



March 19, 2013

Ms. Michelle Arsenault  
National Organic Standards Board  
USDA-AMS-NOP  
1400 Independence Avenue, SW  
Room 2648-So, Ag Stop 0268  
Washington, DC 20250-0268

**Docket: AMS-NOP-12-0070**

**RE: Policy Subcommittee Discussion Document on NOSB Initiation of Materials Review**

Dear Ms. Arsenault:

Thank you very much for this opportunity to provide comment on the Policy Subcommittee Discussion Document on NOSB Initiation of Materials Review.

OTA<sup>1</sup> is the membership-based business association for organic agriculture and products in North America.

OTA **does not support** the Discussion Document on Material Initiation Review, and we recommend it be withdrawn. We agree that there are situations where material review may take place outside the normal public petition process. However, procedures for initiating such a review are already addressed in the Procedures Policy and Manual (PPM), and we do not see the need for further clarification.

**1. Should an NOSB subcommittee utilize the public petition process when proposing changes to the National List?**

As per the existing the PPM (p25), #2:

The NOSB will use the decision-making procedures outlined in Section VIII of the PPM to justify modifying existing standards or proposing new standards. NOP may request that the NOSB develop recommendations for new or existing standards. The request should be in writing and should include a statement of the problem to be addressed, background, including the current policy or situation, statutory/ regulatory authority, legal situation, and desired timeframe for receiving the recommendation. The request will be posted on the NOP website.

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<sup>1</sup> OTA is the leading voice for the organic trade in the United States, representing organic businesses across 49 states. Its members include growers, shippers, processors, certifiers, farmers' associations, distributors, importers, exporters, consultants, retailers and others. OTA's Board of Directors is democratically elected by its members. OTA's mission is to promote and protect the growth of organic trade to benefit the environment, farmers, the public and the economy.

It's important to note that the existing procedure (as shown above) is stated under the NOSB-NOP Collaboration section of the PPM, and the primary means of collaboration will be through NOP participation in Executive Committee and Standing Committee Calls. This is the mode for developing recommendations and discussion documents. We believe that the existing language and procedure are general enough to cover any situation that may arise in regards to material review outside the normal petition process.

**2. Are there situations when it would be appropriate for NOSB to use an expedited or alternative petition process to consider a National List change? What are those situations?**

There may be situations where it is appropriate. We expect that the large majority of material review decisions should—and will—follow the existing petition procedure process. However, as stated in the PPM, if there is a request for new or existing standards that is initiated outside the normal review process, it should:

1. Be in writing and should include a statement of the problem to be addressed, background, including the current policy or situation, statutory/ regulatory authority, legal situation, and desired time-frame for receiving the recommendation.
2. Be posted on the NOP website.

**3. If the answer to #2 is yes, what elements to the process are important to ensure transparency and facilitate public involvement, such as posting on the petition database or similar database?**

In the case that NOP requests a recommendation for new or existing standards, we expect the process would run through the normal NOSB-NOP regulatory channels as the normal petition process.

**4. How and when should the public be notified that NOSB has initiated a review if it is added to the work plan?**

In the case that NOP requests a recommendation for new or existing standards, we expect the process would run through the normal NOSB-NOP regulatory channels as the normal petition process.

**5. Is it reasonable to interpret the NOSB-NOP Collaboration section of the PPM (p25), #2 Recommendation for modification of existing standards or new standards, as quoted above, to include the listing, delisting, or annotating of National List materials?**

Yes.

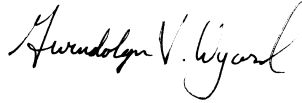
**6. Is the current system for determining the priority of reviews (PPM, p.49) acceptable? If not, please list any concerns.**

Yes.

OTA supports the current system for determining the priority of reviews.

Again, on behalf of our members across the supply chain and the country, OTA thanks the National Organic Standards Board for the opportunity to comment, and for your commitment to furthering organic agriculture.

Respectfully submitted,



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Organic Trade Association (OTA)

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Organic Trade Association (OTA)