

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

**Date:** November 30, 2007

**Subject:** Updates to NOSB New Member Guide

**Chair:** Andrea Caroe

**Recommendation**

The NOSB hereby recommends to the NOP the following:

Rulemaking Action: \_\_\_\_\_  
Guidance Statement:   X    
Other: \_\_\_\_\_

**Statement of the Recommendation (including Recount of Vote):**

Accept the following updates to the NOSB New Member Guide:

1. Addition to Chapter 2, Some Important Terms Defined, of the section called "What are Rules and the Process of Rulemaking".
2. Addition to Chapter 5, Suggested Best Practices, of the section called "Tracking Changes in Word Documents".

**NOSB Vote:      Motion: R. Delgado      Second: H. Karreman**

*Board vote: Yes - 15    No- 0    Abstain- 0    Absent - 0*

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

The proposed revisions will assist new and incoming NOSB members in improving communication.

**Response by the NOP:**

**National Organic Standards Board**  
**Final Recommendation for**  
**Updates to NOSB New Member Guide**  
**Date: 11/30/07**

**I. List:** *(where in FR rule example 205.606)*

**N/A**

**II. Committee Summary:**

NOSB members suggested the addition of two sections to the New Member Guide related to the description of the rulemaking process and the use of the tracking tool in Word documents. These updates will improve the process of conducting NOSB business and training of incoming NOSB members.

**III. Board Recommendation**

To accept the following updates to the NOSB New Member Guide:

1. Addition to Chapter 2, Some Important Terms Defined, of the section called "What are Rules and the Process of Rulemaking".
2. Addition to Chapter 5, Suggested Best Practices, of the section called "Tracking Changes in Word Documents".

**Board vote:**

*Moved: R. Delgado      Second: B. James*

*Board vote:    Yes- 15      No- 0      Absent- 0    Abstain-0      Recuse -0*

**NOSB – Policy Development Committee**

**Updates to the New Member Guide**

**September 28, 2007**

**Summary:**

NOSB members suggested the addition of two sections to the New Member Guide related to the description of the rulemaking process and the use of the tracking tool in Word documents. These updates will improve the process of conducting NOSB business and training of incoming NOSB members.

**Recommendation:**

The Policy Development Committee recommends two updates to the New Member Guide document:

1. Addition to Chapter 2, Some Important Terms Defined, of the section called “What are Rules and the Process of Rulemaking”.
2. Addition to Chapter 5, Suggested Best Practices, of the section called “Tracking Changes in Word Documents”.

**Committee Vote:**

Yes – 3

No- 0

Abstain- 0

Absent - 1

# National Organic Standards Board

## New Member Support Guide



Adopted: March 29, 2007  
Updated November 30, 2007

# NOSB NEW MEMBER SUPPORT GUIDE

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# 1. Welcome New NOSB Members

## a. New Member Support Guide: a complement to the NOSB Policy and Procedures Manual

Congratulations and welcome to the National Organic Standards Board (NOSB). You have just accepted a commitment to dedicate five years of your time to help serve your country in the field of organic regulations as defined by the Organic Food Production Act and the United States Department of Agriculture National Organic Program.

This simple guide provides some helpful steps to prepare you for the NOSB. It is not intended to define your role on the NOSB, but should be used as an accompaniment to the NOSB Policy and Procedures Manual and specific information that can be obtained from the National Organic Program (NOP) web site.

You will find that there is a remarkable amount of information you must be familiar with as an NOSB member. The New Member Support Guide will provide you with a glimpse of some of the necessary information for a successful term on the board. The guide will provide you with a list of documents you must have available and be familiar with before your first meeting, as well as answer some basic informative questions.

## b. What should I do first?

Read. Before your first NOSB meeting, you need to read and be familiar with the following materials:

- The NOSB Policy and Procedure Manual (PPM)
- Organic Food Production Act of 1990
- The Federal Register Final Rule

### Quick Overview of the NOSB Policy and Procedure Manual

The PPM outlines all general procedures followed by members of the NOSB. The manual is designed to assist the Board in its responsibilities and is considered mandatory reading for new members and existing members as well. The PPM covers many important issues such as the NOSB Vision Statement, Duties of the Board and Officers, NOSB job descriptions, NOSB Principals to Production and Handling, Materials Review Process, TAP Contract Procedures, Sunset Review Process and other critical information that is important for you to understand. Policies and revisions are incorporated periodically, and since the manual guides you on how to craft your documents and recommendations, it is essential to refer to the manual and make sure you are following the process.

Additional helpful reading includes Toward Organic Integrity: A Guide to the Development of U.S. Organic Standards. Also it is valuable to familiarize yourself with current issues by visiting the NOP web site at [www.ams.usda.gov/nop/indexIE.htm](http://www.ams.usda.gov/nop/indexIE.htm). The NOP site also has two relevant sections titled "Today's News" and "What's New". On the NOSB site, you can access the minutes from the most recent NOSB meeting as well as minutes from current NOSB executive committee call meetings. Both sites will help prepare you for what will be discussed at the next meeting.

[www.ams.usda.gov/nosb/index.htm](http://www.ams.usda.gov/nosb/index.htm)

[www.ams.usda.gov/nop/indexIE.htm](http://www.ams.usda.gov/nop/indexIE.htm)

**c. What should I do second?**

There are six different committees within the NOSB. Information regarding the various committees can be found in the [NOSB Policy and Procedures Manual Section IV, page 15](#). You will need to select 2-3 committees in which you wish to serve. Generally, it is best to select a committee in which you have experience. New members are also encouraged to seek the opinion of the NOSB Chair or the Executive Director when looking for recommendations on which committee might be best served by you. After you have selected your committees, go to the NOSB web site: [www.ams.usda.gov/nosb/committees.html](http://www.ams.usda.gov/nosb/committees.html) to review current topics on the various committees work-plans.

**d. What if I have questions after reading and reviewing all this material?**

Count on it. You will be assigned an NOSB mentor prior to your first official meeting to help you transition onto the Board. Your NOSB mentor will be available to you by phone or e-mail to answer your questions as they arise. The NOSB Chair can also be reached at any point to assist you. Contact information can be found NOSB Membership directory, or by contacting Katherine Benham at [katherine.benham@usda.gov](mailto:katherine.benham@usda.gov).

**e. How do travel arrangements to the NOSB meetings work?**

Scheduling your travel for meetings is your responsibility. You will be provided with a Pre-Travel Document from Katherine Benham at the USDA. Katherine can be reached at [katherine.benham@usda.gov](mailto:katherine.benham@usda.gov). This document gives you contact information and procedures for making your travel arrangements and is included in this section for your review.

Meetings will be scheduled in advance according to NOSB and NOP member availability. Once a date has been secured, you will be directed to schedule your travel arrangement through the USDA travel service. To make your reservations, you must call the FedTraveler at 888-813-9895. ALL AIRLINE RESERVATIONS MUST BE MADE THROUGH FedTraveler. You will be asked what branch you are with which is USDA/AMS. The Meeting and Lodging location are usually the same place and are reserved by the USDA. If you have travel that requires travel outside of the approved dates, you will be expected to pay for the additional hotel days. If you have questions regarding travel, contact Katherine Benham.

f. USDA NOSB Pre-Travel Document Sample

**SAMPLE FORM**  
**NATIONAL ORGANIC STANDARDS BOARD MEETING**  
**PRE-TRAVEL DOCUMENT**

**USDA OFFICIAL TRAVEL DATES: [To Be Determined]**  
**Meeting Dates: To Be Determined**

**PERSONAL CREDIT CARDS SHALL NOT BE USED TO**  
**PURCHASE AIRLINE TICKETS. YOU WILL NOT BE REIMBURSED.**

**\*\*\*\*\*PLEASE READ AND FOLLOW THE INSTRUCTIONS BELOW \*\*\*\*\***

**1. Scheduling your airline, or train reservations: (USDA will pay for your travel reservations, and all reservations must be made through FedTraveler)**

*THERE ARE NO EXCEPTIONS* – As a non-government personnel traveler, you are prohibited from using a different airline service to purchase or make airline reservations. **You will not be reimbursed!!!!** Once the Administrator signs the travel authorization, a pre-travel document will be forwarded to you via email. Upon receipt of the pre-travel document, contact **FedTraveler at 888-813-9895** and identify yourself as traveling for USDA/AMS to schedule airline, or train reservations. To guarantee competitive airline pricing, please make sure that you receive the best possible Federal government contract rate that is available. In the event your airline reservation is over \$800, please notify the NOP office.

**2. USDA Accounting Classification Codes:**

To process your reservations, please provide FedTraveler with the following information listed below: (The accounting codes to be provided)

Authorization number:

Purpose Code:

Accounting Classification:

After scheduling your reservations, you should receive two email confirmations from FedTraveler: (1) detailing your pre-travel itinerary and the cost (\$27.09) to make call-in reservations; and (2) one week prior to a meeting, you will receive a final travel itinerary notification detailing the actual airline cost. PLEASE NOTE: If you have to reschedule or make changes to your reservations, please contact **FedTraveler at 1-800-628-6668**. If you have not received a confirmation from FedTraveler, please contact them ASAP to request this information.

**PLEASE DO NOT WAIT UNTIL THE LAST MINUTE TO**  
**MAKE YOUR RESERVATIONS!!!!!!**

### **3. Meeting and Lodging Location and Other:**

NOP will provide and pay for your lodging accommodations when traveling to attend a USDA/NOSB meeting. USDA prohibits you from making your own reservations. If you require to travel and reserve a hotel prior to or after an NOSB meeting, it is consider your personal time – you will not be reimburse.

IMPORTANT: For prior approval, NOP requires three-week notification (email preferred) of the following information:

- **Business or Personal Travel:** To combine personal or business travel to attend an NOSB meeting, you must provide your personal travel itinerary and a request indicating combination of NOSB and other travel information. Identify all city/state locations visiting, and include dates for each location.
- **Personal Own Vehicles:** When using your own personal vehicle to attend an NOSB meeting, please include mileage to/from the meeting. To alleviate delay, it is important to provide email notification of the date and time of departure and arrival to/from residence and the meeting. **USDA will reimburse you for mileage!**
- **Rental Car Reservations:** Provide written notification to NOP your request to rent a car to attend an NOSB meeting. Using a local rental car service, please make your own reservations. Provide email notification the name of the service and cost. **USDA will reimburse you!**

### **4. Claiming reimbursement and processing your travel reimbursement voucher: (Do not delay, please forward ASAP!)**

Please document your reimbursable expenses using the post-travel document: boarding stubs, parking, tolls, taxicabs, and shuttle receipts.

To assist with expediting your final voucher reimbursement, it is important that NOP receive copies of the following documents via fax or mail:

- FedTraveler Travel Itinerary Invoice
- Post-Travel Information
- All Receipts

You will receive reimbursement for your meals under the per diem; and USDA will pay for the cost of the hotel. Please do not forward meal or hotel receipts. You will receive reimbursement only for the items listed:

- Per Diem meal expenses – depending on city/state location
- Mileage from home to the airport and return – 44.5 cents
- Tolls from home to the airport and return
- Parking at the airport
- Taxicab, Shuttle, or Subway fares from home to the airport and return
- Taxicab, Shuttle, or Subway fares from airport to the hotel and return

- Taxicab, Shuttle, or Subway fares from hotel to USDA and return to attend the meeting. **Please Note: Tips may not exceed 15% of the fare**

Please forward travel information to: Ms. Katherine Benham  
USDA /National Organic Program, 1400 Independence Avenue, SW  
Room 4008 S, AG Stop Code 0268  
Washington, DC 20250-0268  
(202) 205–7806, Fax No.: (202) 205–7808  
Katherine.Benham@usda.gov

### **g. What to pack?**

Dress code at NOSB meetings is business casual. It's suggested to bring some casual attire and moderately formal attire, for a possible formal get together, or the occasional casual dinner. Most of the hotels also have work-out rooms and pools. For the most part, dress is not too important as long as you are representing the NOSB professionally. You might also wonder if you should pack all your papers that reference work you have done on your committees. Agenda, and agenda content, are available prior to meetings at [www.ams.usda.gov/nosb/meetings/meetings.html](http://www.ams.usda.gov/nosb/meetings/meetings.html). Plus, materials will be provided to you at the meetings in a book including copies of public comments, however, it is not a bad idea to bring hard copies of specific recommendations that your committee will be presenting. Also, it is always wise to bring a copy of OFPA and the Federal Register Regulation. We often refer to these documents during the meetings and they may or may not be provided. Always bring some cash for your taxi or shuttle to the hotel and from the hotel back to the airport. Extra cash for food is also recommended. Remember to save all your receipts.

## **2. Some Important Terms Defined**

### **a. What is the National Organic Program (NOP)?**

Title XXI of the 1990 Farm Bill, known as the Organic Foods Production Act, established the National Organic Program within the Agriculture Marketing Service (AMS) of the USDA. It also established the National Organic Standards Board (NOSB), an advisory body to the NOP. The Organic Foods Production Act (OFPA) authorized the formation of a National Organic Program (NOP) to establish organic standards, and to require and oversee mandatory certification of organic production. The NOP regulations were implemented at the time the Final Regulation was signed by the Secretary of Agriculture on October 21, 2002. The USDA NOP, is the regulatory arm that is charged with making sure that the NOP regulations are carried out uniformly. In essence the NOP acts as overseer to the Program and the NOSB is an advisory board to the Department.

### **b. What is The National Organic Standards Board (NOSB)?**

Under OFPA, a National Organic Standards Board (NOSB) was created to advise the Secretary of Agriculture in setting the standards on which the USDA's National Organic Program will be based. The NOSB has authority granted through OFPA to recommend additions to the National List. Further, the NOSB drafts recommendations based on needs of the industry with public and industry input. As a member of the NOSB, you are working within the Executive Branch of government. In this capacity, you are not permitted to work in the other branches because of the required separation of powers.

The NOSB usually receives an unprecedented amount of public input from farmers, businesses and consumers during every step of their decision-making process before recommendations are crafted and submitted to the NOP. After considering the recommendations of the NOSB, the NOP reviews the recommendations, public comments, and industry analysis before proposing a final recommendation. However, the Secretary of Agriculture has final authority in determining all regulations. The Secretary has limited authority with regards to NOSB recommendation for additions to the National List. OFPA states that ONLY the NOSB may recommend the addition of a material to the National List. The Secretary may deny the listing of a material, but may not add a material that was not previously recommended by the board.

More information on appointments can be found in OFPA under Composition Of The Board, section 6518 (b) in addition to making recommendations on the national standards, the NOSB is authorized to convene Technical Advisory Panels to advise on materials to be included on a National List of materials allowed for use in organic production. See The Final Rule Subpart G 205.600 for more information on these materials. Also review Section IV in the [NOSB Policy and Procedures Manual](#).

### **c. What is the Organic Foods Production Act (OFPA)?**

The Organic Foods Production Act (OFPA) was Title XXI of the 1990 Farm Bill. Its purpose was to establish national standards for the production and handling of foods

labeled as "organic." Previously, there was no uniformity in standards and therefore no guarantee that "organic" meant the same thing from certifier to certifier. National standards for organic products were desired by both producers and consumers to clear up confusion in the marketplace and to protect against mislabeling or fraud. Also, a national standard allowed for the negotiation with foreign countries for international acceptance of US produced organic products.

OFPA allows for state standards that are more restrictive than the federal standards, but these provisions must be approved by the USDA. In addition, states cannot discriminate against out-of-state products that meet the federal standards. The Organic Foods Production Act can be found in its entirety at [www.ams.usda.gov/nop/archieve/ofpa.html](http://www.ams.usda.gov/nop/archieve/ofpa.html)

#### **d. What is the Federal Register Final Rule?**

On March 13, 2000, USDA published a revised proposed rule in the Federal Register. The public had until June 12, 2000, to comment on this version. USDA then began working on a final rule for publication in the Federal Register.

The final rule was published in December, 2000. The rule was implemented over an 18-month period from February, 2001 to October, 2002. The final rule replaces the proposed rule published in the Federal Register March 13, 2000. The public submitted 40,774 comments on the proposed rule demonstrating public interest in maintaining organic regulations that continue to support OFPA, and the general integrity of organic foods. Comments to the proposed rule were considered in the preparation of the final rule which was implemented October 2002.

According to the Federal Register 7 CFR Part 205

*Summary: This final rule establishes the National Organic Program (NOP or program) under the direction of the Agricultural Marketing Service (AMS), an arm of the United States Department of Agriculture (USDA). This national program will facilitate domestic and international marketing of fresh and processed food that is organically produced and assure consumers that such products meet consistent, uniform standards. This program establishes national standards for the production and handling of organically produced products, including a National List of substances approved for and prohibited from use in organic production and handling. This final rule establishes a national-level accreditation program to be administered by AMS for State officials and private persons who want to be accredited as certifying agents. Under the program, certifying agents will certify production and handling operations in compliance with the requirements of this regulation and initiate compliance actions to enforce program requirements. The final rule includes requirements for labeling products as organic and containing organic ingredients. This final rule also provides for importation of organic agricultural products from foreign programs determined to have equivalent organic program requirements. This program is authorized under the Organic Foods Production Act of 1990, as amended*

### **The Federal Register further defined:**

- The publication that has been established by Statute and Rule through which the Executive Branch rules are published.
- “If you intend to bind the public, you have to provide actual and timely notice.”
- The Federal Register has format and public notice rules that have to be followed.
- Public comment periods are generally for a minimum of 15 days, but as a matter of practice, agencies and programs prefer to allow for more time.
- The web as an electronic medium is increasingly utilized in conjunction with the written published version of the Federal Register. Ultimately, it is expected that the electronic version of the Federal Register will be adopted as the real-time version of the Federal Register, but this has not yet occurred. The written version is still considered the final word until further notice

#### **Advanced Notice of Proposed Rule (ANPR)**

**Optional** – Involves proposing an idea and formally asking for public comment *before* you draft the proposed rule. This is strictly an idea and data collecting process that discourages back-room idea and data collection. i.e. ANPR for Pasture

#### **Notice of Proposed Rule (NPR)**

**Required** – Provides background, Intent, and Objectives via the Preamble, Proposes specific rule language, and is Open to Public Comment.

#### **Interim Final Rule (IFR)**

**Optional** – Very similar to the Final Rule – still open to some public comment, used primarily when issues are controversial and some tweaking of the final rule language may be required.

#### **Supplemental Notice of Proposed Rule (SNPR)**

**Optional** – open to public comment on an newly proposed areas that came up during NPR that were not foreseen, but also includes some areas that are more decided and not as open to comment.

#### **Direct Final Rule (DFR)**

**Special Circumstances** – usually not a controversial issue and requires immediate action (good cause criteria have to be met), risky because if one commenter objects, then they have to resubmit as an NPR which costs money – and allow public comment. i.e. the banning of dangerous toys for small children.

#### **Final Rule: 30 days before effective date**

**Required** – Provides Background, Intent, and Objectives via the Preamble, Proposes specific rule language, and is not open to Public Comment as all public commenting time periods have either been met through the above required and optional steps, *with the exception of rules being modified to respond to court actions and deadlines.*

Any further changes to these regulations would be made through petition: “Petition for Reconsideration”, and would essentially be re-run through the Federal Register process as described above.

### **e. What are Rules and the Process of Rulemaking**

Commonly, laws do not contain level of detail for their practical implementation. Rather, agencies of the Executive branch have to promulgate rules, or regulations, to serve as guides in the implementation of laws. The protocols for rule implementation are found in the Federal Register Act of 1935 and the Administrative Procedure Act of 1946. However, the rule development process is summarized by Longest<sup>1</sup> in five general steps:

- “1. Grant rulemaking authority
  - Congress delegates authority directly to agencies
  - President may delegate constitutional authority to subordinates
  - President or an agency head may re-delegate authority to subordinates
2. Proposed rule stage
  - Office of Management and Budget (OMB) reviews under Executive Order 12866
  - Agencies publish proposed rule in Federal Register (FR) for public comment
3. Final rule stage
  - OMB review again under Executive Order 12866
  - Agencies publish final rule in FR
  - Agencies respond to comments, amend the Code of Federal Regulations (CFR), set effective date
4. Congressional review
  - Agencies submit rules to Congress and to GAO, which has the ability to nullify rules
5. Effective date
  - Rules go into effect after a 30-day minimum; a 60-day minimum applies for major rules
  - Agencies may delay or withdraw rules before they become effective”

In addition, the following page presents a diagram providing more detail on the rulemaking process.

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<sup>1</sup> Longest, B. B., Health Policymaking in the United States, AUPHA, 2006

# The Reg Map

## Informal Rulemaking

### Step One

#### Initiating Events

**Agency Initiatives**  
Agency initiatives for rulemaking originate from such things as:  
 • Agency priorities and plans  
 • New scientific data  
 • New technologies  
 • Accidents

**Required Reviews**

**Statutory Mandates**

**Recommendations from Other Agencies/External Groups/States/Federal Advisory Committees**

**Lawsuits**

**Petitions**

**OMB Prompt Letters**

### Step Two

#### Determination Whether a Rule Is Needed

**Administrative Procedure Act Provisions**  
Under the Administrative Procedure Act (5 U.S.C. 551, 552), agencies are required to publish in the Federal Register:  
 • Substantive rules of general applicability  
 • Interpretive rules  
 • Statements of general policy  
 • Rules of procedure  
 Information about forms, information concerning agency organization and methods of operation

### Step Three

#### Preparation of Proposed Rule

**Proposed Rule**  
A notice of proposed rulemaking (NPRM) or other public notice and comment request for public comments.

**Administrative Procedure Act Provisions**  
Under the Administrative Procedure Act (5 U.S.C. 553), agencies may, at their discretion, use proposed rulemaking procedures (steps three through six) to develop a rule, unless an exemption applies. The following are exempted:  
 • Rules concerning agency management or personnel  
 • Rules concerning public property, loans, grants, benefits, or contracts  
 • Interpretive rules  
 • General statements of policy  
 • Rules of agency organization, procedure, or practice  
 • Agency form rules for which the agency determines that public notice is not warranted  
 • Rules published on an emergency basis  
 Note: Even if an exemption applies under the Administrative Procedure Act provisions, other statutory authority or agency policy may require that proposed rulemaking procedures be followed.

### Step Four

#### OMB Review of Proposed Rule

**OMB Review Under Executive Order 12066**  
OMB reviews only those rulemaking actions determined to be "significant".  
 Independent agencies are exempt from OMB review.

### Step Five

#### Publication of Proposed Rule

**Administrative Procedure Act Provisions**  
The Administrative Procedure Act (5 U.S.C. 553) requires that a proposed rule be published in the Federal Register.

### Step Six

#### Public Comments

**Comments**  
Under the Administrative Procedure Act (5 U.S.C. 553), an agency must provide the public the opportunity to submit written comments for consideration by the agency.  
 As required by public law 96-354, certain agencies that provide for a substantial number of comments by electronic means must make available online the comments and other materials included in the rulemaking docket under a U.S.C. 552 ID.  
 Executive order rules established 60 days in the period for the comment period.  
 The holding of a public hearing is discretionary and is required by statute in agency action.

### Step Seven

#### Preparation of Final Rule, Interim Final Rule, or Direct Final Rule

**Final Rule**  
A final rule adds, changes, deletes, or amends regulatory text.  
**Special Type of Final Rule**  
 • **Interim Final Rule**: An interim final rule adds, changes, or deletes regulatory text and contains a request for comments. The subsequent final rule may change the text of the interim final rule.  
 • **Direct Final Rule**: A direct final rule adds, changes, or deletes regulatory text and contains advance comments within the period specified by the agency.

### Step Eight

#### OMB Review of Final Rule, Interim Final Rule, or Direct Final Rule

**OMB Review Under Executive Order 12066**  
OMB reviews only those rulemaking actions determined to be "significant".  
 Independent agencies are exempt from OMB review.

### Step Nine

#### Publication of Final Rule, Interim Final Rule, or Direct Final Rule

**Congressional Review Act (5 U.S.C. 801-808)**  
An agency must submit certain final rules, interim final rules, and direct final rules, along with supporting information, to both houses of Congress and the General Accounting Office before the rule takes effect.  
 Major rules are subject to a delayed effective date which certain executive orders.  
 A veto by Congress and the President could have an impact on the rule.  
**Administrative Procedure Act Provisions**  
Under the Administrative Procedure Act (5 U.S.C. 553), agencies are required to publish final rules, interim final rules, and direct final rules in the Federal Register.  
**Federal Register Act (44 U.S.C. 1511-15111)**  
The Federal Register Act (44 U.S.C. 1511) is implemented as a core administrative rule-making regulation published in the Code of Federal Regulations.

### Specific Analyses for Steps Three and Seven

Regulatory Planning and Review (E.O. 12066)	Regulatory Flexibility Act (5 U.S.C. 601-612)	Paperwork Reduction Act (44 U.S.C. 2501-2524)	Unfunded Mandates Reform Act (2 U.S.C. Chs. 17A, 25)	Federalism (E.O. 12122)	Indian Tribal Governments (E.O. 12179)	National Environmental Policy Act (42 U.S.C. 4321-4327)	National Technology Transfer and Advancement Act (15 U.S.C. 272 note)	Governmental Actions and Interference with Constitutionally Protected Property Rights (E.O. 12820)	Protection of Children from Environmental Health Risks and Safety Risks (E.O. 12045)	Action Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (E.O. 13211)
Does the rule have a \$100 million annual impact, raise new issues, or raise other significant impacts? → <b>1700</b>	Is the rule a proposed rulemaking required by law? → <b>1700</b> Would the rule have a significant economic impact on a substantial number of small entities? → <b>1700</b> Note: Small business, small organization, and other similar categories are excluded from the rulemaking process. → <b>1700</b>	Does the rule contain a "collection of information" (reporting, disclosure, or recordkeeping)? → <b>1700</b>	Does the rulemaking process include a proposed rule? → <b>1700</b> Does the rule include any federal mandate that may result in the expenditure of \$100 million or more (including state, local, and tribal government), on the aggregate, or by the private sector, of funds from any one source? → <b>1700</b>	Is the rule a discretionary rule that has federal implications and imposes additional unfunded direct compliance costs on state and local governments? → <b>1700</b> Does the rule have federal implications and preempt state law? → <b>1700</b>	Is the rule a discretionary rule that has tribal implications and imposes additional unfunded direct compliance costs on tribal governments? → <b>1700</b> Does the rule have tribal implications and preempt tribal law? → <b>1700</b>	Does the rule categorically exclude from review? → <b>1700</b> Does the rule constitute a major federal action that could significantly affect the quality of the human environment? → <b>1700</b>	Does the rule contain provisions for which the use of voluntary standards is applicable? → <b>1700</b>	Does the rule regulate private property use for the protection of public health or safety? → <b>1700</b> Is the rulemaking a proposed regulatory action that has federal implications for the protection of public health and safety? → <b>1700</b>	Is the rulemaking a "covered regulatory action"? → <b>1700</b>	Is the rulemaking action a "significant energy action"? → <b>1700</b>
Requires economic impact analysis.	Requires regulatory flexibility analysis.	Requires information collection clearance package for new rules and approval, and process request for public comments.	Requires unfunded mandate analysis (unless an exemption applies).	Requires federalism summary impact statement.	Requires tribal summary impact statement.	Requires environmental assessment or environmental impact statement, as appropriate.	Adopt voluntary consensus standards or explain why not.	Requires rulemaking analysis.	Requires impact on the environmental health or safety effects on children.	Requires statement of energy effects.

### Drafting Requirements for Rulemaking Documents

**Regulatory Planning and Review (E.O. 12066)**  
Rulemaking documents must comply with the specified regulatory philosophy and principles of regulation.

**Chief Justice Reforms (E.O. 12060)**  
Rulemaking documents must be written in clear language designed to help reduce litigation.

**Presidential Memoranda on Plain Language (52 FR 21605)**  
Rulemaking documents must comply with plain language principles.

**Federal Register Publications**  
Rulemaking documents must comply with the Federal Register publication requirements contained in the Federal Register document writing handbook.

### Agendas for Rules Under Development or Review

**Unfunded Regulatory Agenda**  
The unfunded regulatory agenda provides information concerning agency rules under development or review.

**Regulatory Plan**  
The regulatory plan provides information concerning the most important actions required to carry out the agency's regulatory mission.

**Regulatory Flexibility Agenda**  
The regulatory flexibility agenda provides information concerning any rule that an agency expects to propose or promulgate that may have a significant economic impact on a substantial number of small entities.

Agency regulatory flexibility agendas are published as part of the unfunded regulatory agenda in the Spring and Fall of each year.

### Using The Reg Map

The Reg Map is based on general requirements. In some cases, more stringent or less stringent requirements are imposed by statutory provisions that are agency specific or subject matter specific. Also, in some cases more stringent requirements are imposed by agency policy.

In a typical case, a rulemaking action would proceed from step one through step nine with a proposed rule and a final rule.

However, if a rulemaking action is exempt from the proposed rulemaking procedures under the Administrative Procedure Act provisions (explained under step three) or under other statutory authority, an agency may:

- promulgate a final rule omitting steps three through six, or
- promulgate an interim final rule omitting steps three through six, but providing a comment period and a final rule after step nine.

Also, if an agency determines that a rule likely would not generate adverse comment, the agency may promulgate a direct final rule, omitting steps three through six, but with a duty to withdraw the rule if the agency receives adverse comments within the period specified by the agency.

ICF CONSULTING

ICF helps in drafting rulemaking documents and preparing supporting analyses.

Visit us at [www.icf.com](http://www.icf.com)  
 AEC, 2142 Hill Ave., Suite 1000, San Francisco, CA 94115  
 For a free, no-obligation report on public comments on proposed rules.

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### **3. NOSB and the Public**

NOSB members not only represent their sector, but they also represent the USDA and the public. We listen to public comments to help guide us towards a better understanding of what the public would like to have represented in the organic regulations. The public comment process is in place in government to insure timely notice and to allow the public to provide input in a way that prevents back room decision-making. This is why “Government in the Sunshine” rules are in place and also why there are rules governing “Conflicts of Interest” which will also be addressed following this section on public comments.

#### **a. When do you request public input.**

NOSB members are selected not only because of their expertise and understanding of specific areas of the Organic industry, but because of their contacts with different segments of the community (producers, handlers, consumers, retailers, certifiers). Most of the work performed by NOSB depends on input from the public including:

- Approving materials for use in the organic industry
- Evaluating a specific Rule
- Providing clarifications

It is worth mentioning that incorporating public input assures considering a wide range of opinions and guarantees a transparent procedure for the work of the NOSB.

#### **b. How the public provides and submits comments.**

On an informal level, NOSB members are encouraged to maintain and expand their contacts base in order to maintain an open line with the needs of the industry. On a formal level, NOSB members request input from the public in the following manner:

- Public comment sessions during normal NOSB meetings
- Mail, both electronic and snail.

#### **c. NOSB meeting sessions for public comment**

Public comment sessions are scheduled at most NOSB meetings. The topic of the comment is posted on the NOP website and the public is invited to signup to address the Board. Public comment sessions take several hours and participants are registered on a first-come first-serve basis. Depending on the time available for the session, each participant is allowed a designated amount of time to speak not including questions from Board members. The PPM allows speakers to extend their allotted time with a proxy. Only one proxy is allowed per speaker. The public is encouraged to provide testimony in written form. During the meeting, you will collect many documents provided by the public. These are helpful for reference when committees are working on a particular issue in which the public has provided input.

#### **d. How NOP captures public comments**

The NOP team is in charge of recording and receiving all petitions and public input directed at the NOSB. The NOP keeps written record of all comments provided during public comment sessions and maintains an archive of all correspondence received. These comments are also posted on the NOSB website and it is available to the public.

#### **e. How NOSB reviews public comment**

The review and implementation of public input takes place at the committee level. Committee members are expected to review all petitions or comments from the public before providing a recommendation to the Chair and members of the Board. Currently, a committee member is assigned to review, classify and summarize all data received by NOP. Afterwards, all committee members review the data individually and proceed to complete a recommendation. The approach is email-intensive and can involve numerous conference calls and face-to-face sessions during NOSB meetings.

### **4. Dealing with the Public**

#### **a. E-mail and media.**

The information that is discussed in NOSB conference calls, through e-mail, official meetings or work sessions is confidential until it is made public. It is your duty to respect and follow this level of trust and not share information until it is officially made public. As mentioned in the Policy and Procedures Manual, a Board member's loyalty is to the organic community and the public at large; however the information should be accurate and agreed upon before being shared with the public.

#### **b. At Official NOSB Meetings:**

During public comment sessions, let the speaker finish and listen and give eye contact as much as possible. The public deserves our respect and attentive listening, and relies on each NOSB member to take their comments into consideration. Commenters only have 5-10 minutes, so record your questions as they are speaking so you can follow up at the end of their time. When commenting during meetings remember to:

- Be respectful
- Be professional
- Be patient
- Be informed
- Be concise

## 5. Suggested Best Practices

The following sections describe suggested practices that followed by NOSB members are proven to improve member productivity.

### a. Maintaining Organization of NOSB Meetings

There will be a great deal of papers that your receive and keeping them organized can be a challenge. The following guidelines may help you keep it all sorted:

1. A file cabinet specifically for the NOSB can be useful.
2. You can create files for each year and committee name.
3. You can start to create sub files based on topics for each committee.
4. It helps to shelve your NOSB Meeting books.
5. Filter out what you don't need and recycle.

You will receive several revisions of documents as your committee is crafting and editing before submitting the final document. Committee Chairs and Vice Chairs should save all versions and file them, committee members can just save the final copy. Public comments that you receive in the meetings can be filed, or you can find them archived on the NOP web site.

### b. Making the most of your conference calls and meetings.

Because members are based in all regions of the country, a great deal of the work of the NOSB involves telephone conversations. The following is a list of suggested practices relating to conducting effective conference calls and meetings.

- Develop the agenda together with key members of the committee.
- Provide ample notice of the date and time of the meeting/conference call.
- Review the agenda and all documents related to agenda items.
- Manage time wisely by starting and finishing on time.
- Review action items.

Conference calls are confidential and are for NOSB members and NOP staff only. The Executive Director will take minutes at all conference calls. These minutes can be accessed through the NOSB Secretary or the Executive Director. The NOSB Executive Director will send out periodic updates to a master calendar of the scheduled committee conference calls with phone-in numbers, pass codes and conference call leader information, all of which you need in order to access the call. Executive committee calls are scheduled the second Friday of each month and consist of only the NOSB officers and chairs and NOP personnel. However all committee members are invited to listen in. All Executive Committee meeting minutes are posted on the website for public access.

### c. Keeping Up with Reading and Writing Materials

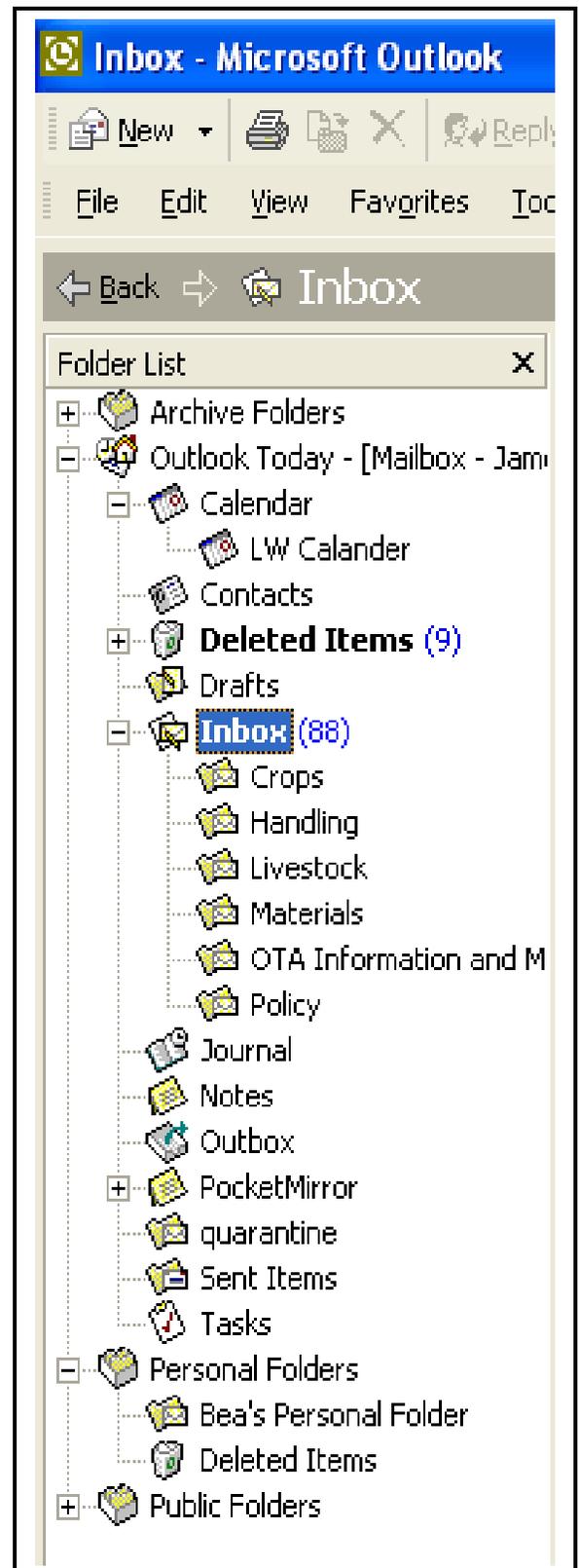
In the beginning, there will be more reading than normal. It is important to dig in and get all your essential reading completed prior to your first official board meeting (see section 1). Allocate time in your weekly schedule to read necessary documents and information that is sent out by your fellow board members and the NOP. There is no easy way to tell you how to keep up with reading and writing other than to tell you to be careful NOT to get behind.

#### d. Organizing E-Mail

A big part of keeping up with your e-mail is discipline. You will need to make a consistent practice of checking your e-mail and accomplishing several tasks to keep ahead of the increased amount of information that will make its way into your inbox. Below is a suggested folders arrangement for Outlook.

- a. Go to your in box.
  - b. Click on the task bar under "file"
  - c. Scroll down to "new folder". This will create a file for you in your outlook home screen.
  - d. Type in the name of the committee, or subject matter, in which you want to have a file for storing the incoming e-mails.
  - e. You will now have a file where you can drop e-mails into a side folder directly from your in box. Once you do that delete it from your inbox.
  - f. Clean out and DELETE monthly. Delete e-mails that you don't need to save. It is not necessary to save every e-mail you get from the NOSB or NOP. Be selective. You will need to filter out e-mails that are not applicable, and to keep your computer from overloading. You can also save hard copies and file that way so you can delete e-mail.
- Check your in-box on a daily basis.
  - Be concise and answer all questions in your responses within 24-48 hours.
  - Do not attach unnecessary files.
  - Do not overuse Reply to All.
  - Try not to write with abbreviations.

You can also store files on your hard drive or desk top by committee.

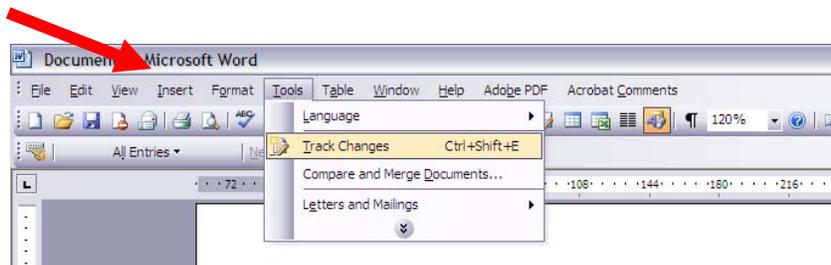


## e. Tracking Changes in Word Documents

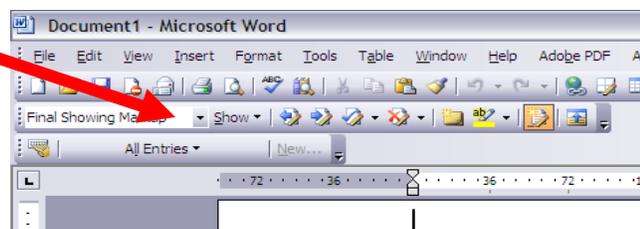
Preparing and sharing electronically several drafts of recommendations and documents will be part of the ongoing process of your role on a committee. Every document must be reviewed, often by multiple parties, and the comments and revisions must be tracked and incorporated into the documents. Without an organized approach, large documents and their changes can quickly become unwieldy and confusing. Comments and revisions can overlap, and some might get lost in the shuffle.

Microsoft Office Word-Track Change (TRK) feature can help you track changes and compare versions of your documents more precisely. With the Track Changes feature, you can have multiple reviewers mark up separate copies of the document, and then you can merge all of the changes — and review them at the same time. You can see who added each comment and when, and track additional changes that you make as you review the document. Below is a starting point to understanding how to navigate your way through several features using track change mode. A full demo is found in <http://office.microsoft.com/training>.

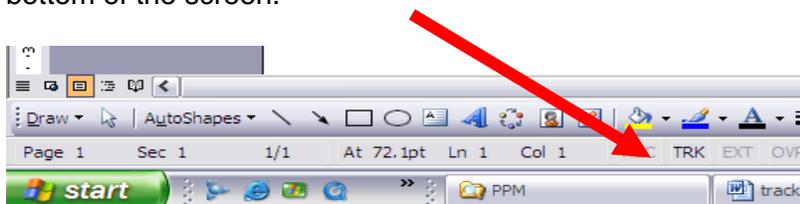
After opening your document, activating the Track Changes feature is simple. On the **Tools** menu, click **Track Changes**.



The review toolbar buttons will appear.



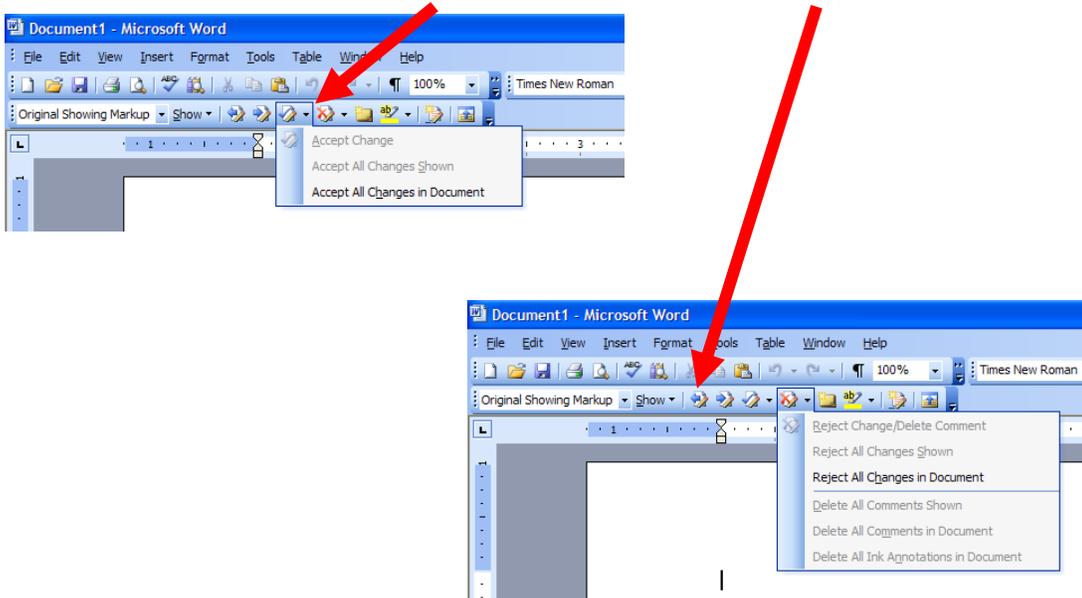
At the same time, the TRK label will appear in bold letters on the status bar located at the bottom of the screen.



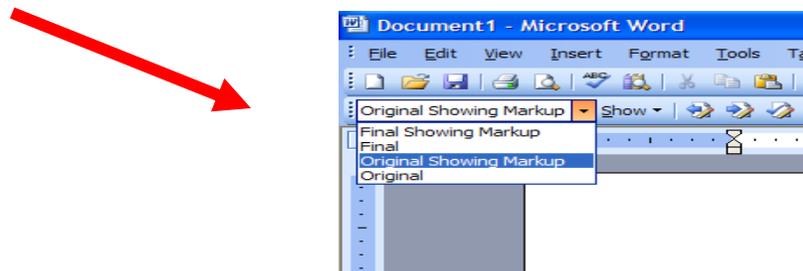
All edits will be shown in the document in colored font. When receiving track changes in a document place your cursor over the track change in the document to see the name of the

person who submitted the track change. In order to turn off the tracking feature, double click on TRK until it dims.

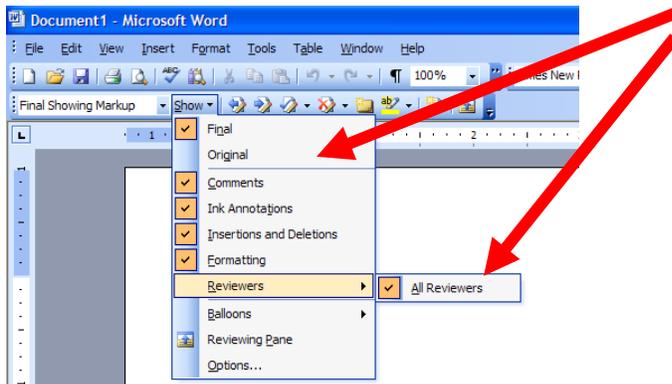
The review toolbars allow you to approve, or reject, edits in two simple steps. First, place your cursor over the edited text. Second, click the  button to accept the edit. This will delete the track change and restore your document without showing edits. or click the  button to reject it. This will reject the suggested edit and return your document to its original state. The **Next**  and **Previous**  buttons allow you to navigate through the document quickly. Using the drop down list on the  and  buttons, allows you to accept or reject all changes in the document at once.



There are two features in TRK that help in the review process, the **Reviewing** and **Show** toolbars. The drop-down arrow in the **Reviewing** toolbar, allows you to view the document at different stages of editing. For example, the **Original Showing Markup** selection displays all edits from all contributors highlighted in different colors. The **Original** selection presents the document prior to any edits.

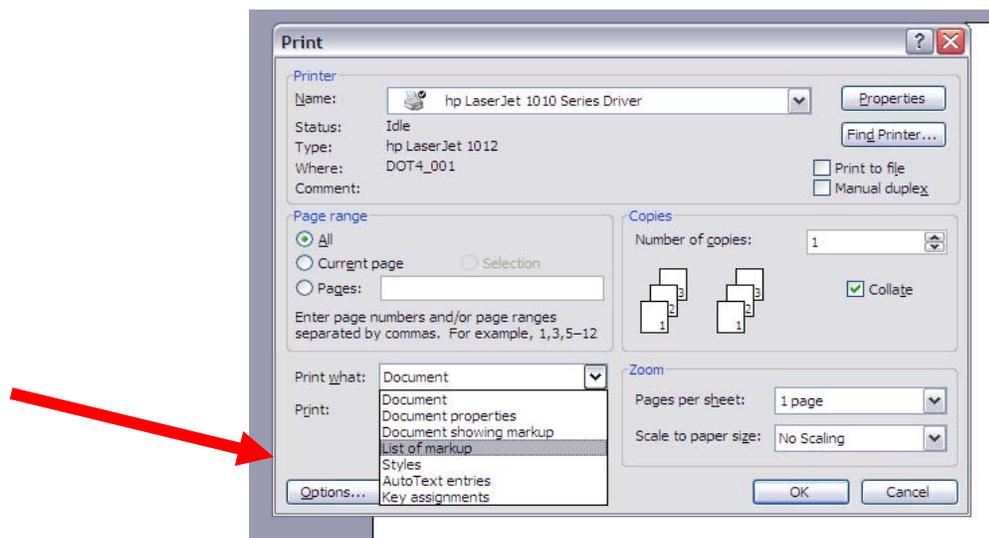


The **Show** toolbar allows you to select edits by type such as comments, insertions and formats. This toolbar also allows you to isolate edits by reviewer name.



To print a list of changes made to a document:

Open or switch to the document that contains all the markups. On the File menu, click Print. In the Print what box, click List of markup



## **6. Accredited Certification Agencies**

### **a. What is their function?**

The function of the Accredited Certification Agencies (ACAs) is to certify, on behalf of USDA, that producers and handlers comply with approved organic practices. An ACA is accredited by the NOP. They operate in all regions of the United States and selected countries, and include private companies, not-for-profit organizations and several state government agencies.

### **b. List of Agencies**

The NOP link presented below provides a comprehensive list of ACAs:

<http://www.ams.usda.gov/nop/CertifyingAgents/Accredited.html#top>

## 7. Supporting Organizations and Resources

You will find that during official NOSB meetings there will be significant representation from various organizations. Often they will refer to other organizations using only acronyms. Below is a list to help you familiarize yourself with the various acronyms and the supporting agencies that are involved with the organic industry in some form.

### **a) Federal Government agencies**

1. Environmental Protection Agency (EPA),
2. Food & Drug Administration (FDA),
3. Food Safety & Inspection Service (FSIS),
4. Cooperative State Regional Extension and Education Service (CSREES),
5. National Agriculture Library (NAL)
6. Alcohol Tobacco Tax & Trade Bureau (TTB) *formally Bureau of Alcohol Tobacco and Firearms (BATF)*
7. Sustainable Agriculture Research and Education (SARE),
8. Risk Management Agency (RMA),

### **b) Other Bodies Involved in Regulatory Issues**

9. Association of American Plant Food Control Officials (AAPFCO)
10. American Association of Feed Control Officials (AAFCO)
11. American National Standards Institute (ANSI)
12. National Institute of Standards and Technology (NIST)

### **c) State Organizations**

13. National Association of State Departments of Agriculture (NASDA)
14. National Association of State Organic Programs (NASOP)

### **d) Other Organizations**

15. Appropriate Transfer of Technology in Rural Areas (ATTRA)
16. National Center for Appropriate Technology (NCAT)
17. Accredited Certifiers Association (ACA)
18. Organic Trade Association (OTA) The Organic Center for Research and Education
19. International Federation of Organic Ag. Movements (IFOAM)
20. International Organization for Standardization (ISO)
21. Cornucopia Institute
22. Independent Organic Inspectors Association (IOIA)
23. National Campaign for Sustainable Agriculture
24. National Organic Coalition
25. Organic Farming Research Foundation (OFRF)
26. Center for Food Safety
27. Organic Consumers Association (OCA)
28. Organic Materials Research Institute (OMRI)

## **Appendix 1 – Current NOSB Contact Information**

### **NATIONAL ORGANIC STANDARDS BOARD MEMBERS**

Placeholder location for NOSB Member personal contact information

# NATIONAL ORGANIC STANDARDS BOARD COMMITTEES

## EXECUTIVE COMMITTEE OFFICERS

Andrea Caroe  
Julie Wiseman  
Bea E. James

Chairperson  
Vice-Chairperson  
Secretary

## EXECUTIVE COMMITTEE REPRESENTATIVES

Daniel Giacomini, Chairperson  
Gerald Davis, Chairperson  
Rigoberto Delgado, Chairperson  
Julie Weisman, Chairperson  
Joseph Smillie, Chairperson  
Hubert Karreman, Chairperson

Materials  
Crops  
Policy Development  
Handling  
Compliance, Accreditation and Certification  
Livestock

---

### **CROPS COMMITTEE**

***GERALD DAVIS, Chair***  
***Jeff Moyer, Vice Chair***  
Rigoberto Delgado  
Tina Ellor  
Kevin Engelbert  
Tracy Miedema

### **MATERIALS COMMITTEE**

***DANIEL GIACOMINI, Chair***  
***Katrina Heinze, Vice Chair***  
Steve DeMuri  
Kevin Engelbert  
Jeff Moyer

### **POLICY DEVELOPMENT COMMITTEE**

***RIGOBERTO DELGADO, Chair***  
***Bea James, Vice Chair***  
Andrea Caroe  
Hue Karreman

### **HANDLING COMMITTEE**

***JULIE WEISMAN, Chair***  
***Steve DeMuri, Vice Chair***  
Andrea Caroe  
Katrina Heinze  
Joe Smillie

### **COMPLIANCE, ACCREDITATION, AND CERTIFICATION COMMITTEE**

***JOSEPH SMILLIE, Chair***  
***Bea James, Vice Chair***  
Andrea Caroe  
Jennifer Hall  
Tracy Miedema  
Julie Weisman

### **LIVESTOCK COMMITTEE**

***HUBERT KARREMAN, Chair***  
***Kevin Engelbert, Vice Chair***  
Rigoberto Delgado  
Tina Ellor  
Daniel Giacomini  
Jennifer Hall  
Jeffrey Moyer

## **Appendix 2 - Current NOP Contact Information**

### **USDA/National Organic Program (NOP)**

1400 Independence Avenue, SW  
Room 4008-South, Ag. Stop 0268  
Washington, D.C. 20250  
Main Line: (202) 720-3252  
Fax: (202) 205-7808

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#### **BOARD CONTACTS**

<b><u>Name</u></b>	<b><u>E-mail</u></b>	<b><u>Telephone (Eastern Time)</u></b>
<b>Mark A. Bradley Associate Deputy Administrator</b>	mark.bradley@usda.gov	(202) 720-3252
<b>Valerie Frances Executive Director</b>	valerie.frances@usda.gov	(202) 720-3233
<b>Katherine Benham Advisory Board Specialist</b>	katherine.benham@usda.gov	(202) 720-3252

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**National Organic Program Web Site:** [www.ams.usda.gov/nop](http://www.ams.usda.gov/nop)