

**Agricultural Marketing Service
National Organic Standards Board
CHARTER**

1. Committee's Official Designation

National Organic Standards Board (NOSB)

2. Authority

The National Organic Standards Board is authorized under Section 2119 of the Organic Foods Production Act (OFPA) of 1990 (7 U.S.C. 6519), part of the Food, Agriculture, Conservation, and Trade Act of 1990 (FACT Act). The OFPA specified that the NOSB be established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2.

3. Objectives and Scope of Activities

As described in OFPA, the purpose of the NOSB is 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 OFPA.” Key activities of the Board include assisting in the development of organic standards and regulations; reviewing petitioned materials for inclusion on or deletion from the National List of Approved and Prohibited Substances (National List); recommending changes to the National List; communicating with the organic community, listening to public comments at public meetings; and communicating and coordinating with the Agricultural Marketing Service National Organic Program (NOP).

4. Description of Duties

OFPA defines the following specific responsibilities for the Board including:

1. **IN GENERAL:** The Board shall provide recommendations to the Secretary regarding the implementation of the Organic Foods Production Act.
2. **NATIONAL LIST:** The Board shall develop the proposed National List or proposed amendments to the National List for submission to the Secretary in accordance with Section 2118.
3. **TECHNICAL ADVISORY PANELS:** The Board shall convene technical advisory panels to provide scientific evaluation of the materials considered for inclusion in the National List. Such panels may include experts in agronomy, entomology, health sciences, and other relevant disciplines.
4. **SPECIAL REVIEW OF BOTANICAL PESTICIDES:** The Board shall, prior to the establishment of the National List, review all botanical pesticides used in agricultural

production and consider whether any such botanical pesticide should be included in the list of prohibited natural substances.

5. **PRODUCT RESIDUE TESTING.**—The Board shall advise the Secretary concerning the testing of organically produced agricultural products for residues caused by unavoidable residual environmental contamination.
6. **EMERGENCY SPRAY PROGRAMS.**—The Board shall advise the Secretary concerning rules for exemptions from specific requirements of this title (except the provisions of section 2112) with respect to agricultural products produced on certified organic farms if such farms are subject to a Federal or State emergency pest or disease treatment program.
7. **PETITIONS:** The Board shall establish procedures under which persons may petition the NOSB for the purpose of evaluating substances for inclusion on the National List.

5. Agency or Official to Whom the Committee Reports

The Board shall provide recommendations to the USDA Secretary through the Agricultural Marketing Service's National Organic Program (NOP) Deputy Administrator.

6. Support

The National Organic Program shall provide administrative support to the NOSB through the work of an Advisory Committee Specialist, who is a staff member within the NOP. The NOP may also provide technical support to the NOSB based on need and available resources.

7. Estimated Annual Operating Costs and Staff Years

The Committee's operating and staffing budget is \$200,000 and 1.0 full time equivalent (FTE). In the performance of their duties away from their homes or regular places of business, Committee members may be allowed reimbursement for travel expenses including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5703.

8. Designated Federal Officer and Advisory Committee Specialist

Roles and responsibilities for Board management, and meeting coordination and facilitation are governed by FACA and its implementing regulations. The Advisory Committee Specialist, a full-time USDA employee appointed in accordance with agency procedures is assigned to support the NOSB and attends all Committee and Subcommittee meetings.

NOSB and Subcommittee work agendas are developed in coordination with the NOSB and approved by the NOP Deputy Administrator.

During public meetings of the NOSB and meetings of the Executive Committee, the NOP Deputy Administrator or designee acts as the Designated Federal Officer (DFO). The Advisory Committee Specialist or designee acts as the DFO for all Subcommittee meetings. The DFO or designee approves or calls all Advisory Committee and subcommittee meetings, prepares and approves all meeting agendas, attends all committee and subcommittee meetings, adjourns any meeting when the DFO determines adjournment to be

in the public interest, and chairs meetings when directed to do so by the official to whom the advisory committee reports.

9. Estimated Number and Frequency of Meetings

The NOSB meets approximately twice per year for public meetings. Each NOSB subcommittee meets approximately twice a month by conference call.

10. Duration

Continuing.

11. Termination

The Committee charter will expire 2 years after the date of filing unless, prior to that date, it is renewed in accordance with FACA, Section 14. The Committee will not meet or take any action without a current charter.

12. Membership and Designation

12 a. OFPA specifies the membership composition of the NOSB as follows - The Board shall

be composed of 15 members, of which:

- four shall be individuals who own or operate an organic farming operation or employees of such individuals;
- two shall be individuals who own or operate an organic handling operation or employees of such individuals;
- one shall be an individual who owns or operates a retail establishment with significant trade in organic products or employees of such individuals;
- three shall be individuals with expertise in areas of environmental protection and resource conservation;
- three shall be individuals who represent public interest or consumer interest groups;
- one shall be an individual with expertise in the fields of toxicology, ecology, or biochemistry; and
- one shall be an individual who is a certifying agent as identified under OFPA, section 6518.

Appointments are staggered, and each member serves a term of five years.

12b. The NOSB members elect three NOSB Officers in anonymous elections that occur during the Fall Board meeting: The Board Chairperson, Vice Chairperson, and Secretary.

12c. All Board members will receive ethics training annually to identify and avoid any actions that would cause the public to question the integrity of the Committee's advice and recommendations.

Most NOSB members are appointed as “representatives,” who represent the points of view of particular groups, business sectors, or segments of the public, and as such are not subject to Federal ethics laws. However, through this Charter, four seats are being redesignated from being Representatives, as listed in previous charters, to being Special Government Employees (SGEs). This reflects the OFPA language related to expertise in the seat descriptions. These include the three individuals with expertise in areas of environmental protection and resource conservation; and the one individual with expertise in the field of toxicology, ecology, or biochemistry. SGEs are subject to Federal ethics laws. The transition to this designation will be accomplished either voluntarily by current members, or as terms expire and new members are appointed to these seats.

12d. Ethics Statement

To maintain the highest levels of honesty, integrity, and ethical conduct, no Board member shall participate in any “specific party matters” (i.e., matters that are narrowly focused and typically involve specific transactions between identified parties) such as a lease, license, permit, contract, claim, grant, agreement, or related litigation with the Department in which the member has a direct or indirect financial interest. This includes the requirement for Board members to immediately disclose to the NOP’s DFO or Advisory Committee Specialist any specific party matter in which the member’s immediate family, relatives, business partners, or employer would directly seek to financially benefit from the Committee’s recommendations.

12e. Equal Opportunity Statement

Equal opportunity practices, in line with USDA policies, will be followed in all membership appointments to the Committee. To ensure that the recommendations of the Committee take into account the needs of the diverse groups served by the Department, membership shall include, (to the extent practicable), minorities, women, and persons with disabilities. The USDA prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program.

13. Subcommittees

The NOSB may propose the creation or termination of Subcommittees that report back to the parent Committee; as the managing agency for the NOSB, the Agricultural Marketing Service has the authority to approve or reject these proposals, and to charter or discontinue Subcommittees. The current standing Subcommittees include Crops; Livestock; Handling;

Materials and Genetically Modified Organisms; Compliance, Accreditation, and Certification; and Policy Development.

14. Recordkeeping

The records of this Committee, formally and informally established subcommittees, or other subgroups of the committee, shall be handled in accordance with General Records Schedule (GRS) 26, Item 2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552. Information about this Committee is available online at: <https://www.ams.usda.gov/rules-regulations/organic/nosb>

15. Filing Date

July 7, 2022