes. Got it. Daryl, did you have a comment with this one?

MR. BUSS: No. It's along the same line of defining stewardship of what and for what purpose.

MR. REDDING: Okay. Good. Let's -- sorry. Lynn and then Angela.

MR. CLARKSON: Lynn Clarkson. Just a comment on the merchandising world. A number of foreign buyers require third party verification. My company typically uses the State Crop and Proving Association to make third party visits. There are a number of buyers who write social considerations into their contracts and they make their own arrangements for third party verification to see if you've done things appropriately or to contract. Third party verification is very much a part of international contracts in any individually observed crop.

MR. REDDING: Okay. Thank you. Angela?

MS. OLSEN: So to the first point, thank you for that context regarding -- it wasn't clear to me that it came out of the, the origin was out of the panel or the discussion on Excellence Through Stewardship so that, that helps me in terms of context. And I think what Leon has just offered, that would be helpful as well to try to incorporate those concepts.

Moving onto a different bullet but within that section, the final bullet on that one important area of research, we shall help in the monitoring of the ability of commercial seed supply to meet diverse needs of farmers to be the gathered data from the industry. So again, you know, I think it's, I think you're referring to seed producers. I'm not sure. On the levels of unintended GE presence, GE, non-GE, organic seed and genetic --  
 MR. REDDING: That's in another recommendation.

UNIDENTIFIED FEMALE: That's recommendation 4.

We're still on 3.

UNIDENTIFIED MALE: Where are you?

UNIDENTIFIED FEMALE: Where are you?

UNIDENTIFIED MALE: Where are you?

MS. OLSEN: Oh.

UNIDENTIFIED FEMALE: We're still on 3.

MR. REDDING: Yeah. Still working 3. Let's, any final comments on 3? If not, we're going to break.

MS. OLSEN: Sorry. I was looking at the, I was jumping ahead.

MR. REDDING: That's okay. So we've got the, again, the words and references and sort of sensitivities here so we'll, we'll do some wordsmithing on 3. Let's take a quick coffee break, restroom break and we'll come back. We're going to pick up with the recommendation 1 so please take an opportunity to read that if you haven't and we'll pick up with that conversation, okay?

(Whereupon, at 10:14 a.m., a brief recess was taken.)

MR. REDDING: Okay. Recommendation 1. Let's begin the discussions. Hopefully, everybody has had a chance to review this. Again, this is a rewrite from our conversations of yesterday that hopefully captures what we heard, okay? Let's open it up for comment. Barry?  
 MR. BUSHUE: First of all, I want to thank both of you guys for spending your evening last night. I'm sure you would have much preferred to enjoy a glass of wine as to write this but --

(Discussion off the record.)

MR. BUSHUE: However, I think you've done a very good job of creating an option 4 out of what, out of what was given you yesterday, both from the previous discussions and from the hammering you took yesterday. So I think this really does kind of encompass, at least from my perspective. It deals with some issues that I had concerns with. You all know my thoughts on pilots but I think this encompasses a mechanism which allows for that pilot to go ahead for the good basis. It addresses the issue of data which I think was critical and regardless of where you are on the side of data, I think most people would agree it was an issue. Maybe, maybe we disagreed as to what that issue was.

With regard to the -- and I think the first paragraph is fine. The second paragraph, depending upon how specific you want to become, kind of we talked throughout, throughout the last four meetings and today, we've talked at some length about maybe some of the specificity doesn't need to be there, that it needs to be broadened out a little bit in terms of what these methodologies for coexistence may or may not be so I'm not so sure that, you know, and God, I'm so tired of wordsmithing now, I can't hardly stand it but, you know, maybe there's some opportunity to leave some of the second paragraph out considering the concerns that have been raised about conservation programs. I think Doug had mentioned at some stage the impracticability of using, what's the word I'm looking for, some kind of preferred status, yeah. I can't remember. So, you know, maybe there's something in that second paragraph but I think overall, it really does kind of encompass a pretty solid middle ground and so I applaud you for that.

In terms of consistency with where I think David Johnson has been all along, that first sentence, we probably should remove GE because it does become more consistent with identity preserved and later on, you talked about identity, or sorry, unintended presence as opposed to GE. So with that, I thank you and hopefully, we can move off of first base anyway and maybe get a grand slam out of this one.

MR. REDDING: Barry, thank you. Let me ask you. This second paragraph that you reference here, if it's in, you're okay with that. You're just raising the question whether we actually need it or not but I want to make sure that it -- because there's some important detail in here.

MR. BUSHUE: All I would say is I still am not comfortable with the whole concept of tying this with conservation but in trying to move ahead, I can probably live with it without cutting my throat, cutting my wrists

which I've wanted to do all morning.

(Discussion off the record.)

MR. REDDING: Well, I appreciate your comments on the drafting. Angela?

MS. OLSEN: First of all, Russell, Michael, I really want to commend you on, I don't know how you do it. You really do take the essence of our conversation, in my view, and really boil this down into a recommendation that incorporates our discussions yesterday and so again, I applaud you for that.

My comments are very minor, and that is I also agree in taking out GE. Later on in the paragraph, you talk about unintended presence. I understand in the document, there are places where we include GE and other places we don't. I think this is one place where we've opened up the scope to IP in general, not GE, so I would recommend taking out GE and have the unintended presence and identity preserved products. And then my last comment -- and so we expressed, we've had discussion about conservation programs. I wouldn't say that I'm in the best position to comment on those so I differ to Barry and Lynn but I could live with the way this is drafted.

My only other comment is just a word choice, and that is in the third paragraph, even if a compensation mechanism is not ultimately established, USDA should implement the mechanism to facilitate development. We wouldn't want there to be confusion in thinking that we're referring back to the compensation mechanism. I don't have a word choice in mind. It could be an incentive program, a system. I don't have a thesaurus handy. I'm sure some of my colleagues will have a better word for that but we just wouldn't want there to be confusion there.

MS. HOWELL MARTENS: What about a mechanism rather than the mechanism?

MS. OLSEN: Yeah. You know, I tried that and I just, I still thought there may have been some confusion. I'm just thinking maybe there's a better word we can use that isn't mechanism but means the same thing.

MR. SCHECHTMAN: Couldn't we simply delete the words implement the mechanism should to.

UNIDENTIFIED FEMALE: Should facilitate.

MR. SCHECHTMAN: And then just USDA should facilitate development.

MS. OLSEN: That works for me. Sure. Thank you. That's all I have.

MR. REDDING: Doug.

MR. GOEHRING: Doug Goehring. Down on the second paragraph when it talks about the pilot program. It says any pilot activity would be considered to sunset automatically. I want to make the suggestion that we put a period there because the last part of that, unless all criteria for success were met, right now, the way those programs exist is if you need to do more, it carries on, it is preauthorized or it goes from a pilot program into a program. So leaving that flexibility and to state that, it almost says well, if it's a success, it should stay on as a pilot program. I guess that's a little open-ended. It's a little vague. That generally isn't how things work.

MR. REDDING: Okay. All right, good. Missy?

MS. HUGHES: I have a question and then I'd like to make a comment on the recommendation. The question is just I've gotten confused, I guess it's going to be a comment, I've gotten confused about this idea of taking out the word GE, or the acronym GE, when we say unintended presence. So if you look at the first sentence of this recommendation, to strengthen the understanding of the impact of unintended presence in identity preserved products, unintended presence of what?

MS. HOWELL MARTENS: That should be a definition at the very first of the document. That should be in the preamble part, what we mean by unintended presence.

MS. OLSEN: It could be blue corn and white corn. This isn't just about GE.

MS. HUGHES: It's not the charge. The charge is about transgenic crop. Why are, why are you afraid of that?

MS. OLSEN: I'm not afraid of it. We've expanded the scope to include --

MS. HUGHES: I have not expanded the scope to include white corn and blue corn.

MS. OLSEN: Isn't that what we did when we expanded it to all identity preserved crops?

UNIDENTIFIED FEMALE: Our last meeting.

MS. OLSEN: At our last meeting, we had a discussion about that.

MS. HUGHES: Well, I just think we need to be clear because unintended presence doesn't mean anything to me, but okay.

MR. REDDING: I guess just on that point, just for clarification, that is lifted from the first bullet of the Secretary's charge, okay, so it says, you know, by unintended presence of GE material.

MS. HUGHES: Right.

MR. REDDING: Okay.

MS. HUGHES: So of GE material.

MR. REDDING: So I just want to put that on the table, that that was directly from the Secretary's charge.

MR. SCHECHTMAN: Would it be okay if we define, when we define unintended presence, we say in the definition, this will include unintended presence of GE material as whether, as well as other material that may

affect the value of an identity preserved crop.

UNIDENTIFIED MALE: Works for me.

MS. OLSEN: Works for me.

MS. BATCHA: I don't think that we -- that's not really been the nature of our discussion over the last year, focusing on, you know, blue corn, white corn. I mean, we haven't had experts in talking about that. We haven't had committees selected with stakeholders in mind to represent that scenario. It's an advisory committee on biotechnology. It's the Secretary's charge. So I, I personally don't get that shift.

MR. REDDING: Darrin?

MR. IHNEN: Darrin Ihnen. I think we have talked about IP. We talked about, Lynn has talked about all different kinds of products and we've had that discussion at every meeting. And you talk about getting outside the scope, the first meeting that I attended, we had a USDA expert come in and talk about weed resistance. Now, if that's not completely outside our scope, but that was from USDA. So I think we've done a good job of discussing GE, IP. We've talked about all kinds of different farming practices. I mean, I felt we pretty well agreed that it was not just solely GE.

MR. SCHECHTMAN: Can I ask one question about this, and that is about the intent of going out to get data on economic losses. And is that, is the intent that USDA should go out and get data on economic losses for all IP production or is it about getting data for losses as a result of unintended presence of GE?

MR. JAFFE: The committee, our committee, one of our subgroups went and tried to get information about the losses due to intended presence of GE and they came back and said there isn't enough data. That's why we came up with that recommendation was to go out and get more data on that. Nobody tried to get losses about blue corn and white corn and other kinds of things and so, I mean, that wasn't, I mean, that subgroup worked for many, many months and Lynn and other people talked about it. They didn't -- what they tried to collect was data on the impact of unintended GE so I don't have a problem with in addition saying it would be nice to find out about other losses.

I think, and I think the discussion over the past year has been people raised the policy issue as if, questioning for the Secretary whether, if you're going to do a compensation mechanism for unintended GE, is that fair as a policy matter and shouldn't you also be doing it with other kinds of people who get unintended economic losses from other, from other kinds of unintended presence in their identity preserved crops. And I think as a policy matter, that's something for the Secretary to consider and if we want to write in there that we've been working on the compensation mechanism for unintended GE but we also, as a policy matter, think that you should consider whether you want to do it for other identity preserved, that it may not, from a fairness point of view, you may want to do both and you may want to collect data on both from a fairness point of view.

I don't think I have a problem with that and I think that's where our discussion went. I think there were a number of people on the committee who felt that it was unfair to single only this kind of loss and not other losses that occur in farms that may not get compensated but I think in parts of our recommendation, I think that we still have to stick with the charge where it talks about unintended GE presence for the things, and then if you want to broaden it as an additional sentence later on in this recommendation or in other recommendations. But that's my recollection of this discussion.

MR. REDDING: I'm uncomfortable sort of taking it out. I mean, it's one of those areas where I think it belongs. Again, it's the lead point of the Secretary's charge in number 1 and we're borrowing those words, restating them here as our lead recommendation within the report so I think in this case, this is a place where GE belongs, okay? There are other places where there have been more general references but in this case, I think it is GE. Okay. I mean, there are other cards up. Barry, Mary Howell, Angela.

MR. BUSHUE: I'm just going to comment on IP in general. I think if you actually look at the rest of the Secretary's charge, charge number 3 is in addition to the above, what other actions would be appropriate to bolster or facilitate coexistence among different agricultural production systems in the United States. He's clearly not talking about specifically, in that case, GE. He talked about the compensation mechanism for GE but then he talks about what else can we do for different production systems.

IP is clearly a production system. It's clearly amongst that and those actions may be appropriate to include within the compensation mechanisms which I thought we had discussed, quite frankly, ad nauseam so maybe I just missed out and been on Prozac but, if anybody has any, I'm willing to buy it, but I do think that right now, it's most appropriate to have a discussion about IP.

MR. REDDING: Mary Howell?

MS. HOWELL MARTENS: I don't think there's any doubt what the Secretary's intent was. I think we all know what his intent was. Whether we honor it or not is our choice. I don't think we're giving anything up really of any substantial value if we extend it to IP. I think that, you know, we may not be doing what he asked us to do. That's the only thing we might be giving up. He wanted us, as a committee, to consider GE unintended presence. We should but if we want to extend it to IP, I don't think it really matters.

MR. REDDING: Okay.

MR. SLOCUM: Mr. Chairman, Jerry Slocum. It seems to me that in the first sentence, GE belongs because it relates to what we're evaluating data for as Michael points out. In the last two lines of the first paragraph, we talk about a new crop insurance to develop to address economic losses caused by unintended presence spread by farmers who grow IP crops.

So the way I understand what we're doing here is we're going to gather data about GE presence, unintended GE presence, but if the Secretary develops the crop insurance mechanism, it would be open to all IP crop producers.

MR. REDDING: Correct.

MR. SLOCUM: The trigger, the trigger is unintended GE presence but if that trigger is reached in the Secretary's mind, then the product design will be available to all IP growers. And that's what it says.

MR. REDDING: That's what was intended.

MR. SLOCUM: Right.

MR. REDDING: Correct. Angela?

MS. OLSEN: So regarding our discussions over this last year, we had agreed at the last meeting that we're expanding this to all IP crops and I agree there are certain parts of the report where it might make sense to refer to GE and different places where it doesn't. But our discussions, you know, again, we are honoring the Secretary in that we are addressing GE but we're also, as a committee, I've learned a lot from Leon, from others that do grow identity preserved crops, particularly that it is, in my mind, no different than growing any other identity preserved crop. And so I think that we are -- it makes good sense to expand it to all IP crops and I thought we were all in agreement on that at the last meeting, and that's reflected in the draft report as well.

So in terms of the mechanism, in terms of our recommendations, I think it makes good sense to expand it to all IP crops so we're not stigmatizing GE against the rest of the world. These are safe crops that have been deemed safe by the coordinative framework, EPA, FDA, USDA, and I don't think it's good policy to, to single out GE and potentially stigmatize it so I think we really need to be careful about that. And as a committee, I thought we had all agreed this was going to be about IP in general.

MR. REDDING: I think that the, you know --

MS. OLSEN: I see others have views as well.

MR. REDDING: But the reason we're here, I guess trying to, you know, look at it, what's the premise, you know, you get back to the charter and you look at it. It really was around sort of the sensitivities of GE. That's the first screen, right? If you can capture that data and that identifies some problem, I think the IP piece was opened up, the data generally but in this context, as Jerry points out, that IP reference was for the benefit of that the crop insurance mechanism could be available to them, but the initial focus and why we exist is sort of the GE presence. Josette?

MS. LEWIS: I can live with the construction of this recommendation but I would like to send a strong signal to the Secretary that in compromising to this position, I feel we are going down a path of further polarizing U.S. agriculture by implying that biotech crops are, we don't use the term but are different, that the risks are different. I mean, the biological risks of unintended presence of white corn and blue corn, of GE and non-GE are the same, the economic consequences of getting the wrong variety in an IP system are the same and that the -- I would like to see a stronger statement to balance this out, that it's very important that the Secretary understand that the goal here is not to further polarize and to imply that a particular method of production is less, is less valuable or less of a choice or less safe. So I guess I could balance out accepting this with a stronger statement of embracing that, that these forms of agriculture are valued as well and not to, to try to diffuse some of the polarization that this represents.

MS. HOWELL MARTENS: And from my perspective, I see nothing in this report that does not say that.

MS. LEWIS: I think that framing the question that GE crops are, in many people's common word, a contamination in organics --

MS. HOWELL MARTENS: That's not anywhere in here.

MS. LEWIS: I understand that. We didn't use that term but we all know that there are people even in this group, because I've seen e-mails to the effect, saying that the issue here is because there are GE things where people don't want them. Well, from my side of the standpoint, yes. And from my side of the standpoint, the organic community has been very active in promoting the concept that organic means non-GM. So in my mind, that's their right to do, I don't disagree with that, but I think that that, to accept the consequences of that is also part of what goes hand in hand with that marketing choice. And we are now conceding to give you an opportunity to recoup losses from your marketing choices.  
 MS. HOWELL MARTENS: Because of your marketing

choices. I mean, I have no problem with taking --

MS. LEWIS: We didn't choose to exclude this practice from the organic standard.

MS. HOWELL MARTENS: But if you could figure out how to keep those genes on your side of the fence, we wouldn't be here. That is the bottom line. It is a situation where we should have a right to do what we need to do, want to do, and you should have a right to do what you need to do and want to do, but you shouldn't have the right to impinge on us.

MS. LEWIS: And your choice to market as organic shouldn't have the right to require economic loss on a commodity farmer who isn't getting the price premium.

MS. HOWELL MARTENS: I agree.

MR. REDDING: Okay. This sounds like a year ago. Missy then Lynn. Missy?

MS. HUGHES: Okay. So coming back to that recommendation 1, we have, I think, consistently said and heard from commenters that the cost of a program, whatever the compensation mechanism is that we come up with, cannot fall solely on one side of the fence. And if you look at the recommendation, the IP producers are solely responsible for purchasing this insurance and paying for it so, you know, I understand Josette's position that this represents a compromise because there's an acknowledgement that someone has chosen to produce something that is not, that doesn't have unintended presence in it but, you know, the compromise here I don't see if it means that everything is falling on the IP producers. It's nothing new. It's not a surprise. But how can we, at the end of a year, end up with something that is completely contrary to where we've said we can't go there. The only one who is paying in this scenario is the IP producer.

MR. REDDING: Well, you have public investment. I mean, I don't want to discount that. That's 60 percent of the lift on your standard crop insurance. So you have a public investment in --

MS. HUGHES: I don't understand what you're saying, the public investment.

MR. REDDING: Well, I'm just saying if the crop insurance model is what we're recommending to the Secretary, that crop insurance component is a private, public piece, you know, roughly split 60/40 if you take the current percentages that, for premium, right, so you get -- what I'm saying is it's not completely on the IP producer's back to fund it. There's a public investment in that. So that's not, that may not be as equitable as you'd like but I think it says that there's several parties in that, in that agreement, okay? It's not 100 percent your responsibility. You're splitting that. The majority of it actually is with

the public. Right?

UNIDENTIFIED MALE: Right.

MS. HUGHES: Uh-huh.

MR. REDDING: So I want to be clear about that because I think that was part of those early conversations that in looking at --

MS. HUGHES: And that's -- I understand what you're saying, Russell, but, I mean, clearly, we've said that coexistence means that everybody's got skin in the game.

MR. REDDING: Right. And that was part of the thinking of, you know, is there, in this joint activity that if you have a product, you open it up to IP and if you can do some things jointly, the folks that you're partnering with jointly would receive some, you know, reduction in crop insurance premium. Trying to build, you know, an imperfect piece, you know, but that was what was intended because we had confronted that question about this shared responsibility early on in the mechanisms and realized that the options ended up being pretty thin, and at least the insurance met halfway in terms of what that sort of obligation for co-responsibility was going to look like. It's shared between the industry, the producer and government.  
 MS. HUGHES: I don't understand how it's shared between the industry, I'm not even sure what you mean when you say the industry, when it's shared between the producer and the taxpayer.

MR. GOEHRING: Mr. Chairman, Doug Goehring. Missy, we pay taxes. You have all of the public. You have the industry participating because they're subsidizing part of that premium and if what's suggested in the incentive part here, which is going to add maybe a greater reduction in premium, that means it's even being subsidized more. That's the part. That's where you have all of the public, all of the industry participating and helping to share, bear the cost, share that burden and providing a product.

Instead of just targeting one segment of the industry, the industry is saying you pay it. They are paying it. And if the public feels that there's a public benefit, it's paid through that way. That's why we have a crop insurance program because the public benefits.

MR. REDDING: Lynn and then Laura, Leon.

MR. CLARKSON: Before I lose the thread of what I thought we were talking about, I wish to go back and endorse or at least tell you my understanding of our agreement, exactly what Jerry Slocum indicated, that the data project that we need is focused on GMO presence and challenges to coexistence from GMO but when we get into recommending programs to encourage coexistence, we agreed to expand that to all ideas. So I just wanted to report that I agree with Jerry on what I thought we were doing through the review, but I don't see that as a need to get into the basic antagonisms around definitions of shared (indiscernible)

MR. REDDING: Okay. Thank you. Laura?

MS. BATCHA: I want to follow on on this discussion about everyone having skin in the game, who's bearing the cost of the recommendation here. Had a conversation over the break about, you know, the concept of who's absorbing the external costs of this and the ideas about externalities, and the way this is constructed, there is a group of stakeholders that are not absorbing any of the costs. They've been taken out of that. The argument that GE producers pay taxes is completely irrelevant because we all pay taxes, Doug, so we're all contributing to the public contribution and investment in this scenario. So that is neutral in its impact.

So the facts are that one party is not bearing any of the costs and in other places in this recommendation, they're disproportional in receiving the incentives. So if you look at the last paragraph, if a compensation mechanism is not ultimately established, USDA should implement a mechanism to facilitate the development of joint coexistence plans and if those plans are in the absence of a compensation mechanism, farmers who develop an approved joint coexistence plan with their neighbor, if the plan includes at least one IP producer, would be offered preferred status.

So the way that's constructed, it's unclear as to whether or not the IP producer also participates in the preferred status or if it's just an incentive for the GE producer to engage, so that needs clarification. It may or may not be the intention of what was written but it certainly can read that way so that the preference of the incentive is assigned to one party and the costs are disproportionately assigned to another party.

In the insurance scheme up above, there's a presumption that there's a presumption that there's a premium surcharge above a standard crop insurance policy to insure against unintended presence and that, as I read it, then if there's a joint plan, both sides would enjoy the incentive, right, so but one side incurs the surcharge. So we've identified, at least you have identified the public contribution as a variable in this and while I'm not entirely personally comfortable asking the taxpayer to underwrite covering losses from unintended presence, I think it's just not acceptable for one, one, leave, to leave a party entirely out. So I might suggest that there could be language in here where there would be no surcharge on the premium above standard crop insurance for the portion that covers the unintended presence of GE material. That way, it's not -- if to get to the middle, we can't allocate costs directly to the GE grower, then we should eliminate the direct costs applied to the IP grower as a way to get there.

MR. REDDING: Okay. Again, there's logic in that, right? Certainly, there's logic in that. I don't know the history, as we talked about yesterday but there's certainly logic in making that recommendation to the Secretary. Anybody see an objection to --

MR. GOEHRING: Mr. Chairman.

MR. REDDING: Doug?

MR. GOEHRING: Doug Goehring. Although it sounds nice, warm and fuzzy, if we're going to allow a developer to create a product, they need to look at how actuarially sound it is. Call it a surcharge, call it a higher premium, whatever you want to call it. The reality is if the value of something, and look at a house, you don't insure a house for 250,000, another one for 150,000 and both those people pay the same premium. The value has something to do with that. So if you call it a surcharge, whatever you look at, there's going to be a different premium associated with the value of that crop just as there is, it moves every year on different commodities. It moves on every farm depending on your loss history.

But I will say something concerning this morning when you said that you're trying to find middle ground and no one seems to be working with you. Quite frankly, there's been a heck of a compromise here. First of all, if any, we didn't even see the need because of the lack of data but moved forward suggesting okay, let's look at research and a compensation mechanism allowing the Secretary to have that ability. So there's been a lot of compromise at this table for that so I'm actually a little offended by that.

MR. REDDING: Well, I think the -- I mean, listen. There has been tremendous give by a lot of people to get here. I mean, I think we're closer to that middle lane than we've been in a long time. I mean, I understand, you know --

MR. GOEHRING: But the road meets a road here. This is enough. We have moved. We have looked at an IP system that is inclusive because it expands the ability, pulls more dollars to do more --

MR. REDDING: Right.

MR. GOEHRING: -- for that side of the industry.

MR. REDDING: Right. And I think --

MR. GOEHRING: In 2008, organic was $3.16 billion. On its own, it would have a tough time. You pull in the rest, you pool more money, you broaden the program, you have the ability to offer a product with less premium, less risk and do more for the overall good of what we've been seeking and talking about.

MR. REDDING: Ultimately though, the Secretary has to decide. I mean, he's asked us to look at this and consider it, and we've given him our best thinking. Right now, you've got a surcharge component in there that they're going to have to look at. I mean, I think this is a little different in that the Secretary who, you know, oversees the agency and is part of that, the RMA and the Federal Crop Insurance Corporation, you know, I think he has asked us to look at this. So we're going back saying, Mr. Secretary, in all consideration, you know, we would recommend in this case that this issue of surcharge be considered. I mean, I think it's a fair point to say that that is, there is a, there's an inequity between policies on that point of surcharge. So I realize we're getting into --

MR. GOEHRING: Yeah.

MR. REDDING: -- detail here but I don't want to miss the point that maybe in here, we can have some language that says, you know, consideration should be given to this issue of surcharge. I mean, somehow to acknowledge it exists, that it's there. I bumped into it as a former Secretary. I don't like it, you know. I don't understand it. It's not completely actuarially sound but there's a policy somewhere in there that they put a surcharge on it. So I think we can find a way in here to do what has been asked without --

MR. GOEHRING: And it does disappear over a period of time. As they gather more data and they find out what the risk is, you see that surcharge is minimized or disappears and goes away all together.

MR. SCHECHTMAN: Can I, can I ask a question so that I understand this better as we go up and think about what, if anything, is changed on this? It seems to me there are two potential issues or two potential surcharges we're talking about here. There is one, a surcharge that exists simply because of the increased value of the product so it costs more to insure the $200,000 house than the $150,000 house, and there is this surcharge that's specifically relevant to coexistence. Are they one in the same thing or are they --

MR. GOEHRING: No. They're --

MR. SCHECHTMAN: They are two different things?

MR. GOEHRING: They're actually two different things because --

MR. SCHECHTMAN: And are we talking about --

MR. GOEHRING: -- we're making an assumption.

MR. SCHECHTMAN: And are we talking about one but not the other? What's the --  
 MS. BATCHA: I was referencing what, in this scenario, would be an increase in cost for the crop insurance for the IP grower to cover that unintended presence of GE material and that was disproportionately applied to the one side because there is no cost on the other side. So my recommendation was would we consider signaling that there shouldn't be an additional cost there as a way to be comfortable moving away from the framework that everybody should have skin in the game.

MR. SCHECHTMAN: Yeah, but it wouldn't affect, what you're saying wouldn't affect the, whatever insurance might, whatever the cost of insurance might be purely for the fact that it's a higher valued product.

MS. BATCHA: It should not.

MR. SCHECHTMAN: I just wanted to clarify my understanding.

MS. BATCHA: Thank you, Michael.

MR. REDDING: Jerry?

MR. SLOCUM: Mr. Chairman, Jerry Slocum. We need to be careful when we us the word surcharge with these new products that we're asking the Secretary to ask Congress for authority. There's a surcharge today for the organic producer that buys crop insurance, okay? You would hope in this, in this new world, this new world we're entering, when RMA designs these new products that include quality insurance inside them, that there wouldn't be surcharges applied, that the cost of policies would be costed appropriately to the risk and to the value of the crops, and that's how premiums would be arrived at, that there wouldn't just be an arbitrary surcharge applied to the IP producer. And if we can strengthen that wording so that we don't penalize the IP producer with a surcharge just because we don't adequately cost the activity, we need to cost the activity right. Am I making any sense?

MR. REDDING: Yes.

MS. HOWELL MARTENS: What you're saying is a little scary because what you're, what the result of what you're saying is the surcharge for organic producers should go up.

MS. BATCHA: Because the cost of the risk is applied to just the IP grower is what it is in what you're talking about. Whether you call it a surcharge or not, the way the product will be priced, all the cost of the risk will be applied to the IP grower with the exception of the taxpayer's contribution to that.

MR. SLOCUM: So, Laura, help me. I understand what you're saying so help, how do you phrase what you want? Do you want the Secretary, do you want the new product, do you want the -- I don't know what organic corn is worth but let's assume it's worth $4 more than commodity corn, okay?

MS. BATCHA: Depends on who you ask.

MR. SLOCUM: All right. So commodity corn is, you know, there's all kind of policies in there. Are you asking that the premium for the IP grower be based on the commodity price rather than the market price for the IP product?

MS. BATCHA: Well, I guess what I would say is if you've entered this joint coexistence plan, you're demonstrating that you've taken steps to mitigate the risks.

MR. SLOCUM: Um-hum. Right.

MS. BATCHA: Right?

MR. SLOCUM: Right.

MS. BATCHA: And so if it happens anyways, that's like outside of the, of the control of the IP grower. Therefore, the policy, for the purposes of what we're trying to accomplish here, shouldn't cost more simply because it's covering potential loss for GE presence. I'm thinking out loud, Jerry, because --

MR. SLOCUM: Yeah.

MS. BATCHA: -- what, what I really wanted was there to be everybody participating and paying in. So like, this is like not a preformed thought is the reason --

MR. SLOCUM: I understand.

MS. BATCHA: -- why I'm hesitating when I'm responding to you. But I think that that's what I'm getting at because the presumption is everybody's doing everything right in the joint coexistence plan, right?

MR. SLOCUM: Uh-huh.

MS. BATCHA: It shouldn't happen and there shouldn't be a claim. But if it does happen, it means for some reason, I couple of things could have happened. You're not following your plan or we don't have adequate scientific agronomic information available to know what exactly should be in the plan to prevent it from happening and therefore, the cost of that shouldn't be put on the IP grower. That's kind of where I'm going.

MR. REDDING: Leon, Josette, Darrin.

MR. CORZINE: Laura, I understand your point but I, you know, we are talking about insurance and it really is, basically gets back to what Doug had said. Whether you, whether you're organic or any other added value identity preserved product, if you want to mitigate your risk, you're going to have some extra cost to that no matter where that risk is going to come from, so I have a lot of trouble with, you know, surcharges and with this committee recommending removal of surcharges or what the RMA ought to do. Does it work to say, you know, to, a statement that surcharges, or in the setting of what premiums are, that there should be a review of those. That should be part of maybe the research that we're talking about in this because we really don't know where that should land.  
 And I think we have to be careful with saying something that is really unreasonable that will never go anywhere anyway as far as removing surcharges. I just think that's a little beyond what we ought to do. I think there may be something about a review about that is a pretty good compromise of that before we just say take that surcharge off. That's what I would suggest.

MR. SCHECHTMAN: I mean, is -- that's one compromise. Another thought, I don't know that there, that I've heard sort of support for getting rid of all of those costs but if there is some sort of sentence about extra effort to help defray the costs for IP producers, does that --

MR. CORZINE: For my part, I think you better, you better do a review. I think we're pointing it out, we're highlighting it even mentioning it, having it in there and I don't know about the extra effort. I, I -- you can take that several ways I guess. But if you do a review of that, you say hey, I think this ought to be looked at, this is a suggestion, the Secretary to take a look at those, in my mind is a pretty good middle ground.  
 MR. REDDING: Would you sort of compromise somewhere in the bulleted section if we lead up to some acknowledgement of this sort of, quote unquote, surcharge and noting that, to Laura's point about the, the inequity thereof, you know, the IP producers will be incurring additional costs? I'm not sure of the right words but trying to at least have some transparency around that point and have that reviewed by the USDA. I'm just trying to find a way to say that's true, what's the solution to that and how do you do it? Review it, then what? Josette?

MS. LEWIS: I guess when you raised this yesterday, I had the same thought and I guess I'm still confused. If the idea is that there would be sort of a new insurance mechanism to cover the IP producer, so an organic producer would take out a different type of insurance, crop insurance that doesn't cover their losses in a drought or something, it's a new mechanism, it already says that they would get a reduction in their IP insurance premium. That's the incentive.

So whether it's a reduction that represents the amount that reflects the higher value or the lack of data, I don't know, but I don't, I don't want to see that there are sort of two reductions but that I'm consistent with the concept that there should be an incentive for an IP producer, maybe an organic producer, to take out the special type of insurance. I think that's what we're trying to do here is to give incentives. So to me, I always, I just don't know the difference between giving a reduction in the IP insurance premium and what Laura's proposed, you know, if you add some language, you know, instead of putting a period after the word insurance premium, put a comma and put, you know --

MS. BATCHA: Adequate to cover the blah, blah, blah.

MS. LEWIS: Or just to, you know, could include a reduction in the, you know, additional cost that's tied to the value of the product, whatever it is. I mean, I think the idea is to provide an incentive. I don't want to see sort of a double-dipping type of incentive but, you know, I'm totally on board with the idea there should be an incentive for the IP person to buy this type of insurance because it's the reason that they would come to the table honestly and negotiate a joint coexistence plan. So I think that idea was in there, if we need to finesse it a little bit.

MS. BATCHA: What of, you know, the idea that, I'm not sure how this gets built in here but the idea that it's not necessarily buying an additional product. It's that that's covered in the existing product and that if you enter the plan, there's a reduction in the, in the premium adequate to cover, how that risk is built into the cost of the overall product, something like that.

MS. LEWIS: Well, maybe if I could just follow up. I mean, this is sort of my lack of knowledge of crop insurance and what the organic situation is and, you know, recognize that it was made clear to us early in this process that conventional crop insurance has at least serviced the organic sector so I, and I respect that. If this is one, just an additional component of classic crop insurance, I mean, if the product that's being insured, it goes back to the house model, if the product that's being insured is being insured against weather loss and other things that don't have to do necessarily with coexistence, you know, it's, you're asking for the private sector there, things involved in the crop insurance, to be bearing additional costs that aren't specific to the coexisting component but are consistent with a, that are related to the value of the product at large.

So the reduction to me, I guess I can't, because I don't have a lot of knowledge and this is a new concept, I guess I can't agree that, you know, the price of the insurance for, for one type of crop insurance that covers the coexistence issue and weather and everything else that crop insurance covers be the same for all producers because it seems whatever private companies are paying for the other portion of it are bearing illogical risk.

MS. BATCHA: But it's not -- so at its most simple level. So you've got the GE producer with their insurance and then you've got the IP producer, right? You enter the coexistence plan. The GE producer, as a result of that, the incentive for them entering the plan is a drop in the cost of their premiums overall, okay? So the presumption is that the IP producer has bought a product that's now more expensive because it's covering additional risk, right, and they've, presumably, and they've entered a plan, and their premium gets reduced but there's still an additional cost there for them from entering into it. And then the other side is simply getting a cost reduction as a result, and it just seems imbalanced to me and I'm looking for some sort of creative way to equilibrate that and we brought in the notion of the public contribution.

And so that's just conceptually what I'm struggling with and I'd like to hear from say Mary Howell who has a lot more direct dialogue with the organic and IP farming community in terms of what that would do to the acceptance of a product which would, a better accepted product would further the goals of coexistence long-term in terms of agriculture and that kind of thing. So I'm just trying to pull those pieces together in my own mind.

MR. REDDING: All right. Darrin, please, and then Doug.

MR. IHNEN: Darrin Ihnen. I guess, I think we're getting into way too much detail here because when the Secretary goes to RMA, that's when there will be an opportunity to have testimony and give feedback and input, and so what we come up with now I think is irrelevant other than an idea. And as far as you, you know, Laura, you're talking about me, as a GE grower, getting a reduced premium, that's my incentive today to work with you. And you're going to get a reduced premium as well even though your premium's higher than mine because your crop is worth twice per bushel as mine, or three times. So, so your premium is always going to be higher because premiums are based on the value of the crop.

MS. BATCHA: And the risk.

MR. IHNEN: And the risk.

MS. BATCHA: So I'm talking about the risk side. I'm not talking about the, I'm not arguing with it, the price or the value of the crop.

MR. IHNEN: But because you've got the risk, you've got a higher valued product so yours is going to cost more. Just like commodity prices today, my insurance is way up here compared to what it was a few years ago so theoretically, I can go to the government and say I don't want this price for my corn. I want this price because I don't want to insure it for more value. Well, that's not a fair, I mean, no one is going to do that. So if you're insuring the value and insuring the risk, it will cost you more. I mean, that, to me, would only make sense.  
 And I guess in one last statement, there's been the undertone of sharing that insurance premium cost with your neighbors. I used to grow seed corn. To protect my crop, I went to my neighbor and incentivized him for the buffer. So I paid him so many dollars an acre to plant a different crop so I'd have a buffer because my crop, my seed was worth more. I wanted that protection.

So if you're looking at us sharing your cost, I will gladly do it if you share your reward, and I think there's lots of ways to sort this out but, you know, you have a higher value crop. This document that you put out this morning is a great compromise and if we're going to get into, you know, sharing some of the, some of the costs, then I want to share the rewards and so, you know, if we stick with this, this is a great middle ground. Like Doug said earlier, we've moved away from any compensation mechanism, period. I think it's a great way to protect your risk. And also, there's ways in here for stewardship and to help prevent problems, and I just think this is, the way it's wrote right here is a great way to help the Secretary with, with the issue that may or may not be out there.

MR. REDDING: Thank you. Doug?

MR. GOEHRING: Doug Goehring. To Lynn and Darrin's comments, you are looking at a different risk. Every time you want to insure more risk, different risk, there's going to be some increased cost. I think the challenge here is -- and maybe we're making assumptions that this is going to be a great deal more money. The product isn't even built yet. We don't even know. From the data that, collected early on in this situation, those risks are so minimal that it could be rather inexpensive to add this extra coverage. And we're talking about a separate product than what exists right now because they would have to design it and build it and it would be different, and the coverage would need authority.

The one thing I mentioned yesterday and I said that's fine, let OIG and RMA hash it out, but the fact that you are putting a, or assigning a reduction to a premium when it does nothing for the other side with respect to limiting risks there or mitigating any of that risk is going to be a challenge. And that would be as I'm speaking for the conventional grower because there is no benefit to the type of product that they're insuring.

So if we make this too complicated, and we can, we can agree to a whole bunch of things right now, the reality is it will get thrown out the minute it hits the doorstep. So if we want to start someplace, I think this is about as far as you can go without raising more red flags and jeopardizing what you truly want to do.

MS. BATCHA: How is it different, just as a clarifying question, Doug, to providing a reduction in the cost of crop insurance for entering into a coexistence plan? How does that reduce the risk to the GE grower --

MR. GOEHRING: It doesn't.

MS. BATCHA: -- in the justifiable link there. So, I mean, that --  
 MR. GOEHRING: That's why OIG --

MS. BATCHA: But what I'm talking about is no different than that so I guess your perspective is that it's the, potentially the straw that broke the camel's back? Is that what you're saying? I mean, it's that different because I think it's already, there's already incentives being built in for one side that doesn't have to do with risk that's being incurred. There's already a benefit being built into this proposal for a seed producer to enter a joint coexistence plan and that's not lowering their risk.

MR. GOEHRING: Laura, that's what I mean. The reality is I don't think it will happen. I think OIG will say no way. They're not going to offer a reduction in premium for the conventional farmer.

MR. REDDING: What we could do, I mean, we won't solve that problem today, Laura. I mean, I think there, I mean, you've got a lot of pieces in this crop insurance. I mean, you could have something in this either recommendation or the report that says in construction of the mechanism, consideration should be given to address the potential inequity in premium costs for IP producers, right? I mean, I think we're, again, some transparency. I can't solve that because you've got some imbedded issues within crop insurance policy but you can say there's a potential inequity here. To me, there's some value in saying that.

If that leads the Secretary to review of the surcharges or construction or incentives, at least it speaks to what you have put on the table as I think a valid point, that there is going to be a potential imbalance there in terms of that cost. So we can't solve it. I don't know what it looks like. I can't dismiss it, but I want to say it's there. Would that work? Right? I mean, does that sort of speak to what you put on the table, Laura? We won't completely solve the equity in terms of everybody sharing the cost but in the construction of this, it's at least not all on your back. The public's involved. We anticipate there could be some inequity in premiums as a result of the construction of it. Mr. Secretary, look at that, right? I don't know.

MS. HOWELL: Can I make a comment as --

MR. REDDING: Sure.

MS. HOWELL: To answer Laura. Okay. I'm sorry, Laura. I'm going to agree with Darrin. I think that we can't just look at money. There will be a value to me as an organic corn grower if my neighbor is entering into this arrangement, this cooperation between planting plants and all so that I perhaps can grow corn on that field where I've not been able to grow corn on before because he does next to me. So I think, I think with Russell's language of potential inequities and the language that is here currently, probably the cost benefit will be about even on both sides because it will give me more options as an organic farmer and give me more protection as an organic farmer against possible problems in the market. Yes, I may have to pay a little bit more for insurance but I think the cost benefit will come out even. I, I'd be very satisfied with signing on this with Russell's language there.

MR. IHNEN: Thank you, Mary.

MR. REDDING: Okay. Thank you. Missy.

MS. HUGHES: I'd have to, I'd have to look at the language and understand where we've landed once you've drafted it, Russell. I guess I just continue to be concerned that, you know, a lot of what we've hoped for and looked for is, as Mary Howell has said before, prevention and I have to challenge that I'm not seeing a lot of, whether it's carrots or sticks or folks on who are producing GE crops to actively work and get engaged in this. We might be able, through the education or, you know, other promotions, to bring folks along but I'm concerned that we're not putting in something, you know, the thinking behind the compensation mechanism is that somebody says okay, I got to, I got to change my behavior in order to avoid liability, and there's nothing in our compensation mechanism.

Granted, you know, a producer, IP producer might get compensated for the economic loss but there is, you know, factors such as Lynn has talked about, you know, the reputation of a farmer who has, you know, brings a load and it's got IP or GE presence in it. They might, you know, the market might be dissolved for them. So that's why a big focus has been, you know, how do we create a dynamic where we never needed the compensation mechanism because we've got prevention in place because people are incentivized to put preventive, to prevent this.

So I'm just not seeing that come through this recommendation and, you know, the last place where it might have happened was with this compensation mechanism of having, as I said before, skin in the game. So I'm just, you know, I'm not, at this moment, able to say yea or nay on where we're at because of this discomfort, that I don't feel like we're changing behavior adequately.

MR. REDDING: Angela.

MS. OLSEN: Doug reminded me of a point, I'm going on a little bit of a different track but within recommendation 1, and Doug reminded me of a point that, as I was reading through the text again, and that is we know that the Secretary currently doesn't have authority to set up a compensation mechanism so a suggestion that we've had in previous iterations is, you know, if the Secretary, considering the loss data, determines that the situation warrants development of a compensation mechanism to address such losses, the Secretary should make a recommendation to Congress with consideration of implementing such a mechanism. Recognizing that the Secretary doesn't currently have authority, he'd have to go and seek that authority, so I just thought that we may want to include that language again in this draft. It may have been an oversight.

MR. JAFFE: I, I mean, I know that language has been in other drafts but, I mean, I don't think we've done an exhaustive analysis of whether he really needs authority or doesn't need authority. That's for his lawyers and general counsels and others. I don't think we've had enough to say that we need --

MS. OLSEN: I've looked.

MR. JAFFE: Well, maybe you have but I haven't and I don't think our, our job isn't -- I mean, the Secretary came to us specifically and said, you know, don't tell me whether I need authority, don't limit yourself to my authority, tell me what you think is the best policy out there, what's, what is going to bring stakeholders together, what it's going to be, and let me figure out how to do it. And I don't think we should say you need to get authority or you don't need to get authority here. We say this is what you want to do. He can figure out whether he can do it within existing programs, whether he needs to get authority for those programs, whether he needs to get, you know, money for those things, whether he can use existing money. That's, and so, I mean, I know that was in previous language but I think we're better off having that out.

MS. OLSEN: So do we think that it would be assumed that he would have inter-agency consultations with, you know, we talked about the Department of State, USGR Commerce, other agencies as well as, is that all assumed in here as well as seeking authority should he need it?

MR. REDDING: Yeah.

MS. OLSEN: Are we just assuming that?

MR. REDDING: I think he's going to work within the construction of that law, you know, and if right now, he's got authority to develop a product, great. If he needs extended authority to do that, go back to Congress, I mean, I expect he'll do that. I mean, those are kinds of things. We say, you know, conceptually, this is what we want you to do, Mr. Secretary. You figure it out from there whether that is going out to Congress or agencies or points in between.

MR. JAFFE: I mean, historically, it's very funny. I mean, my organization spent years trying to get nutrition fact labels and tried to get FDA to do it, put those on for foods, and they kept saying we don't have authority, we don't have authority. Then there was a bill introduced in Congress and all of a sudden, they said oh, maybe we do have authority, maybe we can figure out ways to do this. In the end, Congress passed the law.

So, I mean, you'd be surprised how interpretations, interpretations of laws change over administrations. One says they don't have authority, another one said they do. Until they're challenged in court, they never know so I think we're just better off staying out of that and saying this is what we want to do, this is what we think is the best policy, this is what we have, consensus around this policy and you figure out the best ways to get that implemented, whether that means new law, existing law, et cetera.

MR. REDDING: All right. Daryl.

MR. BUSS: Well, I was thinking about the same topic when we had that conversation yesterday and it seemed to me that the middle ground would be to have a lead in to the recommendations. And what I had jotted down yesterday was wording to the effect that the AC21 recognizes that some recommendations may require collaborations across and among federal agencies or it may require new legislation for implementation. Those considerations are beyond the privy of AC21 and will not be addressed within our recommendations. With that understanding, the following recommendations carry the greatest support from AC21.

MS. OLSEN: I support that language. I support that language.

MR. REDDING: Ambassador, thank you. I think, I mean, again, folks have wanted some context. I think that says in our general discussions, there are going to be these points you bump into or, you know, authority is needed or anticipated, so I think that makes sense. Any objection to that language? Okay. We'll include that.

(Discussion off the record.)

MR. REDDING: Just a point on Missy's comment about the prevention. I guess looking at this, it's a package of things, it's a bundle of things. If we're successful with the education, if we're successful with some of the research projects, if we're successful with, you know, development of a product, if we're successful with, you know, fostering this level of communication among and between producers, that gets us to prevention. There's not, there's not a straight line between anything we've done here and an exact change in prevention. There's not, right? So it's a lot of different things that, in that equation that will equal prevention. So there's a lot of factors in that equation I guess is what I'm saying, so it's hard to point in this report that any single one of them is going to immediately result in the prevention that everyone wants.

So I'm just trying to, again, sort of state that it's a lot of things and that's why at the front end of this, we said, Mr. Secretary, there's a package of things we're representing that, imbedded in that and even in the context of our report, we acknowledge that, you know, the best solution to this is prevention. I mean, we say that in so many words. Right up front, we say that that's what we want. If that's not successful, here's a potential solution to that, right?

So where to from here? I mean, I think -- Darrin, do you have another comment on the recommendation?

MR. IHNEN: Just a quick comment, and this is Darrin Ihnen. We talk about technology, you know, with prevention. Technology continues to get better in everything we do in our lives and technology will also help prevention become easier and better to do too, so I just wanted to make that statement.

MS. HOWELL MARTENS: Well, to follow up just real quickly, what I'm seeing is we know with, let's say heart disease, exercise, diet, medication, all those things are part of prevention. It won't necessarily stop heart disease but without them, it certainly isn't going to stop heart disease. And I feel like with this, the package is designed to give us the pieces that will probably help things get better and so far, I think that we, we're getting there.

MR. REDDING: So on this recommendation, we've got two more to go and I guess I'm just trying to bring this discussion back onto this recommendation, is with the --

MR. CORZINE: Sorry.

MR. REDDING: Leon.

MR. CORZINE: Leon. I just looked at it and I don't want to reiterate too much my concern about how we, how we work in with U.S. conservation programs. You've got preferred status and that may or may not be okay but, you know, there are guys on specific programs that get really tight. There is a concern there, or everybody needs to understand that's a pretty big give because I might have an organic neighbor that I sign up, that we work something out and I get a preferred status, but the guy down the road or on the other side of the county that actually may have land that is a better fit and needs the conservation practice more and I'm put in line ahead of him because of a practice.

And whether there could be wording to just, whether dual purpose or -- we've got to be careful that we meet what the practice is really intended for, the conservation practice, but recognize or a way to point out. If there is a way to do that dual purpose that has been stated here, that's fine but we do have to be a little bit careful that we, here again, change in focus of what the intent and really intent role and outcome of conservation program really is about is my concern.

So I don't want to take too much time here but we may want to think about that and come back, and the ambassador here has just got some language that we, that he and I can work on here in a few minutes.

MR. REDDING: It may be as simple as saying at the end of that, if appropriate. Right, so preferred status if appropriate that, I mean, if you're in these conversations with joint, you know.

MR. CORZINE: It might be.

MR. REDDING: Constructing.

MR. CORZINE: Uh-huh.

MR. REDDING: Yeah. I just -- but I think your point's well made. It carries from the previous recommendation discussion that you want some qualification around that preferred status.

MR. CORZINE: Yeah.

MR. REDDING: Okay. Got it.

MR. CORZINE: Thank you.

MR. REDDING: With that and with some language, Laura, that would again, in construction of the mechanism, consideration should be given to addressing a potential in equity and premium costs for IP producers language, and some clarity around this final, the last paragraph there about the, that there are going to be benefits to both, this --

MR. SCHECHTMAN: That was just bad writing.

MR. REDDING: Okay. So we'll put that in. Okay. So I think the rest of this, I'm sorry, and this GE presence, that GE stays in this one, okay? So that's the package you've got in front of you. Okay. With that, a general acknowledgement that we've captured --

MS. HUGHES: I'm not going to complain.

MR. REDDING: You're not going to complain? Then you can speak.

MS. HUGHES: In recognition of all the conversations that we've had about IP, you know, that probably in the very near future, if not right now, we might have one identity preserved neighbor next to another identity preserved neighbor but they have --

MS. LEWIS: Different forms of IP.

MS. HUGHES: -- different forms, thank you. We refer to the non-IP grower in our second paragraph and I don't know of a solution. Daryl might, but somehow, I think we might want to recognize it. It's not always going to be a non-IP grower versus an IP grower or, you know, neighboring jointly, working together.

MS. OLSEN: So it could be non-IP or other IP?

MR. MATLOCK: How about just delete that? Growers who enter an approved joint coexistence plan.

MS. LEWIS: We'll let you figure that out.

MS. HUGHES: Yeah. Okay.

MS. LEWIS: It's a good point. We trust you to figure that out. We agree to the point.

MR. REDDING: Okay. So with, again, that sort of bundle of edits and amendments to capture the spirit of what's been mentioned about the equity in balance or inequity here in terms of premium and the conservation being sensitive to that point, so that is what we're going to be working with to, to finalize this and polish this recommendation, okay? So no surprises. No GEs there. You're going to see this concern expressed around qualification of conservation, premium considerations. That's what it's going to be, okay?

All right. Onto recommendation 4. I think we stopped, Angela, you had a comment I think you were starting to share on this recommendation which deals specifically with the category of research. Okay.

MS. OLSEN: Mr. Chairman, would you like me to --

MR. REDDING: Yeah, please. Comments on recommendation 4 under the category of research.  
 MS. OLSEN: Yeah. So my comment is the last bullet before recommendation 4 as well as the last bullet under the actual recommendation, and if we go to the last bullet under the recommendation, which really makes the point is, gathering and aggregating, on an ongoing basis, data from seed companies on unintended GE presence in commercial seed supplies. I had offered compromise language, and the compromise language appears in here as well which is the one above which is the assessment of the efficacy of existing gene flow mitigation techniques and seed propagation, multiplication or production on a crop-by-crop basis and development of improved techniques as needed. And that was the compromise language that I had offered, and they're both in here.

We are a seed company and we are the stewards of our, the appropriate stewards of our technology and we have -- seed quality and seed purity is our business. We deliver the seed that the buyer wants to purchase. So the buyer tells us what they want to purchase and that's what we produce. And there is no regulation to compel sending in this data from seed companies. It's unclear to me what would be done with that. Again, on a contractual basis, we sell seeds to buyers. We stand behind the quality and the purity of the seed that we sell and if there is an issue, then they come back to us but there, you know, again, it is what we do.

So it's unclear to me exactly how that would play out, what that would be used for, where the resources at USDA would be to aggregate that. It just seems to be overly burdensome and I don't see the purpose of it although I am willing to agree to the compromise position above which is that assessment of the efficacy of the existing gene flow point that I had in there.

MR. REDDING: The reason both were there, they seem like different things, like they were different. We liked them both. I guess that, you offered substitute language but we looked at it. We just felt like it was a different sort of deliverable than the gathering and aggregating.

MS. OLSEN: So it was unclear to me -- so two follow-ups. One, it's unclear to me what would be done with that, the purpose of that. You know, I sort of had a note to myself, you know, to do what and it would seem to me that because it's so burdensome, there would need to be a purpose and I'm not seeing the purpose for that. So that would be, I'd be interested in hearing feedback on that first and then I have a follow-up point.

MR. REDDING: Okay. I'm sorry. I looked away. Marty and Mary Howell.  
 MR. MATLOCK: It seems to me -- this is Marty Matlock -- the purpose is to develop more effective and more

efficient mechanisms for coexistence.

MS. OLSEN: If we're delivering pure and quality seeds --

MR. MATLOCK: No, no. That's, the purpose is to collect the data so that we would be more informed on -- it's not about your seed. It's about the assessment of the efficacy of existing on-farm and post-farm gene flow mitigation techniques on a crop-by-crop basis and assessment of efficacy of existing gene flow mitigation techniques. That's the way we develop the MPs. We get data, we see what works, we see where it works and we develop the MPs. That's the, that would be the application as I read it.

MS. OLSEN: So I don't see how the data from the seed companies and seed supplies leads, leads to that.

MR. MATLOCK: You know where, you know how you collect data on movement of the genetics in your process because you have to protect them too. It's, tell us how to do it better.  
 MS. OLSEN: That's a little bit of a different point than what's stated here. Mary Howell?

MS. HOWELL MARTENS: I do, I am speaking to the point.  
 MR. REDDING: Okay.  
 MS. HOWELL MARTENS: And this is, this is something that farmers are very aware of that seed companies might not be. For a farmer who wants to grow GE crops, there is an ample amount of varieties out there and good quality, pure seed coming from Pioneer and from Monsanto and Syngenta and all the others. That's not a problem. The problem is finding equally good quality genetics and quality seed, two different issues there, that are non-GE. And so I think that USDA does need to monitor not just your seed supply but the whole seed supply to ensure that the choices of good quality seed and good genetic seed are available on a reliable basis to those farmers who don't want to grow GE crops.

MS. OLSEN: Yeah. And then --

MR. REDDING: So just on, just on that point though, do the bulleted points here speak to that, Mary Howell? I just want to make sure that --

MS. HOWELL MARTENS: I'm not sure they do exactly but they're coming close. I feel like it's implied in there but it's not real clear what we should be hammer hit over the head on, that we need good quality, separate but equal choices.

MS. OLSEN: And isn't, it seems to me -- and you've made that point in the past, Mary Howell, and I, I agree with that. And I think -- I know we have the organic seed finder program. And I think that the concerns that you're raising are addressed in recommendation 5 in terms of the availability of the, for quality seed and so if that's, and so it's helpful to talk that out. I think that's addressed in this recommendation 5.

MS. HOWELL MARTENS: Not really. I did not see that in recommendation 5. Recommendation 5 talks more about germplasm, about variety of development of preserving a germplasm that is free of GE. We're not talking about commercial availability, a seed I can buy today and plant today. And I think those are two different issues that for, for farmers who do not wish to participate in GE agriculture, they need the option to be able to buy good quality varieties and good quality seed. Good genetics, good quality.

MS. OLSEN: And we're not in disagreement on that point at all but I don't think that bullet point, I don't think those bullet points speak to that.

MR. REDDING: Right. That's what I was getting at, if that is a point that needs to be emphasized or added to this, then I think that's, that's what we want to do. Okay. So let us come back to that because we'll try to --

MS. OLSEN: I may have a follow up. I just wanted to understand that point because it's not clear to me what would be done with that data and the purpose of that. And if the purpose is as Mary Howell outlined it, I think that's a really important point and I think it's a different point,

but I agree with that.

MS. HOWELL MARTENS: I agree with that. I think it's a different point, but I do think it needs to be in there but it needs to be clearly enough, eloquently enough stated so there's no doubt in what is meant.

MR. REDDING: Daryl?

MR. BUSS: My question relates to what's included under recommendation 4 in terms of research because the original recommendation 3 had a long list of bullets labeled as research. Do we assume those are now going to be under recommendation 4 or have they disappeared, or what was on originally page 16?

MR. REDDING: I'm not sure. You said --

MR. BUSS: The original document, not the one we received this morning, under recommendation 3, recommendation 3 ended with something that was in bold that said research with nine bullets under it.

MR. REDDING: Oh, that remains.

MS. BATCHA: Those are bullets for recommendation 4. The bullets come first and then the recommendations come after.

MS. OLSEN: That's what I was confused about this morning when I started making my point.  
 MR. REDDING: Yeah. That, all of those, the bulleted part, we just gave you the recommendation on 3 not

the actual --

MR. SCHECHTMAN: Yeah. I was only trying to put in the new language that we had talked about in the context of recommendation 1 but fit better in recommendation 3, so nothing else about it has changed.

MR. BUSS: Okay.

MS. OLSEN: And my comment spoke to the two bullets, right, the last one before recommendation 4 and the last bullet after recommendation 4 which are the same point, which is the same as Mary Howell's points that she brought up.

MR. SCHECHTMAN: Can I follow up with you, Mary Howell, for one second because I want to check, being sensitive to the work of this committee and the work of the NGRAC, in recommendation 5, in the very last paragraph below the bullets, there is tasking, there is USDA tasking the NGRAC to look not exactly at what you're referring to. It's, it's looking at those varieties and looking at market needs for those markets. I just want to check whether that is --

MS. HOWELL MARTENS: Well, I think to say organic seed finder is very limiting. We should say non-GE seed finder because it doesn't have, we're not necessarily talking about organic seed. We're talking about a seed supply that is not genetically modified. I mean, the organic standards say that you can use conventionally untreated seed if organic seed is not available in the variety that you want. However, if you go out there and all you can find is the really poor quality varieties of conventionally untreated seed, things that the rest of the seed industry has abandoned years ago, you know, that's not a separate but equal system.

MS. HUGHES: Following on Mary Howell's comment about the organic seed finder, there, this, that's referring to something that's in play and in process right now, and it's called an organic seed finder. So rather than change that wording, we might want to change it to reflect what Mary Howell had said, but that's actually a term that's in play.

MR. REDDING: So the organic, there is something called the organic seed finder right now.

MS. HUGHES: Correct. Yes.

MR. REDDING: Okay. All right. So if we want to do non-GE, that --

MS. HOWELL MARTENS: Yeah, because we're really not talking about finding organic seed. We're talking about finding non-GE seed.

MR. REDDING: Even using the organic seed finder?

MS. HOWELL MARTENS: Well, all organic seed is going to be non-GE.

MR. REDDING: Okay.

MS. HOWELL MARTENS: But hopefully, there are other choices beyond that.

MS. BATCHA: Maybe it's, it maybe is two ideas, right?

MR. REDDING: Yeah. So --

MS. BATCHA: Maybe organic seed finder and, you know, classically bred --

MR. REDDING: Right. So let's hold that for that recommendation 5, okay? Back to, I'm sorry, Lynn. I think you had a comment.

MR. CLARKSON: Lynn Clarkson. Angela mentioned pure seed but there's no definition of purity. The fact of life is when I check the seed companies about the availability of non-GMO seed, I say do you have non-GEM seed available for our growers. Answer, yes. What does it mean when you tell me non-GMO? Gee, good question. We don't know. We don't know. We test. On average, we might be under a half percent but our range will be from anywhere from non-detectable to 2 or 3 percent, and we don't have good enough inventory control to tell you. That gets compounded because some seed companies will not allow farmers to pretest lots for acceptability.

So I see this as an essential function to find out what the background level of GMO contribution to coexistence is and it would be very difficult to get this information, the same way it would be difficult to get information about farmers. All of this is very private information and it's going to take an unusual effort on the part of researchers from the USDA to acquire. I'm willing to share information about our commercial tests but I strip farmer's names off of them because it's not appropriate for me to point at them. So I think this is absolutely critical information. I also think it would be very difficult to get.

MR. REDDING: So you are speaking in support of keeping these two bullets in this recommendation?

MR. CLARKSON: I am.

MR. REDDING: Okay. All right. So Greg?

MR. JAFFE: And I'm going to speak in support of, on behalf of Charles Benbrook who is not here. And I think Charles is, I think if those were taken out, I think he would have very serious problems on this document because he spoke eloquently over a number of meetings about how the coexistence issue, to a large extent, and I'm paraphrasing and I hope, Charles, that I'm saying it the way he said it, but he sort of said, you know, if we have pure seed every year, starting every year, then there's only, only so much unintended presence you could get because every year, you're going back to pure seed. And I think recommendation 5 tries to deal with that from the public germplasm point of view but I think he was also similarly talking about the private germplasm point of view.

And so I think, like what is that. I think he thought it was very, very important to find out what is that background noise level and that should be a research task for USDA because of the sensitive nature of this information, that it's not linked to companies or specific brands or specific seeds or varieties, which would in fact cause large amounts of market disruption, but just try to get a handle for that because his view was if you can keep that low enough, then the coexistence issue isn't a compounding issue. It's only, it's only what happens at the farm that year with gene flow. It's not, doesn't perpetuate itself within the germplasm.

And again, I may not be saying it correctly so I just thought I needed to bring that up because I think Charles, if he was here, would feel very strongly about these bullets. I think that's been his issue for the last five meetings.

MR. REDDING: Okay. Barry.

MS. HOWELL MARTENS: I want to follow up with Angela. You talked about purity in your seed. Do you sell any non-GMO seed?

MS. OLSEN: Yes.  
 MS. HOWELL MARTENS: What is the percent?  
 MS. OLSEN: I couldn't tell you. I mean, it depends on what we're selling to, what the buyer wants. We have a lot of different varieties.

MS. HOWELL MARTENS: But would you tell me if I asked about a specific variety?  
 MS. OLSEN: I personally couldn't tell you.

MS. HOWELL MARTENS: Not you but someone in your company.

MS. OLSEN: I don't know the answer to that. I mean, I assume --

MS. HOWELL MARTENS: That would be useful information.

MS. OLSEN: Well, yeah, because it would depend on what contract. If you were the buyer, you would tell me what purity you need and we'd deliver that. We would deliver that purity.

MS. HOWELL MARTENS: I'd be able to pretest it to make sure that my results are the same as your results?

MS. OLSEN: I don't know the answer to that.

MR. CLARKSON: The point is, the seed companies, the best seed companies --

MS. OLSEN: I --

MR. CLARKSON: -- are unable to do what Mary Howell is asking. It's not that they -- they don't have the control over their inventory levels well enough to tell you and they won't put it on a bag. It would be ideal for a farmer to guarantee on the bag. That would change the rules of the game for the seed industry in a significant way. So the best motivated companies with good integrity are not providing the information directly to the question Mary Howell asked. I don't want to suggest they're bad. I'm just telling you that the information is damn close to impossible to acquire.

MS. OLSEN: I was just told we do provide that number so.

MR. REDDING: Okay. Leon?

MR. CORZINE: This is Leon. I think we -- I understand the need for the purity and all of that and so I'm not arguing that point, but I think where we have to be careful in the language on that last bullet on page 17, in commercial seed supplies, I think maybe we need to be more specific because for what Mary Howell wants in her identity preserved product is different than I need in my conventional or my specific identity preserved product. So it's going to depend.

For example, in my commercial seed commodity, corn, I don't need the level of purity down to that very, very tight level that Mary Howell does. So what we have to be careful of in what we're requiring or asking of the seed industry, one, we have to be a little careful because we, we don't want to, I don't think it's fair to beat up the seed industry, that they can't be pure, they can't control, because I think they spend a lot, a lot of money and it's reflected in cost of my seed, and that's to my point. If I'm growing number 2 yellow corn, I don't need that purity level so don't require that of the seed industry because that will add cost to me and, and I think that's what we have to reflect somewhere and that's by getting more specific on where you need that purity level.

MS. HOWELL MARTENS: Well, with number 2 yellow corn, you're growing seed that is 100 percent.

MR. CORZINE: A hundred percent what?

MS. HOWELL MARTENS: GE, correct?

MR. CORZINE: Well, no.   
 MS. HOWELL MARTENS: 98.99.

MR. CORZINE: But also --

MS. HOWELL MARTENS: You've got some red --

MR. CORZINE: But there's also -- we grow some non-GE products too but even some of those don't require the level of purity that you're talking about.

MS. HOWELL MARTENS: I'm not really requiring any level. All I would be asking for USDA to be working with is to have seed companies be able to, we'd be able to know that when we buy a non-GMO variety, somewhere, the information is available what the percent is. You can, you can make the value judgment as well as I can about what you need but the information needs to be available so that you and I can make value judgments that may be different.

MR. CORZINE: Well, I understand that but my caution is adding cost to the entire industry in requiring that when it's not needed, okay? There are lines that are.

MS. HOWELL MARTENS: Uh-huh.  
 MR. CORZINE: But not everything.

MS. HOWELL MARTENS: That's obvious.

MR. CORZINE: Okay?

MR. REDDING: So in --

MR. CORZINE: But this says on this last bullet, in commercial seed supplies, and I think we need to get a little more specific than that.

MS. HOWELL MARTENS: Non-GM seed supplies.

MR. REDDING: Okay. Don't lose that thought. David?

MR. JOHNSON: I can't sit quiet when I hear somebody say that the seed industry doesn't know what's in the seeds that they produce. Maybe you can point to specific companies and maybe we should be very specific about what we're saying, but I can tell you that every lot of alfalfa seed we've made this year and the last year and the year before that has been tested for the presence or absence of brown and gritty alfalfa, and I can tell you which lots contain it, which lots don't contain it based on the protocols that we used and based on the number of seeds used and those tested at level of purity. We've also worked I think even with the organic industry in identifying lots that are not produced organically but that are GE-free for sale and for organic situations, and they're on a list that's available to the organic industry. A lot of people worked, worked on that.

So, you know, I just want to not generalize that the seed industry doesn't know what's in its bags, that we don't test those things. We spend a lot of money on that.

MS. HOWELL MARTENS: Is it on your labels?

MR. JOHNSON: Yeah. We spend a lot of money on that. I guess what you -- here's --

MS. HOWELL MARTENS: Is it on your label?

MR. JOHNSON: You know, we don't talk about the Seed Act here. So in the United States, there is the Seed Act and basically, for interstate commerce and labeling of seed bags, as long as you're under 5 percent off types, okay? Now, to address the issue about whether we would sell this to somebody who is interested for organic production because they can't have a detect, we take that to another extreme level where we want to make sure we're identifying those lots which are tied to fields which is essentially identity preserved production so we know which lots specifically we believe are free of GE based on those test protocols that we use. And we keep track of that and we've gone to a great expense to keep that separate in inventory in our production facilities, okay?

So I just want to make sure that, you know, it's not generalized that the seed industry doesn't know what they're putting in their bags because I think that's a generalization that I can't walk out of the room with and be in good conscience of representing the seed industry as a seed representative.  
 MS. BATCHA: Dave, are you comfortable with data about background levels of GE material and commercial seed supplies being gathered and aggregated by the department?

MR. JOHNSON: David Johnson. What I would say is that the alfalfa industry in particular agreed to participate in a program with AOSCA to supply this confidentially, and the companies get information back to learn how well their stewardship programs are working. So I would say that that's what our industry agreed to do. We didn't involve the department this time, but it was a voluntary program and all the companies that are producing seed are participating. So, I mean, while it's voluntary, it's been good participation.

UNIDENTIFIED FEMALE: We do as well.

MR. REDDING: Lynn?

MR. CLARKSON: I wish to, Lynn Clarkson, I wish to modify my comments. I do wish to include all seed companies when I made the statement about Japan, and I can, I can name names which I won't do. It's not appropriate to do. But I can tell you direct knowledge is you cannot get a standard definition even of what non-GMO seed is and that's why we had discussions about thresholds. That's why .9 came up. And obviously, with the seed industry, if you accepted anything above .9 in your seed, you sure aren't going to be able to make the market threshold of .9. When it comes to the seed, at what threshold level do they quit producing what is called non-GMO seed? So how do we define that? That's difficult. Very few seed companies have addressed that issue. Very few seed companies have defined it and it is difficult to get an answer, if not impossible to get an answer, to Mary Howell's question.

MS. HOWELL MARTENS: And can farmers access that information to make their purchase choices?

MR. CLARKSON: With great difficulty. You can test seed lots after they arrive on your farm and then you can go through the period of trying to swap it for something that may not exist. But this is an issue that people of good will can get together and try to resolve it, but it is not a resolved issue today.

MR. REDDING: So let me ask you. The, again, this is under the title of research. There's five recommendations here. Angela's original question was the potential duplication between 3 and 5 here. I guess I'm just asking the question are we comfortable with what is in here and, Angela, you're comfortable now with the clarification around the differences between 3 and 5 that this recommendation can go forward?

MS. OLSEN: And so are you asking -- I just want to make sure I'm answering your question.

MR. REDDING: Well, as I said, you raised the original question that bullet 3 here, the assessment point, and the gathering of and aggregating were the same.

MS. OLSEN: I was asking the purpose of the last bullet because I had offered the bullet above as a compromise, and so I still don't support the last bullet. I think it's, again, very costly. It's burdensome. I'm still not seeing the purpose of that. If Mary Howell came to Pioneer and said, or to any company, and were to say this is the specifications, this is the seed I need, that's what we would get and that's what seed companies do because we do invest, like David said, Johnson, who's also a seed company, out millions of dollars in seed quality and seed purity. You tell us what you need and that's what we sell to you and if we didn't sell you that, then you come back to us.

MR. REDDING: I guess the --

MS. HOWELL MARTENS: And I can get some beforehand and test it and third party verify what you're telling me is true.

MS. OLSEN: I, you know, I'd have to go back to the company and ask. I don't know the answer to that. But I will tell you we also participate in AOSCA so we constantly, somebody comes in, a third party comes in and tests our seed as well and collects that data so it's, we have a lot of different, you know, sort of gateways to make sure that we are delivering pure seed, so I still don't support inclusion of this bullet. I see co-counsel over there has a comment as well.   
 MR. JOHNSON: What I would indicate to you on an international basis, for example, we send out a letter. That letter doesn't state zero but it states the range within the standards of the test that were ran. So if the test has a range in it, you know, we specify, you know, so if you're doing the strip test or you're doing whichever test you're doing for instance, you have a probability range that your answer is this. So that's supplied in the letter, okay? And if it goes international, when they receive the seed, sometimes now they test. So I would say in some cases, seeds are being tested even after we ship. Now, we want to make really sure before we ship

that's not coming back.

MR. REDDING: Laura, do you have a comment on this?

MS. BATCHA: I just -- for me, it's not so much an issue about the particular practice of the seed company and whether or not that, how the buyer gets that information although I think it's challenging at times. For me, I think what this is about is gathering and aggregating that data, right, and then in the commentary up above, it's about providing public assurance that there is an ongoing supply of commercial seed that's free of GE material. And for me, that's the point of doing it and that's when the public sector comes, you know, comes in and plays a role to aggregate and provide that public assurance in collecting the data, so I support it staying as is. And thanks to Greg for doing his best to channel Dr. Benbrook on that as well.

MR. REDDING: Any need to do the modification around the non-GE, commercial non-GE that was mentioned earlier?

MS. BATCHA: That, that's not the issue for me.  
 MR. REDDING: No, I understand but I --

MS. BATCHA: But for me --

MR. REDDING: It's keeping the, gathering and aggregating in here.

MS. BATCHA: Yeah. Yes.

MR. REDDING: Okay. Got it.

MS. BATCHA: For the purpose of public assurance and the role that the government plays in that.

MR. REDDING: Okay. Mary Howell and then David.

MS. HOWELL MARTENS: For the purpose of the privacy of the seed companies, I do think that limiting it to non-GE seed supplies is probably appropriate because I honestly don't care what the level is in most of the Pioneer varieties you sell. It is only the non-GE ones that matter to have it aggregated so that we have public record of what is available and what the percent GE is.

MR. REDDING: So we'll make that modification. Okay. Angela?

MS. OLSEN: So the, the question I have is again, we don't want to stigmatize GE and I feel like that's kind of where we continue to go. Would a compromised position be gathering and aggregating, on an ongoing basis, data from seed companies on unintended GE presence in commercial organic seed supplies?

MS. HOWELL MARTENS: No. Non-GE.

MS. OLSEN: I can't support that point. I just, I'm still not seeing.  
 MS. HOWELL MARTENS: Because you don't, you don't produce any organic seed.  
 MS. OLSEN: Well, there are plenty of people who do and we do sell to the organic market. Not, not organic seed but --

MS. HOWELL MARTENS: It's not an organic issue.

MR. REDDING: Right. I guess knowing --

MS. OLSEN: Yeah. I'm still not on board with that point.

MR. REDDING: Okay. Well, we'll have to at some point here move on. I mean, so we'll have to note that, that that's an objection here, but knowing that you do it in the alfalfa --

MR. JOHNSON: And I, this is David Johnson, I would say that Charley Brown came and spoke to us in great detail and this is why I kind of struggle with the pollen flow issues. I mean, you remember he told us it took two months in the winter to clean out that plant facility before he ran the GE seed through, and he was working with corn? So, I mean, there are businesses that are sprouting up and there has to be a price premium for us to produce that seed. And so these things evolve over time and, you know, we just have to understand that this is how markets work when there's a new demand for new types of seed or new, you know, these businesses, and Charley's is a good example of that I think.

MR. REDDING: So that concludes discussion on the research recommendation, okay? There will be a decision point here, Angela, about whether you're on or off for this one but I think given the discussion and that there appears to be some benefit to gathering and aggregating since we're asking the USDA to do just that, that that's probably an important part of our charge is to also be asking the commercial seed companies to, to do the same and report that in on a confidential basis.

Last recommendation, and I'm doing this only because I know we're going to lose a couple of folks here at 12:30. Let's go to the last recommendation 5 which deals with the germplasm and picking up the conversation previously about the organic seed finder and maybe there is a need for two different components here, the development of two different pieces, non-GE and organic. Laura, I think you were -- sorry. Mary Howell, let's start with you.

MS. HOWELL MARTENS: Well, I just have language here for recommendation 5 because I feel like we're, the way it's written is, is limiting. There's the recommendation 5 and there's the italic boldface and then the next paragraph below that, for every plant species. And instead of, for which a new genetically engineered variety enters the market, which I think is limiting, I'd like it to say with commercially available or new varieties on the market, USDA should ensure a credible plan is implemented, take out exist and to monitor and maintain the purity of publicly held germplasm.

So what that would then say is for any species that has a genetically modified version on the market, there is a plan in place that ensures that the non-genetically modified versions stay that way.

MR. SCHECHTMAN: Could you repeat the changes, please.

MS. HOWELL MARTENS: For every plant species with, the change is starting there, for every plant species with commercially available or new varieties on the market, comma, USDA should ensure a credible --

MR. SCHECHTMAN: Did you leave out genetically engineered there? For every plant species --

MS. HOWELL MARTENS: Oh, okay. There should -- with commercially available GE, yeah, with GE commercially available. I'm not sure where you could put the GE but, yes. With GE commercially available or new varieties on the market, USDA should ensure a credible plan is implemented to monitor and maintain the purity of publicly held germplasm. That way, it makes the umbrella a little bit bigger to include both those that have varieties on the market and those that get varieties on the market.

MR. REDDING: Okay. Comments on that modification? Paul?  
 MR. ANDERSON: Yeah. Just an acknowledgement that if we're thinking about varieties or versions, okay, that have a genetically engineered trait compared to a version without a genetically engineered trait, I think it's asking a lot to believe that they are going to remain genetically the same other than the presence of that introduced gene because once they're separated and they're maintained separately, okay, over time, there's going to be a variation that occurs, and that variation is going to increase over time to the extent to eventually go and have something that's exactly what you thought it was going to be.

So that gets down to this definition of seed purity here. And this may be a little too technical and maybe I'm reading this in too far but it's presupposing some things that are probably going to happen in the industry eventually, and that is that a seed company is not going to be starting with material that is non-genetically modified. Breeding is going to start eventually, if it's not already, I'm not with a seed company anymore, using starting material that has introduced genes in it and then breeders will be breeding from that, okay?

So if one expects that there's going to be a non-genetically modified version of something that comes out of a program like that, it's basically impossible. So I'm not talking about right now but I am talking about maybe even just a decade down the road, and when one starts to consider that, one's going to have to start to recognize that if one wants non-GE material that performs as well as GE material that's on the market, one may have to start breeding their own non-GE material. That's just going to be a reality in the future. Not for everything but for a certain, you know, segment of the market. Maybe I --

MS. HOWELL MARTENS: Paul, just when I mentioned version, I didn't mean isolated. I just meant of the same species. Of the same, you know, soybeans.

MR. ANDERSON: Paul Anderson. I just saw an opportunity to clarify that though because we've dodged around that and haven't addressed it. And when we come to this definition of purity and some of these things start to be considered, I'd like to recommend a change in recommendation 5 and that possibly, it might be, if you go to the last paragraph, USDA should task the NGRAC to develop a plan in conjunction with the seed industry for ongoing evaluation of the pool and, and commercially available non-GE, organic, identification of market needs for producers serving GE-sensitive markets. I think as it is would be fine.

So what I was recommending was halfway through that paragraph, USDA should task, and then following on from that might be a better recommendation 5. The group that deals with diversity is going to have this at the heart of their deliberations and so I think might be better positioned to address how one could go about this. You're following me?

MR. REDDING: I guess the question is whether this recommendation, as the paragraph is written, speaks to what you just mentioned, right? Are you saying that it's, after rereading it, it does in fact cover your concern?

MR. ANDERSON: Actually, rereading it myself as I'm talking, I'm not so sure it does but the point that I wanted to get across here is I think they would be better positioned to address this issue and try and remedy it than this committee is.

MR. REDDING: So we should task them to do more?

MR. ANDERSON: That's what I would do.

MR. REDDING: Okay. Well, I think if we need to modify what we're tasking them to do, we need to have that conversation I guess. I'm not sure reading this and listening to the explanation what modification is necessary, Paul, in this paragraph.

MR. ANDERSON: Well, the recommendation 5 in the bold italics, I was suggesting that that be replaced by that second half of that supporting paragraph.

UNIDENTIFIED FEMALE: But that's the primary recommendation.  
 MR. ANDERSON: Yes. That would be the primary recommendation. It's just a consideration. And I'm okay leaving things the way they are but I wanted to get on the record making my point.

MR. SCHECHTMAN: So are you, are you then saying that what is currently the bold would just become a bullet under --

MR. ANDERSON: If it stays at all. It would be a bullet under -- I agree with you.   
 MR. REDDING: So how do we -- there's been a couple of issues raised. One, one is Paul's point about what, what we should be tasking the NGRAC to do, okay? So that's one issue. The other is the concern around the organic seed finder and whether it needs to be, that statement's fine but there needs to be some note about the non-GE seed finder or whatever the term is, right?

MS. BATCHA: I would recommend that if where we reference organic seed finder that it just be trademarked or something so that it's understood to the reader that it's a thing, number one, that exists and then -- so that would be my primary interest, and that we recommend that the USDA should continue to support it. And then if others feel like that there needs to be an additional reference to those same needs being met for IP seed, then I would encourage people to put that language on the table.  
 MR. SCHECHTMAN: Could I make a suggestion for how we might do this? My suggestion would be that the recommendation would start with the sentence about USDA tasking the NGRAC, should move onto the second sentence that's currently in bold.

UNIDENTIFIED FEMALE: Organic seed plan?

MR. SCHECHTMAN: Yes.

MR. REDDING: So you're bringing the part of the last paragraph forward --

MR. SCHECHTMAN: Yes.

MR. REDDING: -- as the, as Paul suggested being the primary recommendation?

MR. SCHECHTMAN: Yes.

MR. REDDING: Okay. And what are we doing with the second sentence of the current recommendation, it just becomes a bullet?

MR. SCHECHTMAN: I think, I think it becomes -- no.

MR. REDDING: Sorry. So we're taking --

MR. SCHECHTMAN: That sentence and then the second, the second current sentence should also be part of the chapeau.

MR. REDDING: So we're, are we deleting the first sentence of the recommendation?

MR. SCHECHTMAN: That will become, that would become a bullet.

MR. REDDING: It becomes a bullet. Got it. Okay.

(Discussion off the record.)

MR. REDDING: So we would do the following under that recommendation. Take the first sentence so the current recommendation becomes a bullet below, okay, be your lead bullet. We will --

MR. SCHECHTMAN: I don't know if it has to be the lead one but --

MR. REDDING: Okay. Becomes a bullet. And we would bring forward the sentence that begins, it's the second sentence of the final paragraph that begins with the USDA should task the NGRAC, okay? That sentence and the sentences -- we need both sentences in that paragraph? The question is do we need these activities?

MR. SCHECHTMAN: I think that was, that was an important sentence for some folks earlier.

MR. REDDING: Okay.

MR. SCHECHTMAN: I think it's going to need to be somewhere.

MR. REDDING: Okay. So, yeah. The -- let's do this. We will take the sentence in the last paragraph that begins with the USDA and ends with GE-sensitive markets, that sentence comes forward as the, is added to the primary recommendation, okay? So you'll have that sentence brought forward. And you'll have the current USDA should also work

with language that remains as part of the recommendation.

MS. HOWELL MARTENS: So have you removed anything --

MR. REDDING: No.

MS. HOWELL MARTENS: -- from the chapeau?

MR. REDDING: The chapeau remains.

MS. HOWELL MARTENS: Okay. You added to the chapeau.

MR. REDDING: We have added to the recommendation and have put the current lead sentence down as a bullet so the final paragraph would have what is now the first sentence and the last sentence.

MR. SCHECHTMAN: Well, the, the first sentence, USDA should recommit to maintaining the highest purity in its germplasm banks, that could either be a bullet or the last sentence of the chapeau.

MS. WILSON: Well, it kind of summarizes so you could probably put it as the last sentence.

MS. HOWELL MARTENS: Actually, the germplasm bank and seed suppliers are two very different things and I, I like it where it is.

MR. SCHECHTMAN: Where it is as the first sentence or just that it's in the chapeau?

MS. HOWELL MARTENS: That's in the chapeau.  
 MR. REDDING: Okay. So, so that is settled, but back to this issue of the non-GE seed finder. Are we recommending that there is a --

MS. BATCHA: Somebody else brought that up so don't look to me, Russell. Look to the others who were having that discussion.

MR. SCHECHTMAN: Angela's had her card up for a long time.

MR. REDDING: Angela, go ahead.

MS. BATCHA: I don't want to speak to that.

MS. OLSEN: So I have, I'll start with the chapeau. So in recommendation 5, I have some recommendations on the language right above 5 as well but on the 5, if we're starting with -- and I agree with that. The NGRAC really are the ones. They're the academics with the expertise. We're not the ones sitting on the table with the expertise on this so I think that that's a good change. USDA should task the NGRAC to develop a plan in conjunction with the seed industry for ongoing evaluation of the pool commercially available. I would change that to non-IP because again, this isn't just about GE and organic seed varieties and identification of market needs for producers serving IP-sensitive markets. This is not just about GE.   
 MS. HOWELL MARTENS: You don't mean non-IP. You mean IP.  
 MS. OLSEN: IP, I'm sorry. Yes. IP.  
 MR. SCHECHTMAN: Aren't all seed varieties identity preserved?

MR. CLARKSON: No. One would think so. By variety. Identified.

MS. OLSEN: I don't think that that's included within our definition of IP so I just, I don't want to be confusing, I don't want that issue to be confused and I don't -- and again, you know, I'm trying to avoid stigmatizing GE. So that's one recommendation. So change GE to IP. I'm fine leaving GE in with the last sentence. As a continuation in the chapeau, that USDA should recommit to maintaining the -- I've got just a suggestion for consideration at the table, and that is viability and original genetic diversity present in its germplasm, germplasm banks. I think that is the purpose of the germplasm banks so that, that's a recommendation that I have.

MS. HOWELL MARTENS: Viability.

MS. OLSEN: And original genetic diversity. So the way it originally went into the bank, the original genetic diversity.

MR. REDDING: I'm sorry. Where is this now?

MS. OLSEN: The bold language. Here. The USDA should recommit to maintaining, and I'm suggesting viability and original genetic diversity present in its germplasm

banks.

MS. HOWELL MARTENS: I think viability is a very different issue, that is whether the seed is alive.

MS. OLSEN: Yeah. I think, but I think isn't that one of the purposes of the germplasm bank, both the viability and the original genetic diversity?   
 MS. HOWELL MARTENS: I think that's kind of a given. I think the original genetic identity would be a good choice.  
 MS. OLSEN: Okay.  
 MS. HOWELL MARTENS: But I think viability is sort of --

MR. REDDING: So what's the --

MS. HOWELL MARTENS: -- there anyway. It's inherent.  
 MR. REDDING: What's the recommendation, Mary Howell?

MS. HOWELL MARTENS: That USDA should recommit to maintaining the original genetic identity of accessions in its germplasm banks.

MS. OLSEN: And then continuing on, USDA should also work with seed suppliers to ensure that a diverse and high quality seed supply exists that meets the needs of, I would have all farmers full stock because I think we've heard from different folks that want different types of seed so I would just leave it as all farmers. That subsumes the next point which is including those providing to GE-sensitive customers but why, you know, why are we calling that out here? I think it's just meets the needs of all farmers is what we've been discussing at the table.

MS. ANDALUZ: And seed suppliers. We buy seeds from other companies so, I mean, that's why it says products to GE-sensitive customers.

MS. OLSEN: But your, that would be subsumed by all farmers. Everybody. Everybody should have what they need. That's what we're saying here. The global comment I would make is being careful in terms of going through, and we don't need to do, I know we don't want to do line-by-line edits but again, I'm very sensitive to, you know, address what to do when unintended presence or unintended genetics are detected in such germplasm stocks. This isn't just about GE, so I want to make that recommendation.

My last comment is in the seed quality. As I read the section, it looks like the seed industry isn't doing anything, and that's just right above recommendation 5, which it looks as if the seed industry isn't doing anything. You've heard from David Johnson and from me and others about everything the seed industry does do, and so there's just a couple areas where I, I think it's important to add, for example, in bullet point 5, after the first sentence, all members are to acknowledge the importance of continued attention to the production of seed of high purity to meet farmers' needs. I absolutely agree with that. But adding that word continued industry attention to the maintenance, so moving that word continued.

MS. HOWELL MARTENS: I'll go along with it.

MR. REDDING: What?

UNIDENTIFIED MALE: That works.

MS. HOWELL MARTENS: Just moving the word continued from bullet point 5, second sentence. Continued industry attention to the maintenance rather than industry attention to the continued maintenance. It does acknowledge that it's happening.

MR. REDDING: Okay. Barry?

MR. BUSHUE: Barry Bushue. I just wanted to point out that any, the foundations of any effective committee is that you absolutely have to find the mechanism to dodge some of your responsibilities and put them onto another committee, and I want to thank Paul for that opportunity before I go to lunch.  
 MR. REDDING: Thank you, Paul. All right. So what is it, what's the final recommendation look like?

MR. SLOCUM: Did we --  
 MR. REDDING: Yeah, Jerry?  
 MR. SLOCUM: Did we address the issue of the

non-GE seed finder?

MR. REDDING: We haven't resolved that. I don't know who brought that up. Jerry?

MR. SLOCUM: Well, I think it would be a very helpful thing. We still plant refugium and in parts of the country, like the deep south, we still have to plant lots of refugium, 50 percent of our corn acres for example, so it would be helpful.

MR. REDDING: Okay.

MR. SLOCUM: To producers.

MS. HOWELL MARTENS: And especially if we're going to build in this cooperation plan where neighbors are working with neighbors, you know, the non-IP farmers are going to have an increased need to be able to find non-GM varieties.

MR. REDDING: So is that a recommendation, the USDA develop such a, develop a non-GE seed finder?

MR. SLOCUM: It would be.

MR. REDDING: All right. So it's a -- it's not here now.

MR. SLOCUM: It's not here now.

MR. REDDING: You'd need to have it in somewhere, right? Is that --

MR. SCHECHTMAN: So we'll have to fuss with -- there's this continuing support. This is new support for a non-GE one since that doesn't exist yet but we'll, we'll fuss with that.

MR. REDDING: Okay.

MS. HUGHES: And Chuck knows the ins and outs of that if you need information on that.

MR. REDDING: All right. Does everybody understand what we're doing with 5?

MS. OLSEN: Russell, I've got a couple of nits. Do you want me to save those until after lunch regarding 5? I just had another comment on one of the bullets but I could save it if that would be best for the group.

MR. REDDING: No. I think you better say it now because you're not coming back to it.

MS. OLSEN: Okay.

MR. REDDING: So I think if there's a point, we want to get --

MS. BATCHA: Bullet point 6 everybody. Get ready.

MR. REDDING: Okay.

MS. BATCHA: It's two comments on bullet point 6 which starts out, it is important to point out. So this is under, right above recommendation 5. It's important to point out that especially in the age, and let's drop down after NGRAC. However, the marketplace and the biological realities of crop protection set boundary conditions for what's achievable but the overall fact remains, taking out special and put continued attention, again, in industry, there's a lot that we already do, continued attention by industry to unintended, taking out GE, we're trying, again, not trying to stigmatize GE presence because this is about unintended presence in seeds destined to produce crops for, and take out GE-sensitive and replace that with IP specialty markets. We've expanded the scope to be IP specialty markets so I think that this -- it's important that we're producing quality seed for all IP specialty markets so I think it's helpful to reflect that in the language. That's what I have.

MR. REDDING: Okay. Laura?  
 MS. BATCHA: I think that the suggestion around the special attention, that's fine. I have no issue with that. But I think the other issue is a bigger global issue about the scope of the charge and how it would do that, and so I ask that you be consistent here with the way you handled it in other parts of the recommendation.

MR. REDDING: So retaining the GE-sensitive language.

MS. BATCHA: Yes. Yes.  
 MS. OLSEN: Recognizing that we've expanded it to IP and we're talking about quality supplied for all IP markets.  
 MR. SCHECHTMAN: I think for each of these, there's, there's a judgment call going back and looking at the charge and the expansion of our policy recommendations. We're just going to have to go through. I mean, I don't think we have time to go through the document. We're sensitive to your sensitivities about it but I think some of, some of the GEs remain. I suspect also that the concern about GE-sensitive markets versus IP markets, I think that's another thing that we sort of have to go through and try to look at the context of each one of those and try to --

UNIDENTIFIED FEMALE: Do your best.

MR. SCHECHTMAN: -- do our best on how that works.

MS. OLSEN: No pressure, Michael, but do your best.

UNIDENTIFIED FEMALE: We have utter confidence in you.

MS. OLSEN: I'm happy to help if I can.   
 MR. REDDING: So that concludes the -- sorry. Missy.

MS. HUGHES: I'm sorry. I just want to follow up on that, and not to belabor it but, you know, I think that we've had an excellent, sophisticated conversation over the course of the last year about coexistence and to, you know, be overly sensitive, being sensitive to the sensitivities because I am. I mean, I understand what you're saying, that you don't want to implicate negatively on your market, but I think we should be proud of the work that we've done over the last year and I think that globally, people will be interested in the fact that we're having a sophisticated conversation about this and that we're working on it. So I just, I think there's a way to thread that needle and I'm sure that Russell and Michael will be able to do it.

MR. REDDING: I think, you know, we get focused right at the immediate word or phrase but, I mean, just stepping back, I mean, I think this conversation has evolved, you know, well and constructively. I think as we started yesterday morning, I said I think there's things here that, you know, for the Secretary and his charge to us, as narrow as that was and maybe as challenging as it was for all of us to adjust to it, we delivered a product that is in keeping with what he had asked us to do. And it may not be perfect and may not be every word that we'd like to see here but I think it has come a long way in the course of a year, and as a testament to the committee and the good minds and the thinking that's around the table, so thank you. And to the USDA staff.

So let's do this. I think, you know, we've gone through the five recommendations, you know, at this point, there's some wordsmithing to do. I think we tried to capture in our notes here what those points are that we'll have to go back and try to, you know, finesse that, polish this in a way that reflects the spirit of what we talked about generally and some of the specifics in terms of recommendations in that supporting language.

So with that, let's -- I know some are running out the door so I want to say thank you if you are. However, we will reconvene. As you can see from the agenda, discussion still around the title, still around structure, time line and such so.

MR. SCHECHTMAN: Couple of definitions.

MR. REDDING: Definitions, yeah. What time?

MR. SCHECHTMAN: Do people think they can come back in 45 minutes?

MR. REDDING: Okay. So 1:30.

MR. SCHECHTMAN: 1:30.

UNIDENTIFIED FEMALE: Well, there's not a lot of quick options. Yeah. There's always a long line. That was my only point. It's kind of a -- it might be challenging.

MR. SCHECHTMAN: Okay. Why don't you try, try for 45 minutes and we'll see how well we do. That would be 1:30.

(Whereupon, at 12:45 p.m., a luncheon recess was taken.)

MR. REDDING: Let's go ahead and start. I see -- okay. One more coming in. Try to get an assessment here of who has early departure plans just so we know exactly what,

what the afternoon looks like.

UNIDENTIFIED MALE: Three-ish.

MR. REDDING: Three-ish, so roughly 3:00 or so you've got to be out the door. And Isaura, the same way?

MS. ANDALUZ: Yeah, 3:00. Sorry.

MR. REDDING: Sorry. 3:00?

MS. ANDALUZ: Yeah.

MR. REDDING: So, okay. Anybody else? So we're going to have to sort of condense.

UNIDENTIFIED MALE: You're stuck with me.

MR. REDDING: That's a good thing. That's okay. All right, good. That's good. Just knowing we lost a few at lunchtime and three more at least here for 3:00. So the afternoon agenda looks, it looks like the following. You know, I would ask you looking at the report, is there anything that is a, you know, major, anything major missing, okay? Michael and I will go back to the table and take the words and phrases and intent and all that and try to polish a report, okay? I want to make sure if there's something that you just said listen, there's a glaring hole here, what is it, number one? Two, just in the construction of the report, any thoughts, suggestions that we should take under advisement? Okay.

All right. There were some definitions that we agreed to come back to. I'm sorry. Missy.

MS. HUGHES: Just on the, on the construction, we had, you know, I briefly mentioned yesterday this idea of looking at the report as a part of a comprehensive strategy that we would suggest to the Secretary, and so the idea that, you know, we're presenting an answer to his charge on compensation but we see it as part of a whole package, the way you were talking about it earlier. So I just, I'm not sure where that comes into play but I think the construction of that, I do worry that it's a little bit right now like here's compensation and these other things would be nice, and I think it's really important that we make that, that whole picture clear.

MR. REDDING: So somehow in the framing, either in summary or someplace that there's, there's more work to do, okay?

(Discussion off the record.)

MR. REDDING: Michael is reminding me, you know, in the current draft that you have, there's a marker for an executive summary but there's, that's not written yet. That came out of a, I think the first round of comments is that folks felt like we needed an executive summary in this report so we'll need to do one.

MR. SCHECHTMAN: Well, I think, I think it's an open question for members given that that would be something that, you know, that would be looked at very carefully but there would not be a whole lot of time and opportunity for members to review for you all to, to ask yourselves what your view is on having us write an executive summary versus letting the report stand for itself and --

MS. OLSEN: I am supportive of an executive summary and I do, however, think that we want visibility to it before it becomes final. So just a suggestion for our group perhaps drafting one, I don't think it will be particularly long but perhaps drafting one, circulating it for comments. If people just really are not on the same page, maybe we don't include one but I am in favor of including one.

I also think it might be helpful, and maybe there's another mechanism that we plan to do this, is to list out who the AC21 members are. Not bios and that sort of thing but just where people came from because we don't have a lot of folks in the Ag production space, you know, across the value chain, they're not sitting at the table in this room and so it would just be helpful, I think, for people to see who was at the table having these discussions. I think that's helpful for contacts.

MS. HOWELL MARTENS: What do you mean by Ag production?

MS. OLSEN: Well, I mean, like we don't have, you know, cotton isn't here. There's different folks that represent different crops that aren't here. The food processors aren't here. There's just a lot of other stakeholders just in the production chain, and they're not here and that's fine but I just think it would be helpful to list who is here and who is making these recommendations because we all come at this with a different lens and a different point of view.

MS. BATCHA: Is that in addition to the signatures at the back where people are signing onto the consensus or not, Angela, that's the last page of the recommendation? Is that in addition to that?  
 MS. OLSEN: I mean, it could be that if it says like what company they're from or if they're from, you know, a grower. I just think that some, you know, I'm open to suggestions but I just think some list of who makes up the AC21 would be helpful. And that could be an appendix, Michael, even like with the bios. I don't think it's a contentious point. I'm open to suggestions.

MR. REDDING: On the request of the executive summary, how do folks feel about that?

MS. HOWELL MARTENS: I don't support an executive summary because it tends to hit high points an miss the real subtleties that I think that we've been trying to convey. I do think there ought to be sort of an index, table of contents, but not an executive summary.

MS. WILSON: I agree, Latresia Wilson, somewhat with Mary Howell in the sense that if you do have one, perhaps it would speak of how you've come to the consensus, whose consensus, maybe 20 percent or 100 percent consensus and so forth but what the problem with an executive summary that I see would be that you tend, again, like Mary Howell say, you will miss your subtle points and also, your -- what did you call them, chapeaus?

MR. SCHECHTMAN: Chapeaus.

MS. WILSON: Chapeaus. You may miss your chapeaus because a lot of people just grab the executive summary and just walk away and not get the whole context of everything you're trying to say here.

MR. REDDING: Thank you. Laura?

MS. BATCHA: My comment is not about, to include an executive summary.

MR. REDDING: Okay. Why don't we hold that.

MS. BATCHA: Okay.

MR. REDDING: Barry?

MR. BUSHUE: I'm a little ambivalent. I kind of feel both about the same way but I do hope that if you decide to do an executive summary, that somehow you make the fact really clear that there is much contextual information in there that needs to be taken into consideration when they're viewing the executive summary because I think Mary Howell's right. There's a lot of, a lot of ground covered in the context that's particularly relevant to the framing of those final recommendations.

MR. REDDING: Any other comments on the executive summary, whether to have one, not have one? Okay. And the point about listing out who's the AC21 members, having that somewhere, we can certainly do that. Okay. All right. But still in the category of text and points around the text, Laura and Greg?

MS. BATCHA: Yeah. I think I was responding to what I thought I heard your question was, like did we cover everything. So I guess I'm just asking a question because I did receive an e-mail from our colleague, Dr. Benbrook, having reflected on option 4 that came out, and he asked me some questions about what happened to the trigger discussion and that made me think back about the charge, and we have chosen, as a committee, to take that off the table, the specific numbers, all together, right, so I'm not re-adjudicating that, but do we need to make some reference to the second charge and why we actually haven't given the Secretary a recommendation in that regard? Do we need to address that or do we need to just not reference it? So the second charge is what would be necessary to implement eligibility standards, tools and triggers needed to verify, measure losses, so we really haven't made a recommendation in that regard. So I don't know if it just needs, I don't know what the topic is.

MR. REDDING: What we -- sorry.

MS. OLSEN: I just -- the Secretary was very helpful to us when he came in and he spoke to us last time and he said don't worry about setting a trend. I mean, he was very specific about that as well. He said I don't think the committee needs to worry about that. We all agreed on the concept but I, you know, and he came in so I don't think it's something that he is going to be looking for. I don't think we need an explanation other than we have addressed the fact there are triggers needed and we're not the right ones --

MS. BATCHA: Have we in the report though?

MR. REDDING: Well, the thought is, on pages 8 and 9, there's currently a reference to the 0.9 percent and what we heard yesterday was that we would take the 0.9 percent out but in that, in that paragraph or two, we would speak of the insurability trigger --

MS. BATCHA: Trigger. Keep that in.

MR. REDDING: -- in some general way, right.

MS. BATCHA: Okay.

MR. REDDING: For context but not by number.

MS. BATCHA: Okay.

MR. REDDING: Okay?

MS. BATCHA: Thank you.

MR. SCHECHTMAN: In addition, some of the tools and, tools and triggers, I think there's the description of the eligibility model for the compensation mechanism as well.

MR. REDDING: Greg?

MR. JAFFE: Just a sort of presentation part of the paper. The way it's written, it's almost all bullets except for when we get to the recommendations and then those end up being paragraphs with bold and non-bold and so forth and I think it came up when Daryl was talking about well, what happened to these bullets. It's hard to figure out what are the substantive sections, what's background, what's context because I think it's not, you know, I understand it was put together by the Chair with sort of bullets and not really written with paragraphs and things like that so there's no introductory parts to these different sections.

So it ends up that the introduction and then the, if you look at the headings and your overall context of the paper, which I sort of think is the background, and then all of a sudden, you jump into compensation mechanisms which is, I don't know if it's a discussion or is it the substance or something but, but I think you have to somehow differentiate some of these a little more than you have and whether we put in some paragraphs saying okay, now, with that context, here's, here were our findings and our recommendations or something like that and then all of a sudden -- it's very hard for people to find the recommendations and I think, you know, we all know that the discussion comes before the recommendation but it's not so clear when you start reading it that that's the discussion leading up to the recommendation about that substantive area and how that's different than the overall context of the paper which is also somewhat background.

And so I don't know what the solution is but I think we need some transition paragraphs and I think we need somehow to better delineate, and that might just be a table of contents that spells out where the recommendations are and everything, but something needs to be done.

MS. HOWELL MARTENS: I think a table of contents would really help.

MS. BATCHA: Could we lead with the recommendation and then have the bulleted discussions afterwards? Is that just, I mean, just to like get it out and then --

MR. JAFFE: That's the way, if I was starting, that's the way I would write something but I don't know if we can do that now. I mean, it's always better to write your recommendation and then your analysis.

MS. LEWIS: It would somewhat diminish the link, this is Josette Lewis, it would diminish the link that people stressed in talking about whether we do an executive summary or not, that there's a lot of context that has valuable information as to the recommendation, so keeping the two together at least forces you to kind of understand this bit and that bit. I mean, people can jump to the recommendation but by not packaging them out, you don't help them ignore the context which we fought, we've lost a lot of blood and made some big progress on so, you know, I guess I would favor keeping them next to each other and maybe just adding a little paragraph at the start that sort of explains how that section is going to be organized.

MR. REDDING: Okay. Barry, is there --

MR. BUSHUE: I think I like Josette's idea along with the concept of a table of contents. As long as there's a reference to the fact that we deliberately did it this way to share the discussions that the group had prior to reaching the recommendation and as long as there's a table of contents that kind of delineates that, then I think it's pretty clear. I like that idea.

MR. REDDING: Mary Howell?

MS. HOWELL MARTENS: In this modern day and age where we all have fancy printers, can we put maybe the recommendations in a different color? You know, like barn red or something like that. Something so that when you're looking through it, they jump out at you and you can, and

you can then PDF it and get it on the web and then --

(Discussion off the record.)

MS. HOWELL MARTENS: Or we can make it green. But something so that when someone is paging through it or scanning through it, they will clearly see what is a recommendation and what is not.

MR. REDDING: Fair point.

MR. JAFFE: You don't think the bold does that?

MS. HOWELL MARTENS: No, I don't.

UNIDENTIFIED MALE: Bold is only the chapeau of the recommendations.

MS. HOWELL MARTENS: Bold is highly overused in most things.  
 MR. REDDING: After the experience of boxing the triggering mechanism, I'm reluctant to put anything in a box.

MS. HOWELL MARTENS: But green is okay.

MR. REDDING: Okay.

UNIDENTIFIED FEMALE: Or Roman numerals.

MR. REDDING: Okay. So the point is differentiate. We'll -- good point. Okay.

MS. HOWELL MARTENS: I have one other point --

MR. REDDING: Yes.  
 MS. HOWELL MARTENS: -- that has to do with that sort of. I still think we aren't there on definitions and

the definition of --

MR. REDDING: I want to come back. There's two, two specifically I want to deal with, but any other sort of text organization, structure? Yes.

MS. OLSEN: And I'm not complaining either. No. I just, I think it is helpful to keep the context and the recommendations together. I like having -- but being very clear which is context and which is recommendation. I think a lot of the language that we've worked so hard on in the context sets the foundation for understanding the recommendation. I think there's a lot of really useful background so if somebody doesn't want to read the context, they can go right to the recommendation but I'm in favor of keeping them together and having the context first because you could read the recommendation and take it completely out of context.

MS. HOWELL MARTENS: Oh, definitely.

MR. REDDING: Okay. Greg?

MR. JAFFE: So I just want to make sure everybody is clear. The recommendation is not just the chapeau that's bolded by the text underneath it.

MR. SCHECHTMAN: Yes. Yes.

MR. JAFFE: So then for what's now new recommendation 1, the chapeau is like longer than, I mean, it's like a whole page on that but the point of a chapeau is

really --

UNIDENTIFIED FEMALE: It's a great hat. I mean, think of it as a sombrero. We all came underneath it.

MR. JAFFE: I mean, it's just something to think about.

(Discussion off the record.)

MR. JAFFE: But the way it's done now, it looks like our recommendation is just the bolded part. It is confusing, often, to the reader that what's underneath that is that I think of it as, I see it as an explanation of the recommendation but not really the recommendation. So, and especially when you have such a long one that's not just a starting paragraph.   
 MR. SCHECHTMAN: Color will be helpful.

MS. HOWELL MARTENS: It would be helpful to have a chapeau that summarizes all of this.

MR. SCHECHTMAN: Say that again?

MS. HOWELL MARTENS: It would be helpful to have a, two or three-sentence chapeau and then the rest of this in plain print.

MR. BUSHUE: I want to be chapeau-free by the time we leave here.

MR. REDDING: You're going to be vaccinated for --

UNIDENTIFIED FEMALE: Maybe they take a summary as the chapeau.

MR. REDDING: Okay. All right. So we get it. So organization, context, you know. We'll try to position this in a way, use color, you know, bold, highlight, intros, transition.

MR. SCHECHTMAN: We'll etch the pages.

MR. REDDING: Hold on.

MR. SCHECHTMAN: Sorry. Getting tired.

MS. LEWIS: I think there's government regulations on all these things.  
 MR. REDDING: Right. So that, that's the text structure point. To the definitions. We had mentioned yesterday we need to come back to the definition of coexistence just to make sure that we're clear what's here in this draft, number one. Two is the definition around GE.

MS. HOWELL MARTENS: Unintended presence.

MR. REDDING: Yeah, and there's a couple of other things that I guess -- well, let's start with the definition of coexistence.

MS. HOWELL MARTENS: As it is written, it does not describe coexistence. It describes the status quo.

MR. REDDING: The definition we're using by the way is, it's on, the definition of coexistence, page 1, middle of the page. So is there, you say sort of status quo, Mary Howell. Is there something that you would recommend?

MS. HOWELL MARTENS: Well, the concurrent cultivation of different crops. It says nothing about cooperation, it says no, nothing about in a way that respects each other's choice and ability to produce crops. It doesn't, it doesn't encode the ethics of cooperation and coexistence.   
 MS. OLSEN: What about concurrent cultivation and respect of conventional?

MS. HOWELL MARTENS: I like, I would suggest --

MS. OLSEN: Or mutual respect or something.

MS. HOWELL MARTENS: -- cooperative concurrent cultivation.

MR. REDDING: Yes, Keith.

MR. KISLING: Keith Kisling. I'd just like to make a general comment here about definitions. Are we coming up with our own definition of these definitions or are we going to use -- if USDA already has a definition and we change that definition from what they have, is that going to cause a problem?

MR. REDDING: I think the --

MR. KISLING: With our report.

MR. REDDING: I think we have some latitude to define that in our definitional section. I mean, if there's an existing one, I don't know whether there is.  
 MR. KISLING: Well, I don't know about coexistence but some of those others like, genetically engineered for example, identity preserved. Are they going to have their own definition for that and if they do, how do we handle that?

MR. REDDING: So to -- Leon?

MR. CORZINE: Thank you. Leon Corzine, if I can talk. I have a lot of trouble with trying to muddle up this definition of coexistence. I mean, this is kind of what we had for a start point and we kind of, to me, that was kind of a reference point for a lot of the things we went through. I mean, what you're mentioning, Mary Howell, is how we get to coexistence and we kind of go through all that in the paper but as far as a definition of what coexistence is, this is real close to what we have used on other AC21s. We did do an add to that. You know my thoughts on conventional and in my part of the world, conventional is GE and if we want to go back into all that, I'm not sure that's really useful.

So, you know, I think why make it wordy when you're kind of defining it, I mean you are describing how you get to coexistence or the things that make up coexistence below it, and defining coexistence, I don't see a reason to change it.   
 MS. WILSON: Mary Howell, it somewhat captures what you said. It says consumer preferences.

MS. HOWELL MARTENS: I know, but that is -- what I'm looking for is some, some way to describe a relationship. A positive constructive relationship between individuals because that is coexistence.

MR. REDDING: Barry?

MR. BUSHUE: I'd really like to agree with Mary Howell because she has been so agreeable but I, I sense that to me, I'm kind of like where Lynn was, this is, this is a statement of coexistence. The rest of the paper is a mechanism by which we've looked at to try and accomplish that. Whether each of those mechanisms we all agree to or not, are all embracive of, is not relevant at this stage because we've made those recommendations. And I just think that this talks about coexistence and the rest of the paper, this sets a standard and the rest of the paper is what we've tried to do to accomplish those goals I guess. So I, I sense, I sense you can't redo the whole paper in a statement.

MR. REDDING: Laura?  
 MS. BATCHA: I think, I think I agree with some of the discussion, that the idea of calling out relationships there is about how you get to coexistence more than the outcome of coexistence, but I do think what is missing from the definition is the idea that this concurrent cultivation consistent with consumer preferences and farmer choices is conducted in a way that does not include negative impacts as a result of those concurrent choices. So that, to me, is the missing piece there.

MR. SCHECHTMAN: I wonder if we can -- this is sort of an attempt to finesse this. If before the word concurrent, if you put in the word successful concurrent cultivation.

MS. BATCHA: And successful meaning no negative impact.

UNIDENTIFIED MALE: Everybody's meeting the markets they need to be in.

MR. JAFFE: I can live with that. I think that's --

MS. BATCHA: It's a positive statement.

MS. OLSEN: Could I just try something else out also just to throw ideas out there. I'm thinking out loud. For the purposes of this paper, reference to the concurrent cultivation and mutual recognition of conventional, et cetera, et cetera. Does that get to the mutual respect?  
 MS. BATCHA: No, because that's not -- the outcome is that there, is that you be able to be successful in your choice. That's what it's about. And I can relate to successful instead of negative impact, but it's about the outcome of being able to achieve your choice.  
 MR. REDDING: Okay. Could we agree to the

inclusion of the word successful?

MR. CORZINE: The only problem I have with that is now we're going to get into who's going to define successful, right? I think we're just mucking it up quite frankly.

MS. HOWELL MARTENS: Well, we're trying to get a Webster's Dictionary definition over here of coexistence.

MR. CORZINE: Well, it may relate to agriculture and it may not. I mean, we've got this that we have had and I just, you know, it's like these other definitions and like Keith mentioned a little bit ago, I hate to spend a lot of time on definitions when we have definitions here. And I don't want to get into ethical things. We did that on a previous AC21, and you know my ethics and my morals. I go to church and I read the Bible and I do things like that, and I don't think that really is relevant to what we're doing right here at the moment either. So I just have a lot of trouble with adding words that are really open because I think then, then we enhance the argument, by enhance, I mean expand the argument, of is coexistence working or not, right?

MS. BATCHA: But I think successful is defined, Leon, in that statement because it's successful concurrent cultivation. It's consistent with consumer preferences and choices. So the rest of the statement does define success.

MR. CORZINE: Well, back to my point. I'm still not sure that your definition of successful and mine, you know, back from where we were when we started this a year ago, is quite different in a lot of cases. I mean, can be quite different. So I just, I don't like putting, I just don't think it, there's a fit.

MS. HOWELL MARTENS: Coexistence, according to Miriam Webster, says to live in peace with another, with each other, especially as a matter of policy. I think if we could come to a wording that shows that, to live at peace with each other.

MR. REDDING: It makes success look good.

UNIDENTIFIED MALE: Successful looks good right now.

MR. REDDING: Yeah. I was going to say success may be the compromise. Leon, I guess the word successful sort of, you know --

MR. CORZINE: I mean, it's our hope to be successful, right, but as far as coexistence and the definition, I just have a lot of trouble with going back and redefining after, with the whole theme of our whole document after we've worked for a year under this. That was the whole idea of adjusting the coexisting definition day one, and we agreed to do that and we did it.  
 MS. HUGHES: I know that -- I am partially agreeing with Leon, that there's value in the consistency from one committee to the next of the definition and since, I'm already on to the next committee and ready to do that work but can I offer this a perhaps, this is counter to what I just said, but coexistence for the purposes of this paper refers to supporting the concurrent cultivation of conventional organic blah, blah, blah.   
 MR. REDDING: At least supportive brought a smile to Leon.

MR. CORZINE: It's just we can try playing around, Leon, with different words but it just, I don't see it as being necessary because we go on through it and here again, are we, you know, how many things now do we want to redefine and this just seems to be the primary one that we've been working with from day one. It's what we've been meeting and talking about.   
 MS. WILSON: There's a definition in here from the EMU. Coexistence refers to the choice of consumers and farmers between conventional, organic and GM crop production in compliance with the legal obligations for labeling defined in community legislation.

MR. REDDING: I think we, well, I think we keep the definition we have. I like successful. I think that at least modifies and sets forth an expectation of what we want each of those production practices to be but --  
 MR. BUSHUE: I'm going to change my mind I guess. I think Leon does have a valid point though, that we started with this. We conferred at the beginning and that's been our background so, you know.

MR. REDDING: Okay. So we're going to keep the definition of coexistence we have before us, okay? Now, onto an easily more, less controversial term, genetically engineered.

UNIDENTIFIED FEMALE: Much better to use transgenic.

MR. REDDING: Well, it's in here. We have some things bracketed because we didn't finish that definition. We had some feedback in draft 1 and draft 2.

MR. SCHECHTMAN: Let me just talk about what the, what the brackets are here from.

UNIDENTIFIED MALE: Where are we, please?

MR. REDDING: Sorry.

MR. SCHECHTMAN: This is footnote 5.

(Discussion off the record.)

MS. BATCHA: Do you know if what we've got here is consistent with AAFES definition for genetically engineered, or I know that there is a little bit, slight difference between AAFES' definition and the Natural Organic Program definition.  
 MR. SCHECHTMAN: AAFES doesn't define genetic, well, AAFES -- now I'm trying to remember, to be correct about this. Let me just say before that, the first bracketed version is what was used in the previous report on the subject. The second definition is a more modern definition that is used in some internationally, international instruments that define genetic engineering.

UNIDENTIFIED FEMALE: That the U.S. has signed on to.

MS. LEWIS: No.

UNIDENTIFIED FEMALE: Codex?

MR. SCHECHTMAN: Not all of them.

MS. LEWIS: Not to the Cartagena Protocol.

MR. SCHECHTMAN: Okay.

MS. BATCHA: Where is it found, Josette?

MS. LEWIS: Well, it's referenced there if you go to the second page where the thing continues.

MR. SCHECHTMAN: Yeah. The definition was originally adopted under the Cartagena Protocol for biosafety which the U.S. did not sign onto. It was subsequently adopted by the Codex Alimentarius Commission which the U.S. is a part of.

MR. BUSHUE: The first bracket or the second bracket?  
 MR. SCHECHTMAN: That's the second bracket. The first bracket is the version from the earlier coexistence

report.

UNIDENTIFIED FEMALE: I support the second bracket.

MR. BUSHUE: The second's good to me. Much more definitive.

MS. HOWELL MARTENS: Although it should not be just biotechnology derived plant products. There is the possibility and --

MR. JAFFE: I don't think that's at all in the Cartagena Protocol. It's usually organisms and Cartagena Protocol is not --

MS. HOWELL MARTENS: Or plant products is --

MR. JAFFE: -- derived plant product.

MR. SCHECHTMAN: Well, I think, I think the reason is that this definition was slightly modified to fit Codex and this is probably the Codex definition and Codex deals with plant foods, plant products, but you could change that to organisms.

MR. BUSHUE: Right. Because here we're dealing with seeds and things planted at farms.

MR. SCHECHTMAN: So definition 2 with the word organisms in it? Does that work for everyone?

MS. LEWIS: Or how about take out plant and just say products. Biotechnology derived products.  
 MS. OLSEN: Well, that could mean things down the

food chain also. I would say organisms.

MS. LEWIS: If you skip over the organism, you only deal with the products.

UNIDENTIFIED FEMALE: What was that again, Josette, your point?

MS. LEWIS: I think if you don't include organism and you just say the biotechnology derived products, it may imply not the primary crop itself but only the things that you derive from that crop. It could be read that way by some people.

MR. REDDING: So organisms?

UNIDENTIFIED MALE: It should be organisms.

MR. REDDING: Okay. Organisms it is. Okay. So that's the second definition, all right? Other definitions?

MR. SCHECHTMAN: I think there are a, there were several other terms that were raised by folks that we will need to go back and find definitions for. I don't think that any of those in and of itself is likely to be controversial and I would suggest that it's probably not the best use of all or your time to try to come up with definitions on the fly for those things. Is there any --

MR. BUSHUE: Plus you have to have something to do on the plane.

MR. SCHECHTMAN: If you wish to, by all means.

MR. REDDING: I think he's talking about you on

the plane.

MR. SCHECHTMAN: Me on the plane. Oh.

MR. BUSHUE: On your long trips you're about to go on.

MR. SCHECHTMAN: Fair enough.

MR. BUSHUE: Just trying to help out here.

MR. REDDING: Okay. So we've noted those, and Greg brought up a few. We'll have to sort of work through the consistency on the stakeholders and --

MR. JAFFE: Right. And I prefer not to have a definition of stakeholders in but for you to put in place what you mean in different text of the report. I think that's a better way to do it. If you don't say industry and you mean the seed industry, say the seed industry. When you say industry, I don't know what that means, you know. If you mean the organic farmers, say organic farmers. When, you know, when it says stakeholders, you know, it just, I think where we can be specific about the specific groups we're talking about and if you want to say the stakeholders in this, the people who have an interest in, in the farming of these crops, then that's, you know, that's at least some explanation of what you're talking about. I'd prefer that than Marty's definition which is just sort of a generic you're a stakeholder if you're self, claim yourself a stakeholder.

MS. OLSEN: Would there be --

MR. REDDING: Good points.

MS. OLSEN: I'm sorry. To that point, would there be an opportunity for us to review the, I don't, can't expect, I don't expect that there are going to be issues with it but to be able to review the definitions because we could have in mind, to Greg's point, when it does say industry here or stakeholders, we could have in mind different stakeholders and so I just want to make sure we have the opportunity. I know that we have sort of an opportunity to correct typos, an opportunity to correct different things but not necessarily substantive, but that could be substantive.

MR. SCHECHTMAN: I think that reviewing the definitions could be considered to be a matter of fact which is what, which was one of the things that was allowed so I think that's fine.

MS. OLSEN: Okay. Thank you.

MR. REDDING: All right. Thank you. So the text structure, layout, definitions, that piece is fine. Now let's go to the title. What do we want to pose as a working title of this document?

MR. ANDERSON: I could throw something out.  
 MR. REDDING: Yes, Paul.  
 MR. ANDERSON: How about Framework for Fostering

Coexistence in Identity Preserved Crop Production?

MR. REDDING: Again, please?

MR. ANDERSON: Framework for Fostering Coexistence in Identity Preserved Crop Production.

MR. REDDING: Okay. Other suggestions?

MS. HUGHES: The previous AC21 group just did the charge as their title.

MR. CORZINE: Which was what?

MS. HUGHES: What issues should USDA consider regarding coexistence among diverse agricultural systems in a dynamic evolving and complex marketplace.

MS. HOWELL MARTENS: Our charge was a good deal longer than that.

MS. HUGHES: Well, it was three pieces.

MS. OLSEN: Another idea may be as -- I just want to make sure I'm speaking clear. I have to say, I like Paul's idea. Just to throw another idea out there is Report of the AC21, colon, Coexistence, so it's just very clear what it is we're looking at. We looked at so many different aspects of coexistence.

MS. HUGHES: I'm sorry, Angela.

MS. HOWELL MARTENS: What was the first word?

MS. OLSEN: Oh, just Report of the AC21, then a colon, Coexistence. Just kind of --

MS. HUGHES: I think I like, I like less

adjectives so I like that.

MS. OLSEN: I guess, it's just right to the heart of what's this report about.

MR. REDDING: Other thoughts?

MR. BUSHUE: I like that idea, just from the standpoint. I really like Paul's but I like this idea better I think because it then, frankly, it almost forces people into actually read the report. I mean, it does.

UNIDENTIFIED MALE: Or not.

MR. BUSHUE: Or not, yeah.

MS. HOWELL MARTENS: Builds up expectations.

MR. BUSHUE: For the 100 people who are going to. Yeah. I think it's -- I like that idea.

UNIDENTIFIED MALE: And I agree. I think short is better.

MR. REDDING: Short is better, so what's the proposal again?

MS. OLSEN: Report of the AC21: Coexistence.

MR. BUSHUE: And you could put the year in so there's, you know.

MR. REDDING: We can't include successful?

UNIDENTIFIED FEMALE: You can put it in blood red.

MR. REDDING: Trying to apply, I mean, I guess the titles are important and what you call them, call a report. I'm trying to address some of the, the -- strengthening

coexistence.

UNIDENTIFIED FEMALE: Fostering.

MR. REDDING: Fostering coexistence. I mean, something more enhancing coexistence. Something beyond. Short but still descriptive that says there's something to coexistence.

MS. ANDALUZ: And also the initial steps or preliminary. Something that we're just, you know, starting to foster this.

MS. HOWELL MARTENS: I'd like enhancing coexistence. Fostering implies that we're going to start doing it and we are already doing it to a large degree, so enhancing just means getting better. That's positive. That's constructive.

MR. BUSHUE: It's also consistent with some of the other stuff we talked about with continue -- Barry Bushue. It's also consistent with some of the other discussions we talked about in terms of continuing that kind of thing so I, I think you're onto something, Mary Howell.

MR. REDDING: So enhancing, AC21, Report of AC21: Enhancing Coexistence as a place to start?

UNIDENTIFIED MALE: No. That's it.

UNIDENTIFIED MALE: A place to stop.

MR. JAFFE: It just should be, it just should be

Enhancing Coexistence, a Report of the AC21 to the

Secretary.

UNIDENTIFIED MALE: Yeah. There you go.

MR. JAFFE: Whatever date it is, you know.

MR. REDDING: All right. Final call on --

MR. SCHECHTMAN: I do, I do need to make mention that that decision on the title was, in order of magnitude, faster than any of the previous papers on which titles were developed by this committee so I want to congratulate you.

(Discussion off the record.)

MR. REDDING: Okay. Let's review the time line, okay, and the end game discussion, Michael.

MR. SCHECHTMAN: Let me find my time line. Okay. So, so the time line, as we have it right now, is that you will get a provisional final report, and you should all have this handout, the one-page handout, circulated to members by the 3rd of October. You will then have two weeks and a day to get back all of the editorial changes, minor corrections, typos, errors in fact, comments on definitions back to us by the 18th. We will do our best in five days to turn that back around to you and send you the final report from which point, you will have three weeks to decide on what your final view on the report is. So we will hear back from you by November 8th with each of your individual decisions as to whether you are joining consensus or not and with or without comments, and those comments need to be three pages in

length or less.

MR. BUSHUE: Michael, I'm assuming that one of those, not that I plan on going there, but one of those does not join consensus would include with comments?  
 MR. SCHECHTMAN: Oh, I'm sorry. I'm sorry. That was a typo on my, on my part. That should be does not join consensus with comments. Thank you very much. That was on the original version, not the version I typed the night before the meeting.

MR. IHNEN: Refresh me. What's the date that it goes public?

MR. SCHECHTMAN: It will go public -- we will, shortly after we have all of this assembled, we will try to arrange for a meeting with the Secretary. We will involve the Chair in that, perhaps a couple of folks who are easily accessible. I don't know that we have any budget at this point to bring other people in to give the report to the Secretary. In other years, we might have been able to do that but we'd like to have an opportunity for the, for the Chair to give the report officially to the Secretary. On that day, the report will go public.

MR. BUSHUE: Do we know when that is?

MR. IHNEN: So that's after the 23rd? I mean, where does it --

UNIDENTIFIED FEMALE: After the 8th.

MR. IHNEN: After the 8th.

MR. SCHECHTMAN: It will be after the 8th.

MR. IHNEN: Okay.

MR. JAFFE: So you're saying that will be the public release in the public?

MS. HOWELL MARTENS: It will be on the website.

MR. SCHECHTMAN: We will put it up on the website.

MS. HOWELL MARTENS: So after the 8th of September.

UNIDENTIFIED MALE: November.

MS. HOWELL MARTENS: November.

MR. SCHECHTMAN: Sometime, it's not the 9th but it is when we manage to schedule with the Secretary, and we will try to do that as expeditiously as possible and we will let you know when that is going to be.

MR. JAFFE: And are we invited to attend that so I guess my question was.

MR. SCHECHTMAN: My expectation is that folks who can attend will be invited to attend. I don't think that we have the money to bring people in to, to do that but we will -- I'll need to talk it over with the folks here at USDA but I suspect we'll be able to try to do that.

MS. BATCHA: I have a couple questions.

MR. SCHECHTMAN: Let me start over here and work around. Josette?

MS. LEWIS: So just to clarify, it seems a bit of a shift from yesterday, not saying that's a bad thing but the draft that we receive on October 3rd and then the final draft on October 23rd, those will or will not be posted on the website and made public at the time?

MR. SCHECHTMAN: We will post the final document on the website.

MS. LEWIS: Only the one that comes after November 8th.

MR. SCHECHTMAN: Yes.

MS. LEWIS: Okay. So up until that point, it's all just communication with the committee.

MR. SCHECHTMAN: Yes.

MS. OLSEN: I just have another process question and that is so then after November 8th, at some point, the Secretary receives the report but we, at that point, still won't have visibility as to who signed on, who signed on with comments. Is there another iteration which is final that we all get as a committee after November 8th but before the Secretary gets it so we can see how many folks signed on, what people's comments were or do we all get it when the Secretary gets it?

MR. SCHECHTMAN: That's a fine question. Are people okay with the idea of rather than having the replies sent back just to the Chair and the DFO, that they're sent

to the full committee?

MS. OLSEN: I'm supportive of that.

UNIDENTIFIED MALE: Then we'd know I guess.

MR. SCHECHTMAN: Okay.

MS. BATCHA: So --

MR. SCHECHTMAN: Laura?

MS. BATCHA: So two areas here. One is just to express some discomfort that I have about there not being transparency between now and getting to the final since we've brought the public into the draft so far, so I'm just going to put that out there, that I have some hesitance about it and I'm assuming that the steps we're taking are consistent with that so, you know, we don't have to do that at this point but I just, I put that out there.

And then my second comment is we've done a tremendous amount of work over the last two days. I think we've made a lot of huge progress but that we will see some substantive changes to the report coming back at us. And I think my fear is the risk, obviously to you, Russell, as the Chair, to hold as much of the consensus together as you can, and we do have between October 3rd within that time to come out until November 8th to sign on. We might be able to build in a two-step process where there could be clarifying something other than just typos and errors in fact.

I don't know how other people feel about that,

whether or not you feel like you need a chance to reconfirm that it meets your needs or whether anybody else is comfortable with there being no other point for weighing in going forward and whether or not that will hold us back from being in agreement or not. So I'm just posing, really, the question to my colleagues about that.

MS. HUGHES: I would wonder, for Allen and Chuck's benefit, if it wouldn't be helpful to have a second iteration in there because, I mean, those guys essentially are going to get final product. Now, you know, granted, some things happen that way but if we can do it, it may be worthwhile.

MS. BATCHA: You could say you hate the idea.

MR. REDDING: You know, if it, if it gets us to consensus, I mean, I guess that's, I mean, I, just as we've worked through options to get to a point where, you know, that was helpful, you have options before you in terms of, you know, how to reply, you know, if it gets us to, you know, support and even qualify in that support so we can say as our title, you know, states, we've enhanced coexistence. I mean, I think the title discussion and this process are actually coupled. I don't want to go through some weeks or months of discussion, end up, you know, with everything now out of the corral, you know. I'm just saying that it's not -- I get it in terms of members knowing exactly what they're agreeing to and speak with confidence and part of this process while we have a written report, I think it's important that each of us also espouse our support for and truly enhance coexistence, right?

MR. SCHECHTMAN: Can I --

MR. REDDING: Go ahead.

MR. SCHECHTMAN: -- speak to this? I'm certainly okay with the thought, you know, within what we could accomplish time-wise with getting folks the document earlier, but we don't have a process to be able to take in new, comments from people who haven't looked at this and may have new suggestions for where they may want this to go and then bring them back to everyone else that has, you know, we will not have an open process for bringing in sort of new ideas so I'm a little, a little worried about trying to do that. That having been said, if we can get, I don't know exactly when we can, you know, how we can speed up the process particularly given, given schedules and all but, you know, we'll endeavor to do that as quickly as we can.

MR. JAFFE: I mean, I would just say in the past they've done based on the things they, there's usually, you know, the hurdle at this last stage of making any substantive changes is usually this, without this, I can't sign on at all. But given here that we have you can sign on with comments and things like that, it seems to me that hopefully, it wouldn't, you know -- to reopen something without a processing, it means they're difficult and since people still have that opportunity to sign on with comments about something like that, I would, if you were going to open it up, and I'm not recommending we do that, it would have to be on something that not only you wouldn't sign on at all but you would be signing on no consensus, you would not be agreeing to consensus without this change, I'm sorry, not signing on with comments but I'm not signing to that. I have different comments but -- can I?

MR. REDDING: I think Daryl has a question on the comments.

MR. BUSS: Well, it seems to me that fundamentally, that's covered in the wording of October 18th which includes suggested editorial changes that do not capitalize change intent or meaning and so if there are issues of expression or whatever, that, those changes can be made at that point. I think if it were changes that fundamentally change the intent or meaning, I don't think those can happen at that point. We have no mechanism to change the document in that way at that point.

MR. CORZINE: Leon. If I could add onto that. I think Daryl is right. And there's also the part, I mean, it's unfortunate that a couple of our members couldn't be here and we'd like having their input, but it's hard to take their input at this point when they read the document when they have missed out on two days of discussion. I'm involved in a couple of organizations that don't allow people to call in or write in a vote on things because they've missed all the discussion that got us to where we are, and then so even though the two members would have valuable comments, I'm not sure that they would have relevant comments, it would not be as relevant missing out on two days of what we have just been through. Plus, maybe it's not fair that we let them do it without sharing in the deference and pain and blood-letting that we did here.

MR. JAFFE: So I have two, two other procedural questions. So I just want to be clear. So according to what you said about transparency, and I'm not taking a position on whether that's the right or wrong decision, I just want to be clear about what our obligations are as members of the committee. We will get a draft on November 3rd, we will send back comments on November 18th. We'll get another draft on the 23rd, we will send back our consensus or non-consensus on the 8th with our comments. Those will be, we'll get those from all the other 22 members at the same time.

Are we supposed to talk about, are we allowed to talk about those documents with other people outside this, outside the 23 of us? Are we allowed to share those with other people outside the 23 of us? I'm sure there will be reporters who call us about these things. I guess I'm trying to understand so I don't make any mistake as to what my obligation is about what I am allowed or not allowed to do with those drafts with the folks, from the different members of the committee until the date that this is released for the Secretary. I have another second thing but that's the main one.

MS. HOWELL MARTENS: All those dates are not November. They're October.

MR. JAFFE: Right. I'm saying we're going to get a draft final, we're going to get another final and we're going to get people's comments back and people's votes, and I want to know whether that's confidential information only for the 23 of us.

MR. REDDING: Yes.

MR. JAFFE: Not to be shared with anybody or not.

MR. REDDING: I think, listen, we don't want to surprise the Secretary, right? He will not have had this product yet so I think we need to hold that as an internal document to AC21 as a courtesy to him. I mean, I wouldn't want to be, everyone out talking about it making some proclamation about what it contains or doesn't without having briefed him. So for every member, you hold that until that meeting with the Secretary. And the trigger ought to be as a public document, when it goes onto the website, right? I think that's where we need to keep it.

MS. BATCHA: Part of the discussion that we had over the last two days, Russell, though was from a number of members of the committee communicating the input that they've received from organizations that they represent, et cetera, about positions. So I know like Keith spoke about with, going back and consulting with I think the Wheat Association. You said, Keith, that you're not on the Board anymore. Darrin did, but so that was a publicly released document, but folks are serving here and I just, I just want to make sure people do understand that that would mean you wouldn't go back and like check in on the progress from the organizations that you represent. So I'm just trying to get really clear on, on that.

MS. OLSEN: And some of us are here representing an industry. We could put special precautions in place so that it's not released to the media, for example, but, you know, Laura, I know you represent an industry. I represent, I'm here with, you know, with the seed industry. It would be very difficult to not get input from certain stakeholders that have an interest that we represent as well. Some of us are here as industry representatives in our, what was that called, when we were put on the committee so I think it would be difficult not to share with those stakeholders.  
 MR. SCHECHTMAN: I think you were appointed to represent those folks. We've just had a public meeting and you will have had -- you can certainly report to those folks on what, your understanding of what was agreed to here. We are not going to attempt to put other things into the report than what was agreed to here. What we are asking is as a courtesy, that the final report and members' views on the report are maintained, that that actual document is maintained until such time as the Secretary gets it.

MS. OLSEN: So discussing substance is fine. Just not the -- I just want to make sure I understand.

MR. SCHECHTMAN: There will be --

MS. OLSEN: I want to respect your rules.

MR. SCHECHTMAN: There will be a transcript of this meeting so you can certainly talk about the substance of what was agreed to. We're talking about the final document.

MR. REDDING: Clear? Okay.   
 (Discussion off the record.)

MR. REDDING: Josette, did you have another comment about --

MS. LEWIS: Oh, I -- that works for me.

MR. REDDING: Okay so.

MS. LEWIS: It just seems like you probably want to try to get some time with the Secretary around the 23rd of October just in case. I mean, you know, honestly, some of us were surprised when we got phone calls from the press before we had even read the public document. I mean, so, you know, I'm fine with that but you know best to not wait until the last minute.   
 MR. JAFFE: My other comment just was I know that -- so on November 8th when people are sending in their consensus and consensuses with comments, things like that, is everybody doing that individually, are they allowed to do that in groups? I know in the past, people have sometimes submitted comments on drafts or things like that. I mean, are you -- how is that being done or is that --

UNIDENTIFIED FEMALE: Individually. Strictly.  
 MR. SCHECHTMAN: I think it's individually. If two of you want to send the same comment, as long as both of your names are on it, you know, we need to have everyone's individual names. You know, we need to have a checkmark next to what each member is doing.

MR. REDDING: Okay.

MR. IHNEN: I suggest we adjourn before we come up with something else to prolong this.

MR. REDDING: We're pretty close. So I guess the final call. We talked about the text structure, we've talked through the time line and milestones and the date model that we're working with. As you can appreciate, there's a lot of work packed in there between now and, you know, October that, there's, it's a pretty heavy lift to do everything that folks are expecting to be done but we'll make every effort to get that done, but that's a lot of work with international travel and stuff. We'll work on those definitional pieces and things that we talked about. So any other agenda point that we need to make?

You know, again, this will be the, you know, the final meeting before that report is final and it gets to the Secretary so I just want to say thank you to each of you again for staying at it and being professional and civil, you know, constructive in how we've approached this. There's been a couple of points across the table and back and forth but again, that comes with the territory. I think it is that same dynamic, you know, that we talked about having to occur at the farm level too. I mean, these are uncomfortable conversations and, right, you hope that you can get to that point everyone's at the table so I think we've demonstrated that's a key part of the process.

The, just one point about the, you know, degree of consensus. I guess I leave the table feeling like we've got a good product. I'm proud of that product. I think it came a long way from where it was yesterday and but I also know that as we said yesterday morning, to please everyone, we must please no one, right? So you'll have to look at it in that context. There's enough there for someone to dislike but I would hope that you look at it and say this is a pretty good product, this moves the conversation forward and answers the call that the Secretary gave to us, to deliver some substantive recommendations around coexistence. I think it does that.

So I'm hopeful that, you know, in the final analysis when folks say I, you know, can give my support to it, that it's consensus and even if it's qualify consensus, that that's okay but have that be the statement versus not joining with consensus. You know, I don't hear anything today that says to me that there's some serious concern that's so out there. I mean, words will have to be worked on but I think in principle, folks are okay with what we've agreed to with each of the five recommendations. That's my sense. Walking away, if someone says what do you think, I think we've produced a pretty good product. Is it perfect? No, but we knew that sort of getting into it just given the number of twists and turns and even points that need to be further considered.

There are things that are out there but I just want you leaving the table saying this has been a good year. The product reflects a year's worth of work and good thinking. The product, anywhere in America, in agriculture, you can say we've advanced this conversation. I can do that. I feel pretty comfortable saying that's true. And I hope that we can, you know, hang onto that over the next couple of weeks, months, you know. That we don't leave and then drift away from where we are today.

So it's important that each of us as leaders in this committee but also back home in our respective organizations that when people ask about the transactions of this committee, we can say affirmatively, listen, we have tackled this, we've worked on it, we've got a good product, we're proud of it. So, please keep, keep focused.

Again, I want to say thank you to Michael and the USDA team. I think, you know, phenomenal job.

MR. SCHECHTMAN: Please don't forget to say thank you to Diane when you leave as well.

MR. REDDING: Right. Diane, Donna, thank you. We keep talking. We realize, I look over once in a while and you've got the tough task of trying to figure out who just said that, to capture that, and you've done that with a smile so thank you. We appreciate your good work. Thank you.   
 MR. KISLING: Russell, on behalf of the committee, we want to thank you for taking this project on.   
 MR. REDDING: I finish a bit wiser than when I started about saying yes to the Secretary. This is something, you know, all of us have had many, many conversations about agriculture in the future and I look at this sort of experience as really helpful and educating me about the diversity of agriculture and how important it is to articulate, you know, articulate things.

Words are important but coming away with that respect for what everybody in this business does every single day to stay in it, I am amazed. You know, and however you want to borrow money to work every day to make that happen, good for you, right, but we should respect that. That, to me, is really important. Really important. And we want to capture that in the spirit of this report, that that really is, at the end of the day, a strong statement for the USDA, the Secretary and every one of us around the table.

So thank you for engaging in this conversation, being constructive. There are some miles to go yet but I'm pretty proud of what we have so thank you. Okay. Any final?

MR. SCHECHTMAN: A final word or two. First, I want to thank all of you for your energy, your commitment and your flexibility. There's things in this report for everyone not to like and maybe there's a few less of those today than there was at the beginning of the meeting yesterday. As I said earlier, in looking back on the previous efforts that groups have undertaken to come up with recommendations on bolstering coexistence, we know how difficult what you have moved towards doing today is to have accomplished.

I don't know what the final votes are going to be from everyone on whether you're joining consensus and with or without comments but I'm really very encouraged and I think it's an enormous step so I want to thank, I want to personally thank all of you for a heck of a job.

MR. REDDING: Well done. Okay. We'll be in touch. Safe travels. Thank you for your work.

(Whereupon, at 2:50 p.m., the meeting was adjourned.)

Digitally signed by Josephine Hayes

ELECTRONIC CERTIFICATE

DEPOSITION SERVICES, INC., hereby certifies that the attached pages represent an accurate transcript of the electronic sound recording of the proceedings before the

United States Department of Agriculture:

ADVISORY COMMITTEE ON BIOTECHNOLOGY

AND 21ST CENTURY AGRICULTURE



By:



\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Josephine Hayes, Transcriber