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3 May 2012

Ms. Ann Michelle Arsenault, Special Assistant  
National Organic Standards Board  
USDA-AMS-NOP  
1400 Independence Ave. S.W.  
Room 2648-S, Mail Stop 0268  
Washington, DC 20250-0268.

Docket: AMS-NOP-12-0017; NOP-12-06

**RE: Policy Development Proposal: Public Comment Process**

Oregon Tilth commends the Policy Development Committee of the NOSB for proposing to improve the Public Comment process. We agree with several of the proposed changes/improvements and so encourage their adoption, we disagree with others and encourage that you remove or revise them.

The NOSB Public Comment provision is one of the hallmark successes of the National Organic Program. The model is respected and envied by the international organic community whose Organic Programs lack similar transparency provisions. While the Public Comment period of NOSB meetings can be confusing, tedious and contentious, it is democracy in action and should be managed carefully in order to preserve the free flow of ideas and direct access by the public to the NOP and NOSB.

**Agreement:**

We agree that commenters should sign up by topic where possible in order to focus discussion, understanding that in certain cases individuals will have scheduling challenges which need to be respected. Note that existing point #3 stating that persons will be called upon in the order they sign up appears to contradict proposed point #7 suggesting that comments may be grouped by topic. We also agree with keeping language in point #8 stating that sign up after the closing date and on site will be allowed as time permits. This key provision maintains the open meeting accessibility mentioned above.

It is proper and practical that this Policy includes Rules of Engagement, which are read into the record and referred to in order to maintain order. We suggest that these guidelines include a statement that paper copies of comments *not* be printed and distributed unless they contain information not contained in submitted written, or in spoken comments, which is critical to the meeting topic being considered.

We also suggest including a statement in #8 that speakers state in the beginning of their comment if they stand in favor or in opposition to a certain recommendation under consideration.

**Disagreement:**

Limiting comments to 3 minutes does not allow enough time for commenters to thoroughly express their opinions especially when addressing multiple topics. The longstanding limit of five minutes, or roughly 800 words, has served as a reasonable limit over the years. We do not agree with the suggestion of optionally extending comment time to five minutes at the discretion of the Chair. Successful comments are prepared in advance appropriate to the time limit and cannot be easily revised spontaneously. In addition, such a provision puts the Chair in a position to be accused of favoritism.

We disagree with the removal of point #6 allowing proxies. Understanding that managing the use of proxies has been challenging, we feel that this provision is important to the open access goal of the Public Comment process. There are people that cannot attend an NOSB meeting but who want their comments read into the record. This is appropriate and should be respected. We suggest amending this policy to clarify that Proxies are to be used to present a person's specific comments and not to award additional time to another speaker for their comments. We also endorse the previous one proxy limit.

Respectfully submitted,  
Jim Pierce  
Oregon Tilth, Inc.

*Oregon Tilth, Inc. is a non-profit 501(c)(3) organization that supports and promotes biologically sound and socially equitable agriculture. Oregon Tilth offers educational events throughout the state of Oregon, and provides organic certification services to organic growers, processors, and handlers internationally. An NOP accredited certifier since 2002, Oregon Tilth currently certifies over 650 farms and ranches and over 600 handlers in more than 35 states affording us a broad perspective of current practices and challenges faced by organic producers and handlers.*