



BEYOND PESTICIDES

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March 22, 2021

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

Docket ID # AMS-NOP-20-0089

Re. CACS: Board support

These comments to the National Organic Standards Board (NOSB) on its Spring 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.

The work of the NOSB requires a great deal of time, commitment, and expertise (and/or willingness to learn). For many, if not most, NOSB members, NOSB work is added to a full-time job. While some people may be relieved from other duties—thereby essentially being paid to be a board member—others are not. Working farmers are unlikely to have relief, which makes it difficult to recruit them to serve.

There are several ways in which NOSB members may be given support.

We support measures to assist NOSB members “to help conduct and provide literature reviews, write drafts, and otherwise support the work of NOSB members.” This support may come in several forms:

1. NOSB members may have connections with people whom they could hire as research assistants.
2. NOP could assist NOSB members to find a research assistant at an independent institution, like a university.
3. NOP could provide NOSB with access to an open docket.
4. NOP could provide people to work as research assistants for NOSB members.

We believe that NOSB members should not be limited to a single mechanism, but we prefer options that preserve the independence of NOSB members—that is, #1-3 above,

rather than #4. NOP should not screen the people who are hired to give assistance. We prefer that NOSB set a policy for reimbursement for such assistance that sets a maximum amount to be reimbursed to NOSB members. One should not exclude another. NOSB members should bring and be provided all the resources to support their critical role in guiding the growth and integrity of organic standards.

Regardless of other options, the open docket should be provided. The Policy and Procedures Manual (PPM)¹ states:

Policy for Public Communication between NOSB Meetings (Adopted April 11, 2013)

- The NOSB and NOP seek public communication outside of Board biannual meetings and public comment periods to inform the NOSB and NOP of stakeholders' interests, and to comment on the NOSB's and NOP's work activities year around.
- The NOSB may post draft discussion documents and proposals between public meetings for review and public comment. Timely submission of comments will assist the NOSB and its Subcommittees in revising such documents for subsequent NOSB review.

The NOSB provided this discussion of the above policy:²

As a part of its responsibility to communicate with the organic community pertaining to the implementation of OFPA, the Board must receive and review information from the NOP and other sources during its deliberations. As a stakeholder Board, the input from the organic community is valuable in the deliberations of the Board, the NOP, and the community decision-making process. The procedures of the Board and NOP should facilitate public communication to inform these deliberations.

Providing an online mechanism that allows the public to share information between official comment periods will help to facilitate public communication that informs the Board's and NOP's deliberations in several ways. The online system is intended to:

1. Inform discussions early in the materials or policy review process through the collection of complete background and perspectives;
2. Reduce the amount of new information coming to the Board and NOP late in its deliberations on an issue without adequate time to verify or fully assess it;
3. Increase transparency for the NOSB, NOP, and the public itself to ensure that everyone has access to the same information in a timely fashion;
4. Help the Board and NOP to become aware of issues that may not be on the work plan or may not have been generated internal to the NOP and NOSB process, but are important based on the experience and expertise of those in the organic community.

¹ Section VII E. p. 34.

² Policy for Public Communication between NOSB Meetings (Adopted April 11, 2013).

<https://www.ams.usda.gov/sites/default/files/media/NOP%20Policy%20Dev%20Final%20Rec%20Public%20Communications.pdf>.

Thus, an online public communication mechanism can help board members to discharge their “Duty of Care,” which “calls upon a member to participate in the decisions of the Board and to be informed as to the data relevant to such decisions.”(PPM, p. 6)

The biggest obstacle to assisting NOSB members is a culture of secrecy.

The public communication policy quoted above would ensure transparency as NOSB subcommittees deliberate. However, the current practice is one that prohibits NOSB members from sharing drafts and deliberations except through the mechanism of highly cleansed subcommittee notes. This practice stands in the way of adopting any of the mechanisms that give independence to NOSB members.

Since petitions no longer contain confidential business information, there is no excuse for secrecy in subcommittee deliberations.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Shistar".

Terry Shistar, Ph.D.
Board of Directors