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Agriculture

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To: National Organic Standards Board (NOSB)
Stakeholders and Interested Parties

From: Anne Alonzo, Administrator
Agricultural Marketing Service

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APR 24 2014

Subject: NOSB Assessment: Summary of Findings Report

The Agricultural Marketing Service (AMS) is pleased to share the results of an independent assessment studying the relationship and interactions between the National Organic Standards Board (NOSB) and the National Organic Program (NOP).

This assessment was conducted by a non-profit organization called the Meridian Institute between September 2013 and March 2014. The Meridian team interviewed NOSB members, NOP representatives, and stakeholders with a range of perspectives and interests from across the organic community.

AMS accepts the analysis and conclusions of Meridian's assessment. The assessment particularly highlights the need for greater clarity in NOP and NOSB roles and processes, stresses the importance of continued and enhanced communication and collaboration, and validates the vital role of transparency in sharing the NOP's and NOSB's work with the public.

AMS has already begun to act on report recommendations, including conducting a training program with the Board in February 2014 (which included a preliminary report on this assessment; slides available online), modifying its approach to NOSB work plan development, and adjusting its Spring 2014 agenda to include more information for the public about both the NOP's and NOSB's roles and responsibilities under the Organic Foods Production Act and the Federal Advisory Committee Act.

Collaboration and public engagement remain the cornerstones of the relationship between the NOP, the NOSB, and the organic community. AMS and the NOP team thank the Meridian Institute for its work on this project, and the NOSB for its dedicated work in representing the diverse interests of the organic community.



NOSB Assessment | Summary of Findings

March 2014

Introduction

In August 2013, Meridian Institute (Meridian) was contracted by the United States Department of Agriculture (USDA) Agricultural Marketing Service (AMS) to conduct a process oriented assessment of the National Organic Standards Board (NOSB or the Board), and its relationship with the National Organic Program (NOP or the Program). Meridian is a nonprofit organization with expertise in process design, facilitation, mediation, strategy assessment, and planning. Meridian staff members have significant experience conducting impartial assessments of organizational dynamics.

As part of this assessment, Meridian sought to identify the primary challenges facing the Board and the Program, detail ongoing efforts to address those challenges, and provide targeted recommendations for continued improvement. These recommendations are designed to help streamline the Board's operations through better communication, improved transparency, structural and organizational adjustments, clarified roles, and strengthened relationships.

Methodology

Between September 30 and December 10, 2013, Meridian Institute conducted 31 phone interviews with Board members, NOP staff, and groups who regularly engage with the work of the NOSB. These interviews focused on:

- respective roles, responsibilities, and authorities of the NOSB and the NOP;
- NOSB's functionality during and between public meetings; and
- relationships amongst Board members, with NOP, and with the broader stakeholder community.

Interviewees were also provided the opportunity to raise any other issues or concerns they might have regarding the NOSB process. Meridian analyzed the data and information provided through the interviews and developed a set of findings and preliminary recommendations that were further informed by a NOSB training session held February 4-5, 2014. This meeting provided an opportunity to gather additional information, to observe the in-person group dynamics, and to test some preliminary recommendations with the group.

This report is intended to serve as a platform for discussion between the NOSB, NOP staff,

and members of the public. The assessment provides a snapshot of NOSB's processes in the fall of 2013 and early 2014 and puts forth analysis and recommendations with the understanding that many stakeholders who are more familiar with NOSB's processes and history may help inform the trajectory, evolution, and implementation of these recommendations.

Originally, Meridian staff planned to observe the NOSB meeting scheduled for October 2013 in Louisville, KY. That meeting was canceled due to the government shutdown in early October, which required Meridian to revisit the scope of this project and reevaluate the possible outcomes without attending a public meeting. As a result, Meridian did not have the opportunity to collect data from or make observations about that aspect of the original scope of work.

Background and Framing

The National Organic Standards Board (NOSB) was established by the Organic Foods Production Act of 1990 (OFPA). The NOSB operates in accordance with the Federal Advisory Committee Act (FACA), with a general mandate "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]."¹ As a federal advisory committee, NOSB exists to advise and provide recommendations on issues or policies within the scope of AMS and NOP responsibilities, and cannot make recommendations outside the boundaries of OFPA. The ultimate decision-making authority to implement any of NOSB's recommendations lies with the Secretary.

In addition to the NOSB's role as an advisory committee, the Board has been given unique authority regarding the National List. Specifically, according to OFPA, "[t]he National List established by the Secretary shall be based upon a proposed national list or proposed amendments to the National List developed by the National Organic Standards Board."² Indeed, "[t]he Secretary may not include exemptions for the use of specific synthetic substances in the National List other than those exemptions contained in the Proposed National List or Proposed Amendments to the National List."³ The Secretary retains decision-making and rulemaking authority and may choose not to move forward with every recommendation that NOSB issues.

¹ Organic Food Production Act (OFPA) SEC. 2119(a); Title XXI of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624).

² OFPA SEC. 2119(d)(1).

³ OFPA SEC. 2119(d)(2).

The establishment of the NOSB in 1990 and subsequent establishment of the National Organic Program in 2000 has led to what some parties view as a unique relationship between the Board, NOP, and stakeholders, creating dynamics requiring deliberate process design and maintenance over time. This assessment process provides an opportunity for the NOSB, the NOP and the broader organic stakeholder community to take stock of this relationship, understand what works well, and identify areas for improvement. This requires focused attention and discussions to address the concerns and differences of interpretation that have arisen across the stakeholder spectrum due to a number of factors including the:

- evolution of the relationship between the NOSB and the NOP;
- rapid expansion of the industry and corresponding governance pressures; and
- character of the NOSB as a forum for rigorous debate about what the organic label should represent.

We believe that by engaging in these important conversations, the organic stakeholder community can address existing challenges and capitalize on the strengths of the NOSB.

Findings

Our interviews revealed a range of views from NOP staff, NOSB members, and organic community stakeholders regarding the Board's processes and relationship with NOP and members of the public. A majority of interviewees expressed generally positive views of both the NOSB and NOP, and noted several strengths of the current NOSB mechanism, including:

- **Good access to NOP staff when needed:** Board members indicated that NOP staff members are responsive and helpful in answering questions about Board activities or NOP decisions. In fact, some indicated that NOP staff expertise may be underutilized in the context of aiding and advising subcommittee functions.
- **Strong leadership from NOP staff and clearer focus than in previous years:** A number of interviewees mentioned that shifts in AMS policies in the past several years have improved the organization of NOSB processes. Decisions like varying the location of public meetings have improved the accessibility of the NOSB meetings to stakeholders.
- **Good documentation of public meetings and subcommittee calls:** Interviewees indicated that NOP's minutes documenting public meetings and calls are helpful, and help promote transparency of NOSB's processes.

- **High level of respect among Board members:** Almost all Board members described the substantial collegiality within the Board itself. Despite ideological differences and a wide range of viewpoints, Board members view each other with respect and communicate a desire to collectively address major issues affecting the industry.

Based on the data gathered through interviews, Meridian staff identified four key areas in which to focus NOSB and NOP attention in the future:

1. ***Roles and Responsibilities:*** Create a common understanding about the distinction between NOP and NOSB authorities, processes, and responsibilities.
2. ***Communication and Transparency:*** Identify differing views among the interviewees about the effectiveness of communication between NOSB members, between NOSB and NOP, and with external stakeholders, noting particular opportunities to maintain and improve transparency both internally and externally.
3. ***NOSB and NOP Workload and Scope:*** Consider options to manage the significant NOSB and NOP workloads and maintain an appropriate scope of activities.
4. ***NOSB Public Meetings:*** Clarify differing views on effectiveness of public meetings, and outline strategies that could help address existing concerns.

It is important to note that the NOSB and NOP have begun to address some aspects of the issue areas identified during this assessment. The mid-review briefing Meridian provided to NOP staff in November 2013 included a high-level overview of the primary themes emerging through the ongoing interview process. The issues and themes identified in this review helped to inform the development of the agenda for the Board training session conducted in February 2014, which was designed to address a number of the issues that arose throughout the interview process. This report identifies those instances in which efforts have been initiated to clarify roles and responsibilities, relationships, communication pathways, and other important aspects of the NOSB process. The report will also offer a set of recommendations based on the interviews and interactions during the NOSB training to suggest approaches to addressing other outstanding issues.

Roles and Responsibilities

Interviewees expressed a range of views regarding the nature of the partnership between NOSB members and NOP staff. Some indicated that an absence of a clear definition of respective roles and ownership over particular activities between NOSB and NOP sometimes inhibits the Board's functionality.

Issues Identified

- **NOSB authority:** The “unique role” of the NOSB related to the National List as described in OFPA creates some confusion among stakeholders about the authority NOSB has to influence policy and the extent of the “advisory” role. In particular, some interviewees argued that NOSB should have a more expansive role in shaping NOP policy. Other interviewees suggested a more limited role of the NOSB with NOP playing a greater role in setting policy.
- **Development of NOSB workplans:** Interviewees expressed differing understandings of the protocol for developing NOSB workplans, particularly NOSB and NOP’s respective roles in suggesting topics for subcommittees to pursue. Specifically, some Board members suggested that the final decision on the NOSB workplan should rest with the NOSB itself. Other Board members believed that NOP should play a larger role in determining the NOSB workplan, with the Board having some authority to place additional items on the workplan that are of particular interest. NOP staff have stated that the ultimate authority for setting the workplan rests with NOP.
- **Policy and procedures:** NOP staff, NOSB members, and some external stakeholders expressed confusion and disagreement about the role of the NOSB Policy and Procedures Manual in guiding NOSB’s processes. There appeared to be inconsistency in the manner in which the manual was referenced and enforced, as well as conflicting views among stakeholders about which entity has the authority to amend the manual.

Current Efforts to Address Issues

- **NOSB authority:** NOP and other USDA staff have begun to provide clarity on the advisory nature of the Board, given its unique responsibilities outlined in OFPA and the legal strictures of FACA. NOP has clarified that as a FACA committee, NOSB activities must be focused on issues within the scope of AMS and NOP responsibilities outlined in OFPA. NOP has stressed that OFPA outlines NOSB responsibilities regarding the National List and provides the capacity for the Board to provide recommendations on some other issues, but that decision-making and rulemaking authority resides with the Secretary, who is not required to implement or act on all NOSB recommendations.
- **Development of NOSB workplans:** NOP has also clarified that AMS drives the priorities for what the Board considers, and approves the final workplan for NOSB. NOP clarified the criteria for adding work plan items, which include:
 - within the scope of OFPA and USDA/AMS/NOP authority;
 - a priority for USDA/AMS/NOP and can be implemented in a reasonable timeframe;

- reflect a clear need for the NOP or organic community that requires information or advice; and
- have a clear scope and intent.

NOP has also clarified its responsibilities for review of NOSB recommendations.

- **Policy and procedures:** AMS indicated that from this point forward, NOP will take a leadership role with the Policy and Procedures Manual (PPM), and will consult with the NOSB Policy Development Subcommittee on revisions to the PPM. This action may help streamline NOSB workload (see Workload and Scope below).

Potential Next Steps

- **NOSB authority:** Provide training to all new NOSB members clarifying roles and responsibilities, and potentially bolster peer-to-peer experience through the existing mentorship program. A majority of NOSB members appreciated the clarity on authority provided by the February NOSB training session. We encourage a similar session to precede the first NOSB public meeting each year (possibly a half-day session) for new and existing members.
- **Development of NOSB workplans/policy and procedures:** NOSB members and NOP staff should engage in a collaborative, facilitated dialogue to more clearly delineate roles and responsibilities. These two entities should work together to establish protocols guiding when and how collaboration should take place in appropriate circumstances, clarify those circumstances where NOP will exercise its authority, and outline the channels of communication between NOP and NOSB to make sure these steps are clearly understood. This discussion should establish a mechanism for continuous input and feedback between the two entities.

Communication and Transparency

A frequent topic raised throughout the interview process was the need for clear communication from NOP staff about the factors influencing decisions that may affect NOSB's activities. Specific issues identified are outlined below.

Issues Identified

- **Clarity of communication:** Interviewees expressed differing perceptions of the effectiveness of communication channels between NOP staff, the Board, and the public. A number of Board members and stakeholders indicated that some decisions appear to lack clear context, and thus rationale can be misinterpreted. Several cited the change in the interpretation of the sunset provision as an example of a perceived lack of clarity or advance communication.

- **Clarity of rulemaking process:** Both stakeholders and Board members referenced the desire for a clearer understanding of progress of NOSB recommendations within USDA's rulemaking process. We heard frustration from external stakeholders in particular that NOSB recommendations seem to enter a "black hole" with no clear indication of how those recommendations are considered by the Secretary.
- **Pathway to NOP:** External stakeholders expressed concern about a lack of clear channels to communicate directly to NOP, rather than through NOSB meetings. NOP staff also indicated that this need may prolong the duration of NOSB meetings.
- **Conflict of interest:** Several interviewees noted misunderstandings regarding NOSB's conflict of interest policy, indicating that a lack of clarity has caused problems at public meetings. Specifically, some stakeholders have publicly accused Board members of holding conflicts of interest regarding issues they may be asked to vote upon, when such conflict may not actually exist. Other stakeholders and some Board members have expressed confusion about what the conflict of interest policy states, requiring some clarification of the policy.
- **Board appointment and questions on representation:** Nearly all interviewees referenced the appointment process of Board members as an area with potential for improved communication about both criteria for appointment and qualifications of selected appointees. Board members also raised concern about the appropriate balance of Board members' responsibility to represent the views of sectors for which Board members are appointed and their openness to cross-sectoral perspectives and ability to work towards reaching agreement on key issues.

Current Efforts to Address Issues

- **Clarity of communication:** NOP staff dedicated a significant portion of the February training to explaining legislative grounding and contextual factors influencing NOP decisions, including the recent decision on the sunset provision. Several Board members indicated that the training served as an important forum to clarify different aspects of operating procedures that had caused confusion in the past. NOP staff also committed to clearly communicate any updates or changes in USDA and agency policies in a timely fashion to the Board through memos and other means. NOP staff also presented a clear explanation for the new interpretation of the sunset provision and highlighted the efficiencies they believe will be gained by transitioning to this new approach.
- **Clarity of rulemaking process:** During the training, NOP staff presented a detailed description of the rulemaking process, both in general and specifically in relation to NOP, to help clarify the steps required and timeframe involved with transitioning from a recommendation to a final rule.

- **Conflict of interest:** NOP clarified the official conflict of interest policy for Board proceedings, focusing particularly on the idea of “disproportionate impact,” and provided guidance for appropriate Board recusals.
- **Board appointment:** NOP staff provided an overview of the official procedures for nominating and appointing Board members to the NOSB at the February training, including reviewing the Criteria for Board Membership crafted in 1999, indicating that these criteria are included in NOP’s website.
- **Representation:** USDA clarified during the February training the principle of representation in the context of the NOSB. Legally, NOSB members are selected to articulate the views of the sector from which they are a member during Board meetings. The responsibility of Board members is to articulate those views so they are heard by decision-makers within the agency

Potential Next Steps

- **Clarity of communication:** Several Board members expressed appreciation for the distinctions made during the Board training. Given this, NOP should consider holding an official training for each iteration of the Board. Earlier, we mentioned the possibility to provide such a training preceding the first public meeting of each year to clarify roles and responsibilities. This meeting could be combined with orientation for new Board members or serve as a standalone training session, depending on resource availability. Additionally, NOP should regularly and proactively provide clarity to Board members and members of the public about NOP’s authorities and why the Program makes particular decisions.
- **Pathway to NOP:** NOP should establish a means for external stakeholders to provide comment directly to the Program, rather than through NOSB channels, either virtually or in person. Potential options include:
 1. Develop clarifying categories describing NOSB-specific topics and NOP-specific topics, and include them in federal notices released for public comment on petitions in preparation for public meetings.
 2. Create a prominent space for comments on the NOP website, either included on specific sub-pages (e.g., Organic Regulations) or added to the Frequently Asked Questions page.
 3. Create an independent web page with a selection of NOP-specific categories and clear guidance to help direct comments to the appropriate NOP staff, similar to the page providing guidance on filing a complaint about violation of USDA organic regulations. The NOSB Board Specialist could help process these comments and determine which may need to be redirected.
 4. Include a section on public meeting agendas for NOP to summarize questions and comments received through digital channels and respond verbally.

- **Clarity of rulemaking process:** NOP should provide more clarity to the public on the process that recommendations must go through to be considered by the Secretary, and the subsequent rulemaking process. This could include putting information about the process of rulemaking in addition to existing available information about rulemaking actions and notices on NOP's website. Informational materials could be posted to a NOSB-specific Frequently Asked Questions page, for example.
- **Conflict of interest:** While NOP clarified the procedure for Conflict of Interest, it may be beneficial to make copies of the official Conflict of Interest policy available in writing at the meetings, and also to feature the policy prominently on the NOP and NOSB websites.
- **Board appointment:** While the criteria for Board appointments are available on the NOSB website, they are in the form of a hyperlink in a list of several links without descriptions. NOP could consider updating the website to provide additional detail about board selection criteria and to make these links more prominent.
- **Representation:** NOSB and NOP may consider conducting further dialogue about balancing the need to articulate one's constituent interests in NOSB proceedings with the need for working within a diverse Board to reach agreement on key issues. This might be a component of the leadership and process management trainings suggested below in the section on subcommittee work distribution and leadership.

NOSB and NOP Workload and Scope

Interviews revealed a disconnect between the need to manage the already significant Board and NOP staff workload and the desire expressed by some for NOSB to take on a more active advisory and strategic planning role. Existing time and resource constraints should be considered to ensure that the Board can fulfill its legislatively mandated review of materials on the National List.

Issues Identified

- **Time intensity of work:** Many Board members emphasized the sometimes challenging nature of balancing the significant workload associated with Board membership, particularly in preparation for public meetings, with the responsibilities of their full-time employment. Reviewing the significant volume of written comments, understanding the complex technical nature of some proposals, and learning about the activities of all subcommittees prior to meetings were cited as particular challenges.
- **Asymmetry of support:** A number of interviewees expressed an impression of asymmetry among Board members' level of organizational support to work on NOSB activities, which may allow some Board members to focus significantly more time on Board activities than others. Several members of the Board and external

stakeholders indicated the Board members in the “producer” category may be at a particular disadvantage in this regard.

- **Strategic thinking:** Several Board members and external stakeholders also discussed a desire to address more strategic issues beyond National List recommendations and statutory requirements. A number of Board members and external stakeholders wanted to develop recommendations for consideration by the Secretary on major issues in the sector. NOP staff expressed a willingness to listen to such ideas, but also expressed concern that these discussions may be outside the scope of the NOSB and may distract from addressing National List issues.
- **Subcommittee work distribution and leadership:** Some Board members noted an uneven distribution of work among subcommittees, noting that the nature of some subcommittees’ focus areas requires more time and attention than others. Those groups might require additional NOP support to work through issues. Several interviewees also indicated that differences in the level of leadership and process management experience within subcommittees can impact the efficiency of subcommittee processes.
- **Technical review:** Some external stakeholders perceived a lack of clarity regarding the process for obtaining technical review of certain petitions. Others looked favorably on the recent practice of inviting technical experts to meetings to conduct question and answer sessions with the Board and answer complex topics.

Current Efforts to Address Issues

- **Time intensity of work:** NOP expressed the hope that more disciplined adherence to the criteria for adding a workplan item (referenced in Roles and Responsibilities above) may help streamline Board activities and manage the workload associated with the scope of activities. At the training, NOP also provided best practices for evaluating technical reports and petitions with tips for processing highly technical information.
- **Strategic thinking:** During the February training, NOP established that NOSB workplans will focus exclusively on issues under OFPA’s purview. Items outside the scope of AMS responsibility will not be addressed as part of NOSB deliberations.
- **Subcommittee work distribution and leadership:** NOP provided brief suggestions for subcommittee management to help increase subcommittee efficiency.
- **Technical review:** The NOP and the Board have discussed implementing Technical Advisory Panels to improve the technical analysis and the transparency of the process.

Potential Next Steps

- **Asymmetry of support:** One possible option to help address perceived asymmetries in the amount of time Board members feel they can dedicate to NOSB activities would be to engage the NOSB Board Specialist as a liaison between the Board members and NOP staff. The Board Specialist can serve as an intermediary between the Board and NOP to help identify additional needs for certain Board members and ensure that NOP staff is aware of those needs. The Board Specialist can help tailor specific mechanisms and information delivery systems to support Board members who have particularly acute time constraints.
- **Strategic thinking:** NOSB members and NOP staff could help determine an appropriate venue within the organic community to conduct long-term, strategic thinking about the trajectory of the organic industry. NOSB and NOP could provide recommendations to initiate the dialogue and list appropriate topics for that forum.
- **Subcommittee work distribution and leadership:** NOP should determine whether there are opportunities for NOP staff to provide additional technical insights to inform subcommittee discussions. NOP could also incorporate some element of leadership or process management training into Board members' orientation to enhance committee chairs' capacity to foster collaborative processes and chair meetings effectively. Options include:
 - 1) Engage members of USDA's Alternative Dispute Resolution Program to conduct a short training session in conjunction with the first public meeting of the calendar year to discuss strategies to resolve conflict and manage a productive dialogue process;
 - 2) Conduct a similar type of short training session via webinar to reduce costs; and/or
 - 3) Transfer institutional knowledge between Board members by:
 - Building out the existing Board mentorship program to more explicitly focus on explaining the nuances of NOSB's process, sharing experience from different subcommittees, and capturing lessons learned based on the dynamics of prior Board iterations;
 - Providing Board members with the opportunity to sit in on multiple subcommittee meetings to observe different leadership styles before assuming a subcommittee chair position; and
 - Create opportunities for subcommittee chairs to discuss challenges, share experiences, and solicit advice from each other.
- **Technical review:** Several interviewees cited the need for more public-facing information regarding the process for obtaining technical information. There were also diverse views as to how to set up these committees. NOSB and NOP should

work together to clarify the process for identifying and vetting experts to participate in Technical Advisory Panels. Components to consider include:

- 1) Agreed upon criteria for selection of panel participants;
- 2) Mechanism to ensure that a diversity of perspectives are included in TAPs; and/or
- 3) Methods to identify resources to support panels and/or mechanisms to engage participants virtually.

Additionally, NOP and NOSB should seek opportunities to bring additional technical expertise to meetings to help foster discussion and increase discussion about technical issues for both the Board and the public's benefit. This could potentially be pursued through virtual means, given cost constraints.

Managing NOSB Public Meetings

In this section, the Meridian team's capacity to make suggestions to help address the issues listed is somewhat limited, not having had the opportunity to observe a public NOSB meeting. The contents of this section are derived from interview feedback.

Issues Identified

- **Meeting duration:** Some interviewees expressed trepidation about potentially negative effects of compressed meeting schedules on the opportunity for open dialogue among the Board members throughout the meeting. Several interviewees also indicated that the reduced schedule might provide insufficient face-to-face time for Board members. They also indicated that Board members might benefit from additional time to share information and ask any clarifying questions without taking up already constrained time on the agenda of the subsequent public meetings.
- **Comments:** Several Board members and members of the public shared the perception that the high volume of written public comments can be challenging for Board members to review and adequately process. Additionally, a number of interviewees expressed concern that verbal comments provided at the meetings may have a disproportionate effect on voting. Some stakeholders who provide verbal public comments at the meetings also noted that the time limitations on the provision of comments and the restriction of one comment per organization can result in some stakeholder groups rushing through comments and having to include details relevant to topics in different sections of the agenda.
- **Meeting environment:** Many indicated that, at times, individuals and organizations have not felt the freedom to provide input without risking significant reputational backlash, or in some cases, personal attack. Some interviewees noted that these dynamics can reduce the efficiency of meetings, influence the structure and content of stakeholder comments, and decrease the likelihood of open Board dialogue.

- **Board dialogue:** Several interviewees highlighted the importance of robust Board discussions as a mechanism to build trust within the Board and to foster transparency with stakeholders. Interviewees indicated that there may, at times, be insufficient dialogue at meetings which can contribute to mistrust.
- **Role for NOP:** Interviewees expressed a range of opinions about the most appropriate role for NOP at public meetings. Some interviewees indicated that meetings might run more smoothly if co-chaired by the Board Chair and the Deputy Administrator of the National Organic Program, to set a unified tone. Others expressed a preference for fewer NOP staff attending meetings and minimal NOP participation in the proceedings.

Current Efforts to Address Issues

- **Comments:** NOP indicated that starting at the spring 2014 meeting in San Antonio, only minor adjustments to discussion documents and proposals will be allowed before voting. If public comments lead to substantive changes, the document is to go back to committee before voting. This may help ensure that verbal comments resulting in significant changes may be placed in the context of other comments received before the Board votes on a petition.
- **Board dialogue:** As an example of a potential option to address this issue, almost all interviewed approved of the measure that the Board Chair took at the meeting held in Portland, Oregon in April 2013 to encourage each Board member to justify the reasoning behind his or her vote on the use of tetracycline in tree fruit production.
- **Role for NOP:** At the February training, NOP staff indicated that, consistent with the practice utilized in some other FACA bodies, the Deputy Administrator of the NOP may choose to Co-Chair the spring meeting in San Antonio.

Potential Next Steps

- **Meeting duration:** NOP and the NOSB Executive Committee should consider the length of public meetings, as well as the possibility of conducting some portions of public meetings via teleconference, webinar, or other virtual means. In addition, opportunities to convene the Board prior to public meetings to conduct briefings for the purposes of sharing information and discussing key issues should also be considered. Decisions would not be made at these briefings. The possibility of virtual meetings for the purpose of informational briefings could be explored. The NOSB and NOP should work collaboratively to determine the best way to keep the public apprised of these discussions.
- **Meeting environment:** One potential mechanism to help encourage a collegial meeting environment would be for the Board, through the Board Chair, to make a

statement on behalf of the NOSB affirming the expectation of a suggested code of conduct for the public attending each meeting, citing the respectful discussions that the Board maintains and a desire to foster a similar culture at NOSB public meetings.

- **Comments:** NOP and NOSB should consider restructuring the public comment process to better facilitate direct dialogue and feedback (in both verbal and written formats). Several approaches could be considered:
 - 1) Clearly state at the outset of comment periods that comments may only pertain to the petition at hand, and remind the speaker of this policy if comments stray to include multiple topics;
 - 2) Require all stakeholders seeking to provide public comment to offer their comments in written form prior to the meeting, similar to a public hearing.
 - 3) Allow each Board member a few minutes to make any comments they wish following all of the public comments; each member could make a general observation, respond to a particular comment, or pass.
 - 4) Reallocate a portion of the time currently dedicated to comments directed at the NOSB to questions for the NOP.
 - 5) Structure the public comment period with members of the public breaking into small groups for discussion and then having a single reporter from each group share a summary of the comments from that group. If any member of the public wished to make a statement in addition to these summaries, they could be provided that opportunity.
 - 6) Provide a mechanism for stakeholders to provide additional written comments (through a comment box, issue briefs, or other mechanism) to supplement verbal comments on particularly controversial issues.
- **Board dialogue:** Many interviewees indicated that the approach of asking Board members to explain votes was an important trust-building measure and mechanism for transparency that should be replicated in future meetings. NOSB should develop and implement a process whereby Board members are encouraged to clarify their positions on key decisions at public meetings, verbally or through writing.
- **Role for NOP:** If there is to be a co-chair approach involving the Chair of the NOSB and the Deputy Administrator of the NOP, NOSB leadership and NOP staff need to collaboratively determine the approach to co-chairing. It will be important to determine the appropriate roles for each of the co-chairs in order to ensure that the decision to have co-chairs improves the functionality of the meeting.

Closing Observations

As compared to other FACA committees with which Meridian has worked, the NOSB elicits significantly more stakeholder interest and interaction than most. The rapid expansion of the organic food industry, characterized by burgeoning demand for organic food products and an increase in new entrants into the field, has resulted in a sector with a constantly changing landscape. While there are multiple views among the various participants in the organic food industry about that changing landscape, every participant understands the value of a strong “USDA Organic” brand. We sense from our interviews and research that all parties want to protect that brand.

This report summarizes the topics and issues raised during the assessment process. Most of our recommendations deal with providing clarity for all participants: clarity of purpose, of process, and of outcomes. Through the February training session, NOP staff has begun a process to provide clarity that aims to address several issues identified in our work, as we have noted throughout this report. We have suggested opportunities for additional dialogue between NOP, NOSB, and stakeholders to identify creative approaches to clarifying roles and responsibilities, promoting effective communication and transparency, managing NOSB workload and scope, and designing public meetings to enable productive discussion.

Our recommendations also speak to strengthening a collaborative spirit among all parties. Addressing the issues identified in this assessment will require innovative collaborative processes that will continue building trust and connectivity between NOP, NOSB, and the public over time. Throughout the process of conducting this assessment, we have recognized a strong sense of respect among Board members and a high regard for the NOSB process as a critical mechanism to engage stakeholders in USDA’s decision-making processes. The Board’s discussions are fueled by legitimate differences grounded in each Board member’s viewpoint; these differences are fundamental to a robust FACA process.

We want to emphasize some final points. The steps that have been taken by AMS/NOP to clarify the NOSB process are helpful in many ways. However, it is important to note that these same steps may be viewed by some stakeholders as attempts to control NOSB activities and outcomes, rather than as efforts to focus the NOSB process more intently on the critical tasks outlined in OFPA. To avoid those perceptions, it is critical that NOP and NOSB work together to institutionalize collaborative processes that respect both the responsibility and authority of the NOP as well as the engagement of the NOSB and the broader public. We have identified a number of areas where we believe the NOP and NOSB can strengthen the functioning of the NOSB as a collaborative body. In our view, such collaborative spirit and actions will provide an underlying foundation to the NOSB process which will well serve the NOSB, USDA and the public.