



**Agricultural Marketing Service  
Greenhouse Gas Technical Assistance Provider and Third-Party Verifier  
Program Advisory Council**

**CHARTER**

**1. Committee's Official Designation**

Greenhouse Gas Technical Assistance Provider and Third-Party Verifier Program Advisory Council (Council)

**2. Authority**

The Council is statutorily authorized under the Growing Climate Solutions Act (GCSA), which was signed into law as part of the Consolidated Appropriations Act of 2023 (Public Law 117-328) and is codified in relevant part at 7 U.S.C. 6712. Pursuant to the GCSA, the Council shall be subject to the Federal Advisory Committee Act (FACA) (5 U.S.C. 10), except that section 14(a)(2) of that Act (5 U.S.C. 1013(a)(2)), concerning the automatic termination of advisory committees, shall not apply.

**3. Objectives and Scope of Activities**

The purpose of the Council is to support the newly established Greenhouse Gas Technical Assistance Provider and Third-Party Verifier Program (Program) in facilitating the participation in voluntary environmental credit markets of farmers, ranchers, and private forest landowners, including beginning, socially disadvantaged, limited resource, and veteran farmers. Key activities of the Council include periodically reviewing and recommending any appropriate changes to the list of protocols recognized by the Program for generating environmental credits; the required qualifications for entities that provide technical assistance to farmers, ranchers, and private forest landowners; and the activities for which technical assistance providers and third-party verifiers may register to provide services under the Program that prevent, reduce, or mitigate greenhouse gas emissions.

The Council responsibilities include advising the Secretary regarding: (1) current methods used in voluntary environmental credit markets to quantify and verify the prevention, reduction, or mitigation of greenhouse gas emissions; and (2) ways to reduce the barriers to entry and transaction costs associated with such markets. The Council will also submit an initial assessment to Congress about the Program, and it will consult with the Secretary regarding subsequent periodic assessments.

**4. Description of Duties**

*Recommend Best Practices*

The Council shall make recommendations to the Secretary regarding the best practices that should be included in the Program protocols, description of qualifications required for

entities that provide technical assistance or third-party verification to farmers, ranchers, and private forest landowners, and the activities for which technical assistance providers and third-party verifiers may register to provide services under the Program that prevent, reduce, or mitigate greenhouse gas emissions.

*Advise*

The Council shall advise the Secretary regarding:

- The current methods used by voluntary environmental credit markets to quantify and verify the prevention, reduction, or mitigation of greenhouse gas emissions (including the sequestration of carbon).
- Means to reduce barriers to entry in the business of providing technical assistance or the verification of the processes described in protocols of voluntary environmental credit markets for covered entities, including by improving technical assistance provided by the Secretary.
- Means to reduce compliance and verification costs for farmers, ranchers, and private forest landowners in entering voluntary environmental credit markets, including through mechanisms and processes to aggregate the value of activities across land ownership.
- Issues relating to land and asset ownership in light of evolving voluntary environmental credit markets, and
- Additional means to reduce barriers to entry in voluntary environmental credit markets for farmers, ranchers, and private forest landowners, particularly for beginning, socially disadvantaged, limited resource, and veteran farmers, ranchers, and private forest landowners.

*Initial Assessment*

Within 90 days of the Council's first meeting, the Council shall submit to the Secretary, the House of Representatives Committee on Agriculture, and the Senate Committee on Agriculture, Nutrition, and Forestry, an initial assessment that examines ways to ensure certainty for farmers, ranchers, or private forest landowners in the marketplace for agriculture or forestry credits. This assessment must include identification of any information that may be appropriate for entities to provide when registering to be included in the Program list as a person or entity—including a private business, non-profit organization, or public agency—that is either (a) a provider of technical assistance to farmers, ranchers, or private forest landowners in carrying out sustainable land use management practices that prevent, reduce, or mitigate greenhouse gas emissions (including through the sequestration of carbon), or (b) a third-party verifier that conducts the verification of the processes described in protocols for voluntary environmental credit markets

**5. Agency or Official to Whom the Committee Reports**

The Council shall provide recommendations to the Secretary through the Designated Federal Officer (DFO) and the Agricultural Marketing Service (AMS) Administrator's Office.

## **6. Support**

The AMS Livestock and Poultry Program shall provide administrative and technical support to the Council including the arrangement of Committee meetings and preparing support documents.

## **7. Estimated Annual Operating Costs and Staff Years**

In accordance with the GCSA, Council members shall serve without compensation. However, members may be reimbursed for travel expenses, including per diem instead of subsistence, while engaged in the performance of duties away from their homes or regular places of business. All travel for Council business must be approved in advance by the DFO.

Annual operating costs are estimated at \$250,000, which includes the salary cost of staff support. Annual Federal staff support is estimated at \$100,000 and 1.00 Full-Time Employment (FTE) staff years.

## **8. Designated Federal Officer**

A permanent Federal employee will be appointed in accordance with agency procedures and will serve as the Council's DFO. The DFO will approve the Council's and subcommittees' meetings, prepare, and approve all meeting agendas, attend all council and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the official to whom the Council reports.

## **9. Estimated Number and Frequency of Meetings**

The Council shall meet not less frequently than annually. During the 90-day period beginning on the date on which the members are appointed, the Council shall hold an initial meeting. All meetings are open to the public in accordance with the FACA (5 U.S.C. 10 ) and its implementing regulations and guidelines. Pursuant to the GCSA, the Agriculture Secretary shall designate a member of the Council to serve as the Chair.

## **10. Duration**

The GCSA specifies that the Council shall be subject to FACA, except that section 14(a)(2) of that Act (5 U.S.C. 1013(a)(2)), concerning the automatic termination of advisory committees, shall not apply. The Council therefore continues until terminated.

## **11. Termination**

In accordance with the GCSA, the Council will continue indefinitely. The Council may, however, be terminated when no longer needed, i.e., if the Council's objectives are complete, the work becomes obsolete, or AMS determines that the cost of operation is excessive in relation to the benefits accruing to the Federal Government.

## 12. Membership and Designation

12a. The GCSA requires that the Council be broadly representative of the agriculture and private forest sectors; include beginning, socially disadvantaged, limited resource, and veteran farmers, ranchers, and private forest landowners; and be composed of not less than 51 percent farmers, ranchers, or private forest landowners.

12b. In accordance with the GCSA, members appointed shall include:

- Up to four representatives from USDA, Environmental Protection Agency, and National Institute of Standards and Technology, including:
  - Not more than two from USDA, as determined by the Secretary;
  - Not more than one from the Environmental Protection Agency, as determined by the Administrator; and
  - Not more than one from the National Institute of Standards and Technology.
- Not fewer than twelve representatives of the agriculture industry (of which not fewer than six must be active farmers and ranchers).
- Not fewer than four representatives of private forest landowners or the forestry and forest products industry.
- Up to four representatives of the relevant scientific research community, including:
  - Not fewer than two representatives from land-grant colleges and universities (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)
    - Of which one shall be a representative of a college or university eligible to receive funds under the Act of August 30, 1890 (commonly known as the “Second Morrill Act”) (26 Stat. 417, chapter 841; 7 U.S.C. 321 et seq.), including Tuskegee University.
- Up to two experts or professionals, serving as Special Government Employees (SGE), familiar with voluntary environmental credit markets and the verification requirements in those markets.
- Up to three public representatives (i.e., members of nongovernmental or civil society organizations with relevant expertise):
  - Of which not fewer than one shall represent the interests of socially disadvantaged groups.
- Up to three representatives from private sector businesses or organizations that participate in voluntary environmental credit markets.

The Secretary has the authority to appoint any other individual deemed necessary to ensure the Council is composed of a diverse group of representatives of industry, academia, independent researchers, and public and private entities. Every effort will be made to ensure that the Council membership is balanced, nevertheless, USDA recognizes that Council membership is not static and may change depending on the Council’s work.

12c. The Secretary shall designate a member of the Council to serve as the Chair.

The Council will be balanced in its membership in terms of the points of view represented and the functions to be performed. Fresh points of view are encouraged

through staggered membership terms and limiting the number of years a member may serve on the Council. In accordance with the GCSA, a member term shall be 2 years, except that of the members first appointed:

- Not fewer than 8 members shall serve for a term of 1 year;
- Not fewer than 12 members shall serve for a term of 2 years; and
- Not fewer than 12 members shall serve for a term of 3 years.

After a member's initial term on the Council, the member may not serve more than 4 additional 2-year terms.

#### *12d. Ethics Statement*

No Council member may engage in any Council activities or determinations that may result in the favoring of, or a direct and predictable effect on, (i) the Council member or a family member, as determined by the Secretary; (ii) stock owned by the Council member or a family member, as determined by the Secretary; or (iii) the employer of, or a business owned in whole or in part by, the Council member or a family member, as determined by the Secretary.

No Council member may provide advice or recommendations regarding, or otherwise participate in, Council matters that (i) constitute a conflict of interest under 18 U.S.C. 208, or (ii) may call into question the integrity of the Council, the Program, or the technical assistance or the activities available to farmers, ranchers, and private forest landowners under the Program to prevent, reduce, or mitigate greenhouse gas emissions.

To maintain the highest levels of honesty, integrity, and ethical conduct, no Council member may 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 Council or Subcommittee members to immediately disclose to the DFO (for discussion with USDA's Office of Ethics) any specific party matter in which the member's immediate family, relatives, business partners or employer would be directly seeking to financially benefit from the Council's recommendations.

All Council members will receive ethics training to identify and avoid any actions that would cause the public to question the integrity of the Council's advice and recommendations. Members who are appointed as "representatives" are not subject to Federal ethics laws because such appointment allows them to represent the point(s) of view of a particular group, business sector or segment of the public.

Members appointed as "Special Government Employees" (SGE) are considered to be intermittent Federal employees and are thus subject to Federal ethics laws. SGEs are appointed due to their personal knowledge, academic scholarship, background or expertise. No SGE may participate in any activity in which the member has a prohibited financial interest. Appointees who are SGEs are required to complete and submit a Confidential

Financial Disclosure Report (OGE-450 form), and, upon request, USDA will assist SGEs in preparing these financial reports. To ensure the highest level of compliance with applicable ethical standards, USDA will provide ethics training to SGEs on an annual basis. The provisions of these paragraphs are not meant to exhaustively cover all Federal ethics laws and do not affect any other statutory or regulatory obligations to which Council members are subject.

#### *12e. Equal Opportunity Statement*

Equal opportunity practices in accordance with USDA's policies will be followed in all member appointments to the Council. To ensure that the recommendations of the Council consider the needs of the diverse groups served by USDA, membership shall include, to the extent practicable, individuals with demonstrated ability to represent the many communities, identities, races, ethnicities, backgrounds, abilities, cultures, and beliefs of the American people, including underserved communities.

USDA prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, political beliefs, income derived from a public assistance program, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA (not all bases apply to all programs).

### **13. Subcommittees**

AMS has the authority to create subcommittees to research specific issues. Subcommittees must report back to the parent Council and must not provide advice or work products directly to the Secretary.

### **14. Recordkeeping**

Any records—formal or informal—created by the Council or any of its subcommittees, shall be handled in accordance with the National Archives and Records Administration General Records Schedule (GRS) 6.2, or other approved AMS 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 Council is available at <https://www.ams.usda.gov/services/GCSA>.

### **15. Filing Date**

*August 26, 2024*