

**FORMAL RECOMMENDATION BY THE
NATIONAL ORGANIC STANDARDS BOARD (NOSB)
TO THE NATIONAL ORGANIC PROGRAM (NOP)**

Date: May 6, 2009

Subject: Policy and Procedures Manual Changes – Priority of Petitions

Chair: Jeff Moyer

Recommendation

The NOSB hereby recommends to the NOP the following:

Rulemaking Action: _____
Guidance Statement: _____
Other: X

Summary Statement of the Recommendation (including Recount of Vote):

Recommendation is for inclusion of a Priority of Petitions guideline into the NOSB Policy and Procedures Manual.

See attached committee recommendation and vote

NOSB Vote: Motion: Barry Flamm Second: Bea James

Board vote: Yes - 13 No- 1 Abstain- 0 Absent - 1

Summary Rationale Supporting Recommendation (including consistency with OFPA and NOP):

To update and clarify procedures in the Policy and Procedures Manual

Response by the NOP:

No objections

National Organic Standards Board
Policy Development Committee
Priority of Petitions-Revised at Meeting
May 6, 2009

RECOMMENDATION:

The following recommendation for addition to the NOSB Policy and Procedures Manual is designed as a guideline to assist committee chairs with prioritization of petition review to add or remove substances to or from the National List.

Priority of Petitions Guideline

Prioritization

National List materials petitions received and deemed sufficient by the NOP / NOSB will be prioritized by the Materials Committee Chair for consideration as follows:

1. Petitions to Remove a Material From the National List:

- a. A petition to **remove** a material presently on the National list that raises serious health, environmental, or regulatory concerns, including petitions to reconsider previous decisions, will be given the highest priority - **Priority 1**, above all other petitions in the queue of the reviewing committee (Crops, Handling, or Livestock).
- b. A petition to **remove** a material presently on the National list not based on serious health, environmental, or regulatory concerns, but based on other new information, such as commercial availability status, would be assigned a **Priority 2**, behind Priority 1 petitions, but above any petitions to list materials that are in the queue of the reviewing committee (Crops, Handling, or Livestock). This priority assignment would include any removal petitions requesting reconsideration of previous board decisions, if the resubmitted petition contains substantive new information to warrant reconsideration.

2. Petitions to Add a Material to the National List:

- a. A petition to **add** a material to the National List will be considered by the reviewing committee (Crops, Handling, or Livestock) in the chronological order it is received, and will be designated as **Priority 3**.

3. Petitions to Reconsider a Material for Addition to the National List:

- a. A petition to **reconsider** adding a material that had previously been rejected by a board vote would be given the lowest priority - **Priority 4**, and would go to the bottom of the committee (Crops, Handling, or Livestock) queue of petitioned materials. Petitions for listing a substance that had been previously rejected by the board must contain substantive new information to warrant reconsideration.

This prioritization guideline is only that, a guideline. When situations occur beyond the control of the reviewing committee, such as, but not limited to, a delay in the delivery of a Technical Review for a petitioned substance, the committee chair must exercise his or her judgment in the possible reassignment of priorities and workload to make best use of resources to advance petition recommendations.

Committee Vote:

Moved: Steve DeMuri Second: Barry Flamm

Yes: 4 No: 0 Absent: 1 Abstain: 0