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Contact: Aimee Simpson, 202-543-5450
asimpson@BeyondPesticides.org, www.beyondpesticides.org
Abigail Seiler, 443-854-4368
aseiler@centerforfoodsafety.org, www.centerforfoodsafety.org

Partial Victory to Protect National Organic Standards Board

(October 3, 2014 – Washington, D.C.) –The U.S. Department of Agriculture (USDA) responded last week to a legal petition from 20 farm, consumer, and environmental groups by reinstating some authorities of the National Organic Standards Board (NOSB), while continuing to limit the Board’s advisory authority. The NOSB was established by Congress in 1990 to operate as a permanent independent authority. In May of this year, the U.S. Department of Agriculture (USDA) reauthorized the Board under the Federal Advisory Committee Act as it is required to do every two years by law. Changes made to the charter, however, mistakenly re-categorized the NOSB as a time-limited Advisory Board subject to USDA’s discretion and narrowed the Board’s responsibilities.

Beyond Pesticides, Center for Food Safety, and other organic farm and consumer groups filed a petition in June demanding the National Organic Program (NOP), a program within USDA, amend the charter to properly reflect the role of the NOSB. Last week, the agency agreed to change the charter to reflect the permanence and authority of the Board.

Petitioners also requested that changes to the description of the NOSB’s duties be amended to indicate the full breadth of responsibilities outlined in the organic statute. USDA rejected that request, stating in its official response, “The USDA is responsible for administering the organic program, and sets the agenda that defines the advice requested from the NOSB on OFPA implementation.”

“We are very pleased that the USDA recognizes its error in describing the NOSB as a committee that would expire in two years, however, we strongly disagree with the Agency’s inappropriate limiting of NOSB responsibilities in any way that conflicts with the organic law and intentions of Congress,” says Aimee Simpson, Policy Director and Staff Attorney for Beyond Pesticides.

“Congress determines the mandatory duties of the NOSB, not the USDA or regulatory agenda,” notes Paige Tomaselli, Senior Attorney for the Center for Food Safety. “Thanks to the attention and diligence of organic farm and consumer groups, we have ensured the continuing authority of the independent board.”

The NOSB, appointed by the NOP, is comprised of a wide swath of organic interests, including farmers, consumers, environmentalists, processors, a retailer, and a certifier. It is charged with a number of specific duties, including but not limited to establishing and renewing the list of synthetic and non-organic materials allowed to be used in organic production, known as the National List.

Groups that signed on to the petition included: Beyond Pesticides, Center for Food Safety, The Cornucopia Institute, Food & Water Watch, Equal Exchange, La Montanita Co-op (New Mexico), Maine Organic Farmers and Gardeners Association, Midwest Organic and Sustainable Education Service, Northeast Organic Dairy Producers Alliance, Northeast Organic Farming Association (NOFA) Interstate Council, Connecticut NOFA, NOFA/Massachusetts Chapter, Inc., NOFA New Hampshire, NOFA New Jersey, NOFA-New York, Inc., NOFA Vermont, Organic Consumers Association, Organically Grown Company, Organic Seed Growers and Trade Association, and PCC Natural Markets.

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