

**Formal Recommendation by the
National Organic Standards Board (NOSB)
to the National Organic Program (NOP)**

Date: December 2, 2011

Subject: NOSB Member and Leadership Transition

Chair: Tracy Miedema

The NOSB hereby recommends to the NOP the following:

Rulemaking Action
Guidance Statement
Other x

Statement of the Recommendation (Including Recount of Vote):

Critical to the effective functioning of the committees of the NOSB is the smooth transition between and during terms of the Board. The proposed addition to the Policy and Procedures Manual is intended to clarify the chair, officer, and committee member transition process to enable continuity and effective participation as members leave the Board and new members are appointed. The policy establishes a mentorship process for new Board members to facilitate effective participation in committee and Board functions. The vote of the board was unanimous in favor of the motion.

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

The *Organic Foods Production Act* (OFPA) establishes the National Organic Standards Board at §2119 (7 U.S.C. 6518) "(a) The Secretary shall establish a National Organic Standards Board (in accordance with the Federal Advisory Committee Act (5 U.S.C. app. 2 et seq.) (hereafter referred to in this section as the "Board") to assist in the development of standards for substances to be used in organic production and to advise the Secretary on any other aspects of the implementation of this title." The Policy and Procedures Manual sets forth procedures for the transition of Committee Chairs, "In order to avoid disruption in the quality and volume of work produced by the NOSB..." At the same time, the section of the manual entitled Board Member Standards reads, "Each [NOSB] member must be willing to serve on committees as assigned by the Chair..."

NOSB Vote:

Moved: Barry Flamm		Second: Colehour Bondera		
Yes: 14	No: 0	Abstain: 0	Absent: 0	Recusal: 0

**National Organic Standards Board
Policy Development Committee
Final Recommendation
NOSB Member and Leadership Transition**

December 2, 2011

Introduction

Critical to the effective functioning of the committees of the NOSB is the smooth transition between and during terms of the Board. The proposed addition to the Policy and Procedures Manual is intended to clarify the transition process to enable continuity and effective participation.

Background

While the NOSB Board Chair, elected by the members at the Fall meeting, has typically appointed committee Chairs and members to take their positions at the start of the new year-long term, the manual is not clear on the timing of the transition, except to say, "The outgoing committee chair should work as mentor for the new committee chair and vice-chair for a period of at least two months after transition." (p20) This transition could most effectively be achieved by appointments taking effect after an orientation and mentorship period, with the incoming Chairs, Vice-Chairs, and members being seated at the beginning of the new term.

The manual does not specifically set a timeframe for the effective date of committee appointments with the new committee composition, but implies that terms of committee membership are to be concurrent with the yearly Board term. The manual only refers to officers in indicating that they "will assume their positions at the conclusion of the Fall Board meeting pursuant to the election." (p14)

The manual is silent on the issue of transitioning board members between committees during a Board term, leaving the issue of committee assignments to the discretion of the Board Chair. (p11)

Relevant Areas of the Rule

The *Organic Foods Production Act* (OFPA) establishes the National Organic Standards Board at §2119 (7 U.S.C. 6518) "(a) The Secretary shall establish a National Organic Standards Board (in accordance with the Federal Advisory Committee Act (5 U.S.C. app. 2 et seq.) (hereafter referred to in this section as the "Board")) to assist in the development of standards for substances to be used in organic production and to advise the Secretary on any other aspects of the implementation of this title." The Policy and Procedures Manual sets forth procedures (p20) for the transition of Committee Chairs, "In order to avoid disruption in the quality and volume of work produced by the NOSB..." At the same time, the

section of the manual entitled Board Member Standards reads, "Each [NOSB] member must be willing to serve on committees as assigned by the Chair..." (p11)

Discussion

Committee transitions after the Fall Board meeting.

To effect a smooth and seamless transition between Board member terms, it is believed by the Policy and Development Committee that committee Chair, Vice-Chair, and member terms on their respective committees should run concurrent with Board terms, providing for orientation and mentorship periods, as outgoing Chairs, Vice-Chairs and members help train those incoming. In terms of Chairs, it is particularly helpful for continuity that the followup to the Fall board meeting be conducted with the committee leadership during that term. To the extent that additional work must be completed relative to Fall Board meeting decisions, clarifications issued, follow through on public comments presented at the meeting, and new assignments for moving forward, new committee leadership and membership during the period after the election of new officers could be disruptive.

In addition, with the Board composition changing after the Fall appointment of new NOSB members by the Secretary and until an assessment can be made of new member expertise and background, the reconfiguration of committee assignments is premature and can be disruptive to the ongoing committee process. Therefore, the Committee believes that changes to committee composition should generally not be made between the Fall Board meeting and the seating of the new Board in January.

In an effort to ensure full and active participation of new committee members and newly appointed NOSB members, the transition period after the Fall Board meeting should be used as an orientation and mentorship period. In that regard, new NOSB members should be notified that it is expected that they take their committee assignments in observer status directly after their appointment to the Board to the extent feasible. This will require the Chair to speak with newly appointed and existing Board members within two weeks of the appointment of new NOSB members and announce committee assignments within a two-week period after that. New Board members should be encouraged to attend the Fall Board meeting after their appointment. It is the committee's belief that the travel costs associated with their participation should be reimbursed by NOP if necessary to facilitate their participation.

Committee transitions after the Spring Board meeting.

If after the Spring Board meeting a Board member would like to change committees, either adding to or stepping down from his/her assignments, a request should be made to the Board Chair. If the request does not alter the preferred number of committee members in the range of five to seven, the expectation is that the request will be approved, unless the Board Chair states in writing that such change will

interfere with the functioning of the committee.

Establishing a mentorship system.

The committee believes that the Board should formally institute a mentorship system to ensure effective participation by new Board members in committee and Board deliberations. To accomplish this, the committee believes that new Board members should be asked by the Board Chair to identify a mentor from existing Board members as soon after their appointment as possible, but no later than two weeks, or if the Board member prefers the Board Chair shall assign a buddy in the same time frame.

A section in the Policy and Procedures Manual must be amended to provide clarification and guidance regarding the transition of committee Chairs, Vice-Chairs, as well as existing and newly appointed members.

Filling Officer Vacancies

Language is needed to clarify the process for replacing the Chair of the Board, should there be a resignation. The current process of filling vacancies in the positions of Vice-Chair and Secretary clearly states that, "Should the Vice-Chair or Secretary resign or fail to serve the full term, the Executive Committee shall appoint an interim officer." (p14) However, under the responsibilities of the Vice-Chair, there is only a reference to an "absence" of the Chair with the language, "The Vice Chair shall act in the absence of the Chair." (p13) To clarify the process for replacing the Chair in the case of a resignation, the committee proposes to use the same process that is used in the case of the resignation of the Vice-Chair and Secretary by having the Executive Committee appoint an interim Chair "until the next regularly scheduled meeting of the Board, during which an election will be held to fill the remainder of the term." (p14)

Recommendations

I. Amend Section V to read (*changes are in italics*):

Section V

This section starts by defining the responsibilities of the different Committee Chairs and respective Vice-Chairs, *and includes guidance on procedures for transition of Committee Chairs, Vice-Chairs, and existing and newly appointed members.* In addition, this section covers the general and specific collaboration procedures between NOSB and NOP. [p20]

The Section "PROCEDURES FOR THE TRANSITION OF COMMITTEE CHAIRS" is amended as follows:

PROCEDURES FOR THE TRANSITION OF COMMITTEE CHAIRS, VICE-CHAIRS, AND MEMBERS

Committee Chairs, Vice-Chairs and members shall be appointed to serve annually by the Chair of the Board. The annual committee term shall be concurrent with the one-year term established by the Secretary (beginning on January 24 and ending on the following January 23). Newly appointed Chairs, Vice-Chairs and committee members will assume their positions at the beginning of the new term, after a period of orientation and mentorship provided by the outgoing Chair, Vice-Chair, and members.

In order to avoid disruption in the quality and volume of work produced by the NOSB, the appointment of Committee Chairs, Vice-Chairs, and members will follow these procedures:

After Election of NOSB Officers at Fall NOSB Meeting

1. *Appointment of Committee Chairs*

The Board Chair should appoint Committee Chairs from members with at least one year of NOSB experience, ideally. It is recommended that a new Committee Chair should have experience as Committee Vice-Chair.

2. *Appointment of Committee Vice-Chairs*

A Committee Vice-Chair shall be appointed by the Committee Chair and should be someone who has expressed to the Chair of the Committee interest in eventually serving as Committee Chair.

3. *Time Frame for Appointments*

Committee Chairs shall be appointed as Incoming Chairs in not more than 30 days after the newly elected NOSB Chair takes office (or continues in office), and incoming Vice-Chairs shall be appointed by Committee Chairs in no more than two weeks after that.

4. *Exchange of Committee Files*

Upon appointment, new and outgoing Committee Chairs should have a formal meeting to exchange all files related to the committee's work and to complete the first committee work plan under the new committee leadership.

5. *Review of Committee Files*

New Committee Chairs should review all work plan items and active files involving committee work.

6. *Mentorship Period*

The Incoming Chair and Vice-Chair of each committee shall participate in an orientation and mentorship period with the outgoing Chair and Vice-Chair of their committee until being seated in their positions at the beginning of the new term on January 24.

After the Appointment of the New NOSB Members, Prior to January 24

7. *New Committee Member Appointments*

New incoming committee members shall be appointed by the Board Chair, in consultation with the outgoing and incoming committee Chairs, no more than two weeks after the appointment of the new NOSB members by the

Secretary, with the Chair seeking and taking into account the expressed member interest, expertise, background, as well as new board composition.

8. Communication with Newly Appointed Members

Once appointed, incoming committee members shall be included in all emails pertaining to the committee assignments.

9. Attendance at Committee Meetings and Fall NOSB Meeting

New incoming members of the committee should participate in observer status in committee meetings upon their appointment, and should be encouraged to attend the Fall Board meeting.

10. New Member Mentorship.

The Board Chair, to facilitate an effective transition for new members of the Board and ensure effective participation in committee and board deliberations, shall ask incoming Board members to identify a mentor from existing Board members as soon after their appointment as possible, but no later than two weeks, or, if the Board member prefers or the Board member takes no action, the Board Chair shall assign a mentor in same time frame.

Between Board Appointments and Fall Board Meeting

11. Changing Committee Appointments

If a Board member would like to change committees, either adding to or stepping down from his/her assignments, a request shall be made to the Board Chair. If the request does not alter the preferred number of committee members in the range of five to seven, the expectation is that the request will be approved, unless the Board Chair states in writing that such change will interfere with the functioning of the committee. The Chair's determination should be made in consultation with Committee Chairs and the Executive Committee.

12. Filling Vacancy of Committee Chair and/or Vice-Chair

In the case of a vacancy in the positions of Committee Chair, the Committee Vice-Chair shall assume the Committee Chair position and the new Committee Chair shall appoint a new Vice-Chair in accordance with the consultation procedures cited above.

II. Amend Section III (**ELECTION OF OFFICERS. A. NOMINATION**, p14) to read as follows:

"Should the Chair, Vice Chair, or Secretary resign or fail to serve the full term, the Executive Committee shall appoint an interim officer."

Board Vote:

Moved: Barry Flamm Second: Colehour Bondera

Yes: 14 No: 0 Abstain: 0 Absent: 0 Recuse: 0