

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

Date: May 6, 2009

Subject: Updates and Amends Section III of the NOSB Policy and Procedures Manual

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):

The following recommendation updates and amends Section III of the NOSB Policy and Procedures Manual. The duties of the Secretary are updated to add language which was approved at the November 2008 Board Meeting. The Roles of the Executive Director and the Executive Committee are revised and updated. The part discussing MEETINGS is revised to reflect statutory requirements and current practices.

NOSB Vote: **Motion:** Barry Flamm

Second: **Bea James**

Board vote: Yes - 14 No- 0 Abstain- 0 Absent - 1

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

Response by the NOP:

NATIONAL ORGANIC STANDARDS BOARD

Policy Development Committee

February 23, 2009

RECOMMENDATION:

The following recommendation updates and amends Section III of the NOSB Policy and Procedures Manual. The duties of the Secretary are updated to add language which was approved at the November 2008 Board Meeting. The Roles of the Executive Director and the Executive Committee are revised and updated. The part discussing MEETINGS is revised to reflect statutory requirements and current practices.

ROLE OF THE EXECUTIVE DIRECTOR:

- Assist in the implementation of policies, goals, objectives, strategic plans, committee work plans, and recommendations set by the NOSB and NOP.
- Draft initial NOSB meeting agendas with NOSB Chair based on committee work plans for NOSB and NOP discussion, then finalizes agenda.
- Coordinate Board and committee meetings, and manage information reporting and communications between Board and NOP.
- Arrange, facilitate, and record the minimum number of NOSB Committee conference calls necessary to achieve the most efficient workings of the Board. Minutes are distributed to committees for confirmation they are accurate. Final minutes are timely distributed to Board committees.
- Provide training and information to NOSB and task forces on compliance with all pertinent Acts and regulations (e.g., FACA, OFPA, NOP), including their role in advising the Secretary.
- Establishes and monitors Board adherence to timelines which ensure NOP has sufficient time to publish related Federal Register notices and Board/Committee recommendations that meet deadlines for public comment.
- Manage Board calendar and tracking databases in a manner that facilitates clarity of activities to the Board and the NOP.
- Work as liaison with NOP staff, TAP & technical review contractors and other government agencies (e.g., EPA, FDA, AAFCO).
- Ensure Board members have all materials and information necessary to provide informed, structured and timely recommendations to the NOP for proposed amendments and guidances to NOP regulation 7 CFR 205. This includes the

provision of petitions, TAP and technical reviews, and historic discussions of substances proposed for inclusion on the National List, as well historic discussions and recommendations regarding issues.

- Coordinate the recording and maintenance of records of all Board and committee meetings. This includes maintaining all board archives and records in a manner that provides for easy access to all public information in cooperation with the Board Secretary.
- Prepare and clear Federal Register Meeting Notice and News Release, ensuring publication 45 days prior to meeting.
- Ensure proposed additions to the National List, or other recommendations, are posted on the NOSB website for 45 days prior to an NOSB meeting to allow for public comment.
- Provide accurate, clear pre-meeting information to public regarding questions on recommendations.
- Ensure NOSB members have timely access to public comments.
- Schedule public comment according to issues, and accommodates commenters' travel schedules, where possible.
- Ensure that Board members and NOP staff at NOSB meetings have access to relevant documents related to petitions, materials due to sunset, technical reviews, etc. The format could be electronic (CD version) or hard copy.
- Track recommendations, changes, and votes during meeting to ensure accurate meeting transcripts.
- Assist the NOSB Officers as needed, including scheduling and participating in Officer calls, and assisting the Secretary during Board meetings in managing public comments, summary of minutes, committee votes, election of officers, Board meeting breaks. Also stays apprised and assist as needed in committee meetings scheduled before, during and after Board meetings.

EXECUTIVE COMMITTEE: p.14

Delete: except that the Executive Committee shall not take action on any recommendation to the Secretary, including the status of materials on the national list.

Replace with the following: Only the full Board may take decisive action on guidance and other policy recommendations from committees, including the status of materials proposed for addition or deletion on the National List.

The Executive Committee will provide guidance and feedback to Committees on their proposed work plans.

SECRETARY:

Add (p.14) The Secretary of the Board, with the assistance of the Executive Director, shall review all additions to the Federal Register and report to the Board any discrepancies between the Board recommendation and those published in the Federal Register.

MEETINGS:

Delete the present existing language (p.15).

Replace with:

All Board meetings, conference calls, and bulletin board assembled for the purpose of making recommendations to the NOP are subject to FACA (see appendix B for FACA facts), IN PARTICULAR THESE must be open to the public and must meet public notification requirements. Not all meetings are subject to FACA and do not require PUBLIC NOTIFICATION. Examples are: assemblies for completing work, planning retreats, training and sharing information. At this time, full Board conference calls or full Board assembly via electronic bulletin board are not permitted.

The date and location of periodic full in person Board Meetings (normally twice a year), will to the extent possible, be set by consensus of the Board in consultation with the NOP.

Committee Vote:

Moved: Barry Flamm

Second: Bea James

Yes 4 No 0 Absent 1 Abstain 0