



BEYOND PESTICIDES

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September 20, 2013

National Organic Standards Board
Fall 2013 Meeting
Louisville, KY

Re. PDS: Policy and Procedures Manual –Miscellaneous Changes

These comments are submitted on behalf of Beyond Pesticides. Beyond Pesticides, founded in 1981 as a national, grassroots, membership organization that represents community-based organizations and a range of people seeking to bridge the interests of consumers, farmers and farmworkers, advances improved protections from pesticides and alternative pest management strategies that reduce or eliminate a reliance on pesticides. Our membership and network span the 50 states and groups around the world.

Beyond Pesticides supports the proposed miscellaneous changes to the Policy and Procedures Manual (PPM). We disagree, however, with the statement in the proposal that these updates are “not of a substantive nature.”

“In particular, the “clarification” of the job duties of the Advisory Board Specialist (ABS) as distinct from those of the Designated Federal Official (DFO) is substantive. The ABS, formerly called the Executive Director, is the title for the position described in the Organic Foods Production Act (OFPA) as “staff director” in §6518(j) “The Secretary shall authorize the Board to hire a staff director and shall detail staff of the Department of Agriculture or allow for the hiring of staff and may, subject to necessary appropriations, pay necessary expenses incurred by such Board in carrying out the provisions of this chapter, as determined appropriate by the Secretary.” The ABS, therefore, reports to the NOSB. She should oversee the NOP staff.

The DFO, on the other hand, is a position mandated by the Federal Advisory Committee Act (FACA) §10(e) “There shall be designated an officer or employee of the Federal Government to chair or attend each meeting of each advisory committee. The officer or employee so designated is authorized, whenever he determines it to be in the public interest, to adjourn any such meeting. No advisory committee shall conduct any meeting in the absence of that officer or employee.” The DFO therefore clearly reports to the Agency rather than the NOSB.

It is a matter of convenience to USDA to assign one person to both positions. Ms. Arsenault appears to serve two masters quite well, but it is definitely a substantive choice to state whether the two positions must be filled by the same person. We support the differentiation of the two positions. Also, as we have indicated in the excerpt from OFPA, the ABS position should be vested with more authority than seems to be currently given to it.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Shistar". The signature is fluid and cursive, with a long horizontal stroke at the end.

Terry Shistar, Ph.D.
Board of Directors