

**Formal Recommendation by the
National Organic Standards Board (NOSB)
to the National Organic Program (NOP)**

Date: December 02, 2011

Subject: Policy Development Committee Recommendations on NOSB
Committee Transparency

Chair: Tracy Miedema

The NOSB hereby makes a determination.

Rulemaking Action [select one]
Guidance Statement
Other X

Statement of the Recommendation (Including Recount of Vote):

This recommendation revises Section III of the Policy and Procedures Manual; Role of the Executive Director is amended. The most significant change is the impact on committee meeting minutes to always capture the discussion and diversity of opinions with the intention that the contents remain useful to the NOSB, public, and stakeholders.

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The Executive Director and NOSB are encouraged to support visibility, openness, and transparency with documents: The recommendation creates ease of accessibility to organic program records and materials.

Rational Supporting Recommendation (including consistency with OFPA and NOP):

A number of stakeholders in the organic community have recently requested more visibility and transparency of National Organic Program (NOP), National Organic Standards Board (NOSB) meetings and actions. The NOSB committee meetings are subject to Freedom of Information Act (FOIA) and the Federal Advisory Committee Act (FACA).

These recommendations are consistent with OFPA and NOP. OFPA provides authority for the NOSB.

Section III (pg 12) Role of the Executive Director is amended to include the following language:

Arrange, facilitate, and document in the form of written minutes the NOSB Committee conference calls necessary to achieve the most efficient workings of the Board. Minutes are distributed to committees for confirmation of accuracy and

approval. Committee minutes must fully capture the discussion, reflect the diversity of opinions expressed during meetings in order that transparency exist and content remain useful for committee members, board members and our stakeholder public.

Section III (pg 13) Role of the Executive Director is amended to include the following language:

Maintain executive committee meeting minutes and committee meeting minutes, committee records, reports, transcripts, appendices, working papers, drafts, studies, agendas and other documents which were made available to or prepared for or by the NOSB or its committees, and make such documents available for public inspection and copying at the Agency, electronically via the World Wide Web; and/or, upon written request in printed form.

NOSB Vote:

Moved: Barry Flamm		Second: Colehour Bondera		
Yes: 14	No: 0	Abstain: 0	Absent: 0	Recusal: 0

**National Organic Standards Board
Policy Development Committee
Final Recommendation
Committee Transparency**

December 2, 2011

Introduction

A number of stakeholders in the organic community have recently requested more visibility and transparency of National Organic Program (NOP), National Organic Standards Board (NOSB) meetings and actions. We recognize that the public availability of these records is critical to the meaningful engagement of the full organic community in public decision-making. The purpose of transparency is to create accessibility to organic program records and materials- including minutes of committee meetings associated with the NOP and NOSB activities. Enhanced public awareness of how NOSB decisions are made would enhance collaboration between the organic community and the Board.

Background

The 1967 Freedom of Information Act (FOIA) establishes the public's right to obtain information from federal government agencies and allows for openness and disclosure of information to the public. The FOIA requires that the activities of government be accountable and transparent.

Relevant areas in the Rule

The Section 10(b) of the Federal Advisory Committee Act (FACA), as, (Public Law 92-463, 5 U.S.C. App.) provides that, "Subject to section 552 of title 5, United States Code, the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by each advisory committee shall be available for public inspection and copying at a single location in the offices of the advisory committee or the agency to which the advisory committee reports until the advisory committee ceases to exist.

Discussion

The purpose of section 10(b) is to provide for the contemporaneous availability of advisory committee records that, when taken in conjunction with the ability to attend committee meetings, provide a meaningful opportunity to fully comprehend the work undertaken by the committee.

Recommendations

Section III (pg 12) Role of the Executive Director is amended to include the following language:

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Board Vote

The motion is to approve the recommendations as stated.

Motion by: Barry Flamm Second: Colehour Bondera
Yes: 14 No: 0 Absent: 0 Abstain: 0 Recuse: 0