

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

Date: 5/22/08

Subject: Updates to Sections I and VIII of the NOSB Policy and Procedures Manual.

Chair: Rigoberto Delgado

Recommendation

The NOSB hereby recommends to the NOP the following:

Rulemaking Action: _____

Guidance Statement: _____

Other: XXX

Statement of the Recommendation (including Recount of Vote):

The Board recommends **including** the following changes to the NOSB Policy and Procedures Manual:

- 1) Section I, page 6, NOSB Mission Statement, under carrying out the mission add or deletion from.
- 2) Section I, page 6, NOSB Mission Statement, under carrying out the mission combine items 4& 6 and adding timely andmaking reasonable use of a variety of communication channels.
- 3) Section VIII, National Organic Program Materials Review Process, adding a paragraph describing handling of withdrawals of petitions by the petitioner.

NOSB Vote

Motion: to approve changes to the NOSB Policy and Procedures Manual as described by the Chair of the Policy Committee

Moved by: **Barry Flamm** **Second by:** **Hubert Karreman**

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

Result: The ayes have it and the motion is agreed to.

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

The updates should allow NOSB members to communicate better with the public and handle petitions in a fair and consistent manner.

Response by the NOP:

**National Organic Standards Board (NOSB)
Policy Development Committee**

**Updates to the Policy and Procedures Manual
April 3, 2008**

Summary:

The PDC recommends changes to Section 1 of the Policy and Procedures Manual to more closely conform language to OFPA and to strengthen directions for communicating with the public.

Recommendations:

- 1) Section I, page 6, NOSB Mission Statement, under carrying out the mission add or deletion from. The statement would then read: *Review petitioned materials for inclusion on or deletion from the National List of Approved and Prohibited Substances (National List).*
- 2) Section I, page 6, NOSB Mission Statement, under carrying out the mission combine items 4& 6 adding timely and making full use of communication channels. The statement would then read: *Communicate with the organic community, including conducting public meetings, soliciting and taking public comments and provide timely information and education on the NOP, making reasonable use of a variety of communication channels.*
- 3) Section VIII, National Organic Program Materials Review Process, adding a paragraph describing handling of withdrawals of petitions by the petitioner. The proposed paragraph would be placed immediately after Phase 6, page 35, **and would read:**

Handling withdrawals of petitions by the petitioner.

When a petition involving a material is withdrawn by the petitioner, the Board should suspend its review and recommendation procedure. In the case of a petition not involving a material, Board members have the option of completing its review and providing a recommendation or guidance.

In the case a petition previously withdrawn is resubmitted, the Board should review it in the order it is received. This means that a withdrawn petition should be considered a completely new request and falls to the end of the queue of materials pending review.

The petitioner can withdraw a petition at any moment during the process of review by the Board, public comment, or prior to the Board's voting on the petition.

A petitioner should have the opportunity to withdraw a petition with the intent of improving it (e.g., conducting additional research) only. It is the hope of the Board that petitioners will not abuse this privilege with the intent of finding agreeable members in subsequent submissions.

Committee vote: 1st Rigo Delgado, 2nd Bea James Yes: 4 No: 0 Abstain: 0 Absent: 0