



BEYOND PESTICIDES

701 E Street, SE ■ Washington DC 20003
202-543-5450 phone ■ 202-543-4791 fax
info@beyondpesticides.org ■ www.beyondpesticides.org

September 20, 2025

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-25-0034

Re. PDS: Sunset Review Efficiency

These comments to the National Organic Standards Board (NOSB) on its Fall 2025 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 eliminate a reliance on pesticides. Our membership and network span the 50 states and the world.

Beyond Pesticides supports the conclusion in the Policy Development Subcommittee (PDS) discussion document on “sunset review efficiency”—that “the potential time savings was not worth the potential confusion among Board members related to the voting procedure, and the potential for reduced transparency of the voting process among stakeholders.” For the record, we repeat our Spring 2025 comments below.

Beyond Pesticides strongly opposes the use of a consent agenda in NOSB meetings, especially for the use proposed in the discussion document—grouping sunset items. While it may appear that grouping sunset listings could save time, we believe that the contrary is likely—that grouping listings would take more time through debate over the appropriateness of the grouping. If, as the discussion document suggests, these agenda items are non-controversial (which is rarely the case, and would be another subject of debate), then the only time that would be saved would be in running through the roll call vote.

The NOSB was established to bring stakeholders together and ensure a full airing of views and consideration of science and methods in a transparent process. To ensure public confidence in the board process and the in-depth consideration of different viewpoints, the process should incentivize a deliberative review rather than a quick review, which will be seen as cursory. The integrity of the organic seal is critical to trust in and growth of the organic sector. The consent agenda could undermine public trust in the board process and the value of the label.

Consent agendas are frequently used in public meetings in which the entire assembly has had an opportunity to debate the issue at previous meetings. This is not the case for the NOSB, which meets twice a year. Although sunset materials are on the agenda for two consecutive meetings, the first is an information-gathering session, not a debate. A motion to delist is brought to the floor of the second meeting. There is no opportunity to assess controversy before the second meeting.

Here is what *Robert's Rules of Order* says about a consent calendar:¹

Consent Calendar. Legislatures, city, town, or county councils, or other assemblies which have a heavy work load including a large number of routine or noncontroversial matters may find a consent calendar a useful tool for disposing of such items of business. Commonly, when such a matter has been introduced or reported by a committee for consideration in the assembly, its sponsor, or, sometimes, an administrator, may seek to have it placed on the consent calendar. This calendar is called over periodically at a point established in the agenda by special rule of order, at least preceding standing committee reports. The matters listed on it are taken up in order, unless objected to, in which case they are restored to the ordinary process by which they are placed in line for consideration on the regular agenda. The special rule of order establishing a consent calendar may provide that, when the matters on the calendar are called up, they may be considered in gross or without debate or amendment. Otherwise, they are considered under the rules just as any other business, in which case the "consent" relates only to permitting the matter to be on the calendar for consideration without conforming to the usual, more onerous, rules for reaching measures in the body.

There are several prerequisites that have been generally accepted for placing business items on a consent agenda (or consent calendar). As noted in the excerpt from *Robert's Rules* above, they are generally routine or noncontroversial issues. Some have offered the examples of minutes, committee reports, routine correspondence, and final approval of proposals or reports that have been fully discussed and vetted at past meetings.²

Sunset items are rarely noncontroversial—with the exception of prohibited nonsynthetic materials such as arsenic and strychnine—and should be fully debated. Transparency is important to the functioning of the NOSB in its role of guiding the National Organic Program. Procedures such as the consent agenda decrease transparency and should be rejected. The NOSB process was established to incentivize continuous improvement through rigorous deliberation on individual synthetics in light of new approaches, updated science, and more eco-sensitive materials. We must remember that the default assumption in OFPA is the prohibition of synthetics and the National List is a list of exceptions to that operating principle and value. Given this, the scrutiny of individual synthetics is essential to public trust in the label and the market.

We object to using a consent agenda at this meeting without adopting the policy. Furthermore, use at a Spring meeting would not be comparable to the intended use, since no decisions will be made concerning sunset materials at this meeting.

Thank you for your consideration of these comments.

¹ Henry M. Robert *et al.*, 2011. *Robert's Rules of Order Newly Revised* 11th edition. Da Capo Press, Philadelphia, PA. P. 361.

² http://boardforward.com/201706/The_Dos_and_Donts_of_Consent_Agendas.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Shistar". The signature is fluid and cursive, with a long horizontal stroke at the end.

Terry Shistar, Ph.D.
Board of Directors

