



# BEYOND PESTICIDES

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September 21, 2021

Ms. Michelle Arsenault  
National Organic Standards Board  
USDA-AMS-NOP  
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Room 2648-S, Mail Stop 0268  
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**Docket ID # AMS-NOP-21-0038**

## **Re. PDS: Public Comment Discussion Document**

These comments to the National Organic Standards Board (NOSB) on its Fall 2021 agenda are submitted on behalf of 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, Beyond Pesticides 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 the world.

Opportunities for public comment to the NOSB should be designed to ensure the best possible input into NOSB deliberations. Perusal of minutes and transcripts of early NOSB meetings show that the NOSB and National Organic Program regarded members of the public as resources. As organic has grown—especially in economic importance—not only has participation in the NOSB process increased, but the level of controversy has also grown. Thus, at the same time that stricter time limits are being placed on public participation, the element of “fairness” has now become an important consideration. With this background, we address the questions posed by the Policy Development Subcommittee (PDS).

### **1. Should the Board move to an entirely virtual format for oral comments the week before in-person meetings or maintain the pre-pandemic format of hearing oral comments, both virtually prior to the in-person meeting as well as in-person at the public NOSB meeting?**

We believe that there is value to person-to-person communication that is facilitated by in-person meetings of the board, as well as the opportunity for members of the organic community and NOSB members to meet personally. As noted above, there is a history of NOSB meetings encouraging conversations that can be helpful to NOSB members, as well as

increasing understanding for the positions of other stakeholders. The enforced virtual communication with which we have all had to live during the pandemic has made us aware of what we miss in live communication, as well as the advantages of virtual communication. We also appreciate the opportunity for greater participation offered by the virtual format and recommend that the NOSB continue to offer both.

## **2. If NOSB meetings move to a model wherein all oral comments are heard virtually the week before the meeting, would it reduce the attendance of stakeholders at the Board meeting?**

Yes. Such a move would certainly skew the attendance towards those who can better afford the time and money to make the trip to a meeting in which they would not have the opportunity to speak to the board.

## **3. Restrictions due to the pandemic aside, would the availability of a live-stream meeting discourage in-person attendance?**

Yes. Such a move would certainly skew the attendance towards those who can better afford the time and money to make the trip to the meeting. It would be more difficult to justify the expense of travel if there is no ability for interaction with Board members, except for the remote public comments. That's why a hybrid event would best serve the community and the Board, as more people who cannot travel have an opportunity to follow the issues, and those who can make the trip have an opportunity to directly interact.

## **4. Is the practice of scheduling multiple oral comments by a single organization (such as a business/company/non-profit/trade group) inherently unfair? Is there a path by which the Board can field multiple areas of expertise from a single organization, while balancing the limits of time, fairness, and the importance of receiving a wide range of stakeholder feedback?**

As we stated above, the fairness issue is tied to other issues—time restrictions and controversy. It is also related to the issue below—that it appears that NOSB members give greater weight to testimony received in person. Three minutes is not enough to address the breadth of issues in which Beyond Pesticides has an interest. It is not enough to give the depth required to address a petition. Even if commenters were confident that written comments would be given due attention, the issue mentioned in this question—of being able to question the person with the relevant expertise—makes limiting oral comments from a single organization problematic. Such a limit might also encourage commenters to misrepresent their affiliations. The key here is that the Board should have access to a range of issues, and if an organization can address different issue areas, then the multiple comments can provide valuable information to the Board.

## **5. Additional comments.**

The PDS document also addressed written comments. Written comments give an opportunity for stakeholders to present their views in greater detail. Unfortunately, it often

appears that NOSB members give greater weight to comments delivered in person than written comments. Similarly, it appears that NOP sometimes gives greater weight to a single submission in response to a Federal Register notice than the bulk of public comment received by the NOSB and weighed by the board in its deliberations. Perhaps the issue that the PDS and NOSB should address relates to giving all comments their due weight, rather than the presentation of oral comments.

We agree with the PDS that the deadline should be a firm one, but we do not believe that the deadline should preclude conversations between NOSB members and stakeholders after the deadline.

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, written in a professional style.

Terry Shistar, Ph.D.  
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