

Formal Recommendation
From: The National Organic Standards Board (NOSB)
To: The National Organic Program (NOP)

Date: October 27, 2022

Subject: NOSB Technical Support

NOSB Chair: Nate Powell-Palm

The NOSB hereby recommends to the NOP the following:

Other: X

Statement of the Recommendation:

The NOSB recommends that NOP proceed with an initiative to provide technical support to the NOSB. The NOSB further recommends that the source of technical support come from within the USDA and outside of the Agricultural Marketing Service (AMS)/National Organic Program (NOP). Technical support staff should NOT draft proposals or discussion documents, initiate polls of stakeholder groups, or communicate on behalf of the NOSB or any Subcommittee. Technical support should attend all meetings relevant to their topics. The NOP should serve as the administrator of the support staff rather than task them directly.

Rationale Supporting Recommendation:

The NOSB and stakeholder comments showed support without a single person or entity speaking against some form of technical support for the NOSB.

Several specific questions were asked to the stakeholders and discussed with the full board at the Spring and Fall 2022 meetings and showed that our stakeholders, the Certification, Accreditation and Compliance Subcommittee (CACCS), and the full board had a slight preference to receive the support from inside the government, outside of AMS/NOP. Discussion was geared towards what tasks should be excluded from technical support assistance and those were as follows: draft proposals or discussion documents, initiate polls of stakeholder groups, or communicate on behalf of the NOSB or any Subcommittee, etc.

There was universal agreement that technical support staff should be allowed to attend all meetings relating to the topics they are working on, and the board and stakeholders agreed unanimously that the NOP must administer the program, but not be able to task the technical support group directly.

NOSB Vote:

Motion to accept the proposal on NOSB Technical Support

Motion by: Jerry D'Amore

Seconded by: Kim Huseman

Yes: 15 No: 0 Abstain: 0 Recuse: 0 Absent: 0

Motion Passed

**National Organics Standards Board
Certification, Accreditation and Compliance Subcommittee (CACS)
Proposal: NOSB Technical Support
July 5, 2022**

Background:

Much of the momentum for the initiative to seek technical support for the NOSB came from the Fall 2020 discussion document titled, *Human Capital Strategy for Organic Inspectors and Reviewers*. During its Spring 2021 meeting, the NOSB considered a discussion document on Human Capital Management: Supporting the Work of the NOSB. Additionally, the National Organic Program (NOP) released a Request for Applications (RFA) for human capital in Spring 2021, which included a request for industry stakeholders to bring forth ideas on supporting the NOSB through the public-private partnership. No proposals were made for that component of the RFA. Therefore, the CACS developed this discussion document seeking feedback for NOSB technical support specifically. The rationale for this initiative is simple. NOSB positions are not financially compensated, and many Board members have full-time jobs. The time investment and workload for NOSB members can be 10-15 hours per week and this can potentially limit the number of people willing to take on board membership.

To demonstrate the scope of work, NOSB members are tasked with the following activities:

- Review petitions to add or remove materials from the National List of Approved and Prohibited Substances (National List), and complete “Sunset” reviews of materials on the National List.
- Review and develop questions for Technical Reports to inform deliberations on materials.
- Complete materials-related checklists to assess the status of materials against the OFPA criteria for inclusion on the National List; conduct supporting research to determine the context of use of materials in the organic industry.
- Attend and participate in NOSB subcommittee calls and full Board meetings to discuss agenda items and deliberate on proposals.
- Conduct other research activities to support the development of proposals and recommendations on a range of topics of interest to the organic community.
- Review and prepare summaries of public comments in advance of public meetings.
- Write proposals and recommendations summarizing petitions, the Board’s deliberations, Technical Reports, public comments, and justifications for Board positions.

Getting outside support could significantly reduce the time that Board members have to dedicate to NOSB tasks and make tenure on the board more attractive to future members. While not all of the activities of the NOSB are amenable to support, the scope of activities and deliverables completed by the support team could involve:

- Conducting literature reviews and preparing summaries for Board members to support their work. This may include investigating the current context of material use, specific questions related to environmental or health impacts of materials, and/or research about alternative practices or materials.
- Reviewing Technical Reports.
- Preparing summaries of public comments for Board member review.
- Drafting language for proposals and recommendations based on Board member input.

Written comments from the Spring 2021 Board Meeting regarding the potential technical support for board members were supportive of the idea, but not devoid of concerns. Several commenters

expressed the concern that the NOSB should be careful not to compromise the integrity of the process. Further concerns centered around not endangering the independent nature of the production and deliberation of the NOSB's proposals.

Summary of Recent Review by the CACS:

During recent Subcommittee calls, the CACS has discussed two main questions in some detail:

1. Where should the technical/advisory support come from?
2. Will the NOSB lose some of its autonomy if it receives technical support?

Source of Technical/Advisory Support

The question of where to source assistance focused on two broad categories. Technical support could come from within the government/USDA (outside of the Agricultural Marketing Service (AMS)/NOP). Alternatively, support could come from outside organizations such as universities or nonprofits. At the time of the CACS review, the group appeared to lean towards an "inside" position but was not conclusive. Further review of the question during the July 5th Subcommittee meeting resulted in the decision to formally recommend that support should come from within the USDA.

Autonomy of the NOSB

Regarding the preservation of autonomy, the Subcommittee recognizes that there are some concerns, but felt confident that independence can be maintained with proper structuring of the relationship.

Summary of Spring 2022 Written and Oral Comments

Written and oral comments resulting from the discussion document presented at the Spring 2022 Board Meeting totaled 17 respondents, with no single person or entity speaking against some form of technical support for the NOSB. The following four questions were presented to stakeholders in the discussion document. A brief summary of stakeholder answers follows each question.

1. What are the advantages or disadvantages of having support come from within the government?
From a nonprofit or university?
- Much like the CACS Subcommittee discussions, our stakeholders were passionate about this question with a slight preference towards "inside". Some suggested specific agencies such as USDA (but not AMS/NOP), EPA and FDA.
2. What NOSB tasks, if any, are critical to keep completely independent from the support team?
- Here there were many "should nots". Technical support staff should NOT draft proposals or discussion documents, initiate polls of stakeholder groups, or communicate on behalf of the NOSB or any subcommittee, etc.
3. Should the support team be privy to all Subcommittee meetings and discussions?
- There was universal agreement that "yes" they should be allowed to attend all meetings relating to the topics they are working on.
4. What should be the scope of the NOP's relationship with the support group, i.e., should they be able to task the group directly?
- A unanimous "No" to the NOP being able to task the support group directly, but a very strong statement that NOP must administer the program.

Subcommittee Proposal:

CACS recommends that NOP proceed with an initiative to provide technical support to the NOSB. CACS further recommends that the source of technical support come from within the USDA but from outside the AMS/NOP. Technical support staff should NOT draft proposals or discussion documents, initiate polls of stakeholder groups, or communicate on behalf of the NOSB or any subcommittee. Technical support should attend all meetings relevant to their topics. The NOP should serve as the administrator of the support staff but not task them directly.

Subcommittee Vote:

Motion to accept the proposal on NOSB technical support

Motion by: Jerry D'Amore

Seconded by: Kim Huseman

Yes: 5 No: 0 Abstain: 0 Recuse: 0 Absent: 1