



1400 Independence Avenue, S.W.
Room 3071-South, STOP 0201
Washington, DC 20250-0201

SEP 22 2014

Ms. Aimee M. Simpson
Policy Director & Staff Attorney
Beyond Pesticides
701 E Street SE, Suite 200
Washington, D.C. 20003

Dear Ms. Simpson:

Thank you for your petition requesting Amendment of Rulemaking concerning the National Organic Standards Board (NOSB) Charter, which was renewed on May 8, 2014. The U.S. Department of Agriculture (USDA) has reviewed the issues you presented in your petition, and is responding with this letter.

We understand your concerns about the text in the 2014 NOSB charter related to Committee termination. We are pleased to share that an amended NOSB charter has been approved and filed with the General Services Administration. In the "Termination" section of the amended charter, the amended language states, "the Committee charter will expire 2 years after the date of filing," rather than stating that the Committee will expire. This change reaffirms the "Duration" section of the charter, which notes that the Committee is a continuing committee. The USDA will continue to renew the NOSB charter every 2 years. This charter renewal will ensure that the NOSB continues to operate, as established in the Organic Food Production Act (OFPA), without pause in operations.

Your petition also expresses concern about how the charter outlines the duties of the NOSB. The OFPA describes the roles and responsibilities of both the NOSB and the Secretary. The USDA is responsible for administering the organic program, and sets the agenda that defines the advice requested from the NOSB on OFPA implementation. The charter spans 2 years, and describes the NOSB duties that are the focus for that period. This clarity is important in supporting transparency about the work the NOSB will be asked to do in the next 2 years.

Finally, you requested that the USDA conduct rulemaking for the NOSB Charter. The charter is a general policy statement that explains to the public how it manages the advisory board. As such, it is not subject to rulemaking under the Administrative Procedures Act.

The USDA values the work of the NOSB, and appreciates the hard work of its volunteers in supporting the implementation of the OFPA.

Sincerely,

A handwritten signature in black ink, appearing to read "Rex A. Barnes". The signature is fluid and cursive, written over a light blue horizontal line.

Rex A. Barnes
Associate Administrator