

Note: Subcommittee notes may include preliminary discussions regarding substances considered for addition to or removal from the National List. They do not represent official NOP policy or regulations. Please see the NOP website for official NOP policy, regulations, and status of substances used in organic production and handling.

**National Organic Standards Board (NOSB)  
Policy Development Subcommittee Meeting Notes  
Tuesday, January 12, 2016 4:30 pm ET**

**Attendees:** Tom Chapman (TC), Chair; Jean Richardson (JT); Colehour Bondera (CBo); Ashley Swaffar (AS); Lisa de Lima (LD); Jennifer Taylor (JT)

**Absent:** Tracy Favre (TF)

**Staff:** Michelle Arsenault (MA); Emily Brown Rosen (EBR)

**Work agenda**

Project	Contact	Status	Vote	Target Meeting
Review of Policy & Procedure Manual (PPM)  General revisions  Minority opinions procedures  Withdrawal of petitions  Annotation changes		Update and reorganize in collaboration with NOP	TBD	TBD
Update to member guide		Update	TBD	TBD

**Agenda**

- Approve notes of August 11, 2015
- Discuss PPM revisions
  - Review comments from Fall meeting
  - Discuss additional changes
- Member Guide
- Sunset Division (if approved by NOP as work item)
- Adjourn

**Discussion**

- **Notes of August 11, 2015** were approved with no changes.
- **PPM revisions (ALL).** The PDS Chair noted the new Subcommittee roster and that there are several members who are new to this project. The Chair provided the group with a list of the changes and a summary of the public comments regarding these changes. A member indicated that the table with a list of changes would be the most useful vehicle to display the changes to stakeholders. The PDS

discussed several sections of the draft PPM, and made modifications based on these comments. Some of the topics addressed included:

- **Transparency. FOIA vs FACA.** The NOP will review the supporting documents regarding records retention and will follow up on the next call. The group also discussed the FACA definition of non-public information and disclosure rules, and that it is not entirely clear whether FACA or FOIA was being used as the guiding principle. The NOP will propose some clarifying language and add it to the draft PPM for review.
  - **COI for TRs and TAPs.** The members discussed TR contracts, which are governed by the USDA, and suggested that perhaps the PPM can contain a citation for the COI policy that the contractors sign. The NOP indicated that the name of the contracted party is available, and it is not appropriate for the NOP to disclose individual names of contractor's staff.
  - **Introduction.** The language about who updates the PPM was previously removed and will be added back in at the end of the document.
  - **Collaboration.** Overall members felt that collaboration between the NOP and NOSB has improved and not diminished over the last couple of years, but that the language in the PPM doesn't reflect that. CBo and JR will work on some additional language for the collaboration section to make it more transparent that the Board has more of a role.
  - **Staff director. Despite the language included in OFPA, there is no mechanism by which the NOSB can hire their own director, because it does not have authority to spend money or develop contracts.** The group discussed the difference between the staff director and the Advisory Committee Specialist: A staff director would operate as a paid staff person who represents the organization to the USDA but is not working for the USDA.
- The PDS will add another meeting for January 26.
  - **Member Guide** - deferred to next call
  - **Sunset Division** - deferred to next call
  - **The meeting was adjourned**

### [Previous PDS Notes](#)

#### **Future Call Schedule (2<sup>nd</sup> Tuesday 2:00 ET)**

January 12, 2016

January 26, 2016 - Additional call

PPM revisions

Member Guide

Sunset Division

February 9, 2016

Member Guide

Sunset Division

March 8, 2016

April 12, 2016

May 10, 2016

June 14, 2016

July 12 2016

August 9, 2016

September 13, 2016

October 11, 2016

November 8, 2016

December 13, 2016

<b>Spring 2016 Milestones</b>	<b>Target date</b>
New NOSB member orientation	?
NOP - Complete Spring 2016 NOSB meeting tentative agenda	Feb 10, 2016
NOSB - Spring 2016 proposals due to NOP	Feb 26, 2016
NOP - Post proposals, Publish FRN, Open public comment	Mar 8, 2016
Discuss work agendas on ES call	Mar 11, 2016
Public comment webinars	??
Public comment closes	Apr 6, 2016
Work agendas finalized on ES call (last call before fall meeting)	Apr 8, 2016
NOP - Send compiled public comments to NOSB	Apr 11, 2016
Spring 2016 NOSB meeting – Washington, DC	Apr 25 - 27, 2016

<b>Fall 2015 Milestones</b>	<b>Target date</b>
NOP - Complete Fall 2015 NOSB meeting tentative agenda	July 8, 2015
Request for TRs for 2018 sunset materials	July 15, 2015
NOSB - Fall 2015 proposals due to NOP	Aug 26, 2015
NOP - Post proposals, Publish FRN, Open public comment	Sep 8, 2015
Discuss work agendas on ES call	Sep 11, 2015
Public comment webinars	Oct 13 & 20, 2015
Public comment closes	Oct 5, 2015
Work agendas finalized on ES call (last call before fall meeting)	Oct 8, 2015
NOP - Send compiled public comments to NOSB	Oct 13, 2015
Fall 2015 NOSB meeting - Stowe, VT	Oct 26 - 29, 2015

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**National Organic Standards Board (NOSB)  
Policy Development Subcommittee Meeting Notes  
Tuesday, January 26, 2016 2:00 pm ET**

**Attendees:** Tom Chapman (TC), Chair; Lisa de Lima (LD), Vice Chair; Tracy Favre (TF); Jean Richardson (JT);

**Absent:** Ashley Swaffar (AS)

**Staff:** Michelle Arsenault (MA); Emily Brown Rosen (EBR)

**Work agenda**

Project	Contact	Status	Vote	Target Meeting
Review of Policy & Procedure Manual (PPM)  General revisions  Minority opinions procedures  Withdrawal of petitions  Annotation changes		Update and reorganize in collaboration with NOP		Spr 2016
Sunset reorganization	TC	Discussion doc		Spr 2016
Update to member guide		Update	TBD	TBD

**Agenda**

- Approve notes of January 12, 2016
- Discuss PPM revisions
  - Target date for finalized version
  - Review edits from previous meeting
  - Review outstanding comments from Fall 2015 meeting
    - NOSB initiated work agenda items
    - ACS protecting independence of the board
    - PDS authority to establish procedures
    - Changes to minority reports
    - Better define forced resignations
    - COI for members is not transparent and doesn't cite regulations
    - Should not adopt Sunset changes into policy
    - Objections to meeting accessibility
- Discuss additional changes
- Sunset Division (Target – discussion document for spring 2016 meeting)

- Member Guide
- Adjourn

## Discussion

- **Notes of January 12, 2016** were approved with no changes.
- **PPM revisions (ALL).**
- **Discuss PPM revisions**
  - **Target date for finalized version.** Spring 2016 NOSB meeting
  - **Review edits from previous meeting.** The collaboration section was modified and the members were supportive of the changes. The NOP will add the edited paragraphs to the master version for recirculation
  - **Review outstanding comments from Fall 2015 meeting**
    - **NOSB initiated work agenda items.** The PDS will modify some language in this section based on public comment.
    - **Advisory Committee Specialist protecting independence of the board.** This position reports to the NOP, and serves as a liaison between the NOSB and NOP, and as such must answer to both entities.
    - **PDS authority to establish procedures.** The members discussed the role of the PDS and feel that the Subcommittee's focus is on procedure and INTERNAL Board policy. This will be clarified in the PPM.
    - **Changes to minority reports.** The PDS discussed the section on minority reports and modified some language. A member noted that this section was developed by a previous Board and is based on language from Robert's Rules of Order.
    - **Better define forced resignations.** This section was added recently, as a means to inform members that there are rules of conduct that should be encouraged. The PDS acknowledged that while useful, only the Secretary can remove appointees from the NOSB.
    - **Conflict of Interest (COI) for members is not transparent and doesn't cite regulations.** The PDS feels that the COI document is robust and is supportive of it in its current incarnation.
    - **Should not adopt Sunset changes into policy.** The PDS acknowledged the public's concern about the Sunset policy changes as published by NOP. The section included in the PPM provides detail of current NOSB procedures for sunset review, which was not prescribed by the policy.
    - **Objections to meeting accessibility.** The PDS has no objections to allowing a virtual presence at the meetings in the event of special circumstances that would prevent a member from traveling. Additionally, virtual participation is allowed by the General Services Administration (GSA) who oversees all US Advisory Committees.
- **Sunset Division.** The goal is to bring this discussion document to the spring 2016 NOSB meeting for a vote. The PDS Chair circulated several options for spreading out the sunset review over a 5-year cycle. The group discussed the best way to move forward, and supports option "B" which is a randomized and sorted list. The members discussed some of the nuances of separating the list in this manner, but feels that with a couple of slight modifications it is the best option. The lead will complete the discussion document for the next call, and asked the members to think about ways to approach materials that they would like to remove from the List.

- **FACA vs FOIA.** The NOP will make some edits to the FACA vs. FOIA language as was discussed on the last call, and the group will review it on the next call.
- The PDS added an extra call on Feb 23.
- **The meeting was adjourned**

[Previous PDS Notes](#)

**Future Call Schedule (2<sup>nd</sup> Tuesday 2:00 ET)**

January 12, 2016

January 26, 2016 - Additional call

PPM revisions

Member Guide

Sunset Division

February 9, 2016

Member Guide

Sunset Division

February 23, 2016 - additional call

March 8, 2016

April 12, 2016

May 10, 2016

June 14, 2016

July 12 2016

August 9, 2016

September 13, 2016

October 11, 2016

November 8, 2016

December 13, 2016

Spring 2016 Milestones	Target date
New NOSB member orientation	Feb 29, 2016
NOP - Complete Spring 2016 NOSB meeting tentative agenda	Feb 10, 2016
NOSB - Spring 2016 proposals due to NOP	Feb 26, 2016
NOP - Post proposals, Publish FRN, Open public comment	Mar 8, 2016
Discuss work agendas on ES call	Mar 11, 2016
Public comment webinars	??
Public comment closes	Apr 6, 2016
Work agendas finalized on ES call (last call before fall meeting)	Apr 8, 2016
NOP - Send compiled public comments to NOSB	Apr 11, 2016
Spring 2016 NOSB meeting – Washington, DC	Apr 25 - 27, 2016

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**National Organic Standards Board (NOSB)  
Policy Development Subcommittee Meeting Notes  
Tuesday, February 9, 2016 2:00 pm ET**

**Attendees:** Tom Chapman (TC), Chair; Tracy Favre (TF); Jean Richardson (JR); Ashley Swaffar (AS)

**Absent:** Lisa de Lima (LD), Vice Chair

**Staff:** Michelle Arsenaault (MA); Emily Brown Rosen (EBR)

**Work agenda**

Project	Contact	Status	Vote	Target Meeting
Review of Policy & Procedure Manual (PPM)  General revisions  Minority opinions procedures  Withdrawal of petitions  Annotation changes		Update and reorganize in collaboration with NOP		Spr 2016
Sunset reorganization	TC	Discussion doc		Spr 2016
Update to member guide		Update	TBD	TBD

**Agenda**

- Approve notes of January 26, 2016
- Review PPM changes
- Review Sunset Discussion Document
- Review New Member Guide
- **Adjourn**

**Discussion**

- **Notes of January 26, 2016** were approved with no changes
- **Review PPM changes.** The group discussed the following various sections of the PPM that were modified during the last call.
  - **NOSB-NOP collaboration**
  - **Work agenda. The language in the work agenda section was modified slightly.**
  - **NOSB Charter.** The Charter, which will expire May 8, 2016, is currently being revised for renewal, and the NOP will send a copy to the NOSB when it is complete. There were few changes since the last charter, with the exception of updates to the diversity statistics of the Board, and some minor proofreading edits.

- **FOIA changes.** The AMS's Office of General Council (OGC) provided some clarifying guidance about FACA vs FOIA, which the members will incorporate into the document. The members asked that this section be highlighted during new member training.
- **Policy Development Subcommittee description.** The paragraph was modified to indicate that the PDS has purview over "internal board procedures". Additionally, the word "new" was removed from "new member guide", and the group discussed the feasibility of changing the name of the subcommittee to better reflect that they craft procedures more so than policy. Change to minority opinion to clarify process.
- **Federal contracts.** Clarified the language to reflect that the name of the contracted party appears on the contract, and that is the entity subject to Federal Conflict of Interest policies.
- **Sunset procedures.** The wording regarding the procedure the Subcommittees use when reviewing sunset was clarified.
- **Addition of Section IX.** Language regarding updates to the PPM was added, and includes; who proposes changes and how those changes are adopted.
- **Finalization of document.** The NOP will add the revisions discussed on today's call and update the Table of Contents to reflect the addition of section IX. The PDS Chair will prepare a comparison document for the spring meeting, and the PDS will vote on the acceptance of the PPM during the next PDS call.
- **Sunset Timeline Discussion Document.** A revised draft document was circulated to the members and the PDS Chair asked for suggestions so they can review them on the February 23 call. A member noted a minor date discrepancy on the spreadsheet. The Chair will correct this and resend for review.
- **Review Member Guide.** The NOP will edit and update the document which contains basic logistical information for new members. The PDS feels that this document does not need to be voted on or posted for public comment.
- **Other business.** JR may not make the February 23 call, and would like to cast her vote via email.
- **The meeting was adjourned**

### [Previous PDS Notes](#)

#### **Future Call Schedule (2<sup>nd</sup> Tuesday 2:00 ET)**

January 26, 2016 - Additional call

PPM revisions

Member Guide

Sunset Division

February 9, 2016

Member Guide

Sunset Division

February 23, 2016 - additional call

Vote on updated PPM.

Vote on sunset timeline changes.

March 8, 2016

April 12, 2016

May 10, 2016

June 14, 2016

July 12 2016

August 9, 2016

September 13, 2016

October 11, 2016

November 8, 2016  
December 13, 2016

<b>Spring 2016 Milestones</b>	<b>Target date</b>
New NOSB member orientation	Feb 29, 2016
NOP - Complete Spring 2016 NOSB meeting tentative agenda	Feb 10, 2016
NOSB - Spring 2016 proposals due to NOP	Feb 26, 2016
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Discuss work agendas on ES call	Mar 11, 2016
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Public comment webinars	Apr 18, 2016
Spring 2016 NOSB meeting – Washington, DC	Apr 25 - 27, 2016

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**National Organic Standards Board (NOSB)  
Policy Development Subcommittee Meeting Notes  
Tuesday, February 23, 2016 2:00 pm ET**

**Attendees:** Tom Chapman (TC), Chair; Lisa de Lima (LD), Vice Chair; Tracy Favre (TF); Ashley Swaffar (AS)

**Absent:** Jean Richardson (JR)

**Staff:** Michelle Arsenault (MA); Emily Brown Rosen (EBR)

**Work agenda**

Project	Contact	Status	Vote	Target Meeting
Review of Policy & Procedure Manual (PPM)  General revisions  Minority opinions procedures  Withdrawal of petitions  Annotation changes	TC	Update and reorganize in collaboration with NOP	02 23 16	Spr 2016
Sunset reorganization	TC	Discussion doc	02 23 16	Spr 2016
Update to member guide		Update	TBD	TBD

**Agenda**

- Approve notes of February 9, 2016
- PPM changes - review and vote
- Sunset Timeline changes discussion document - vote
- Adjourn

**Discussion**

- **Notes of February 9, 2016** were approved with no changes
- **PPM (all).** The members discussed the changes to the PPM that were incorporated after the last call, and proceeded to a vote. One PDS member was unable to participate on the call and requested the vote be kept open so she could participate via email. **ABS NOTE:** The absent member cast her vote via email February 24, and the voting record below was changed to reflect that.

Motion to accept the Policy and Procedure Manual as revised

Motion by: TC

Seconded by: LD

Additional discussion: none

Yes: 5 No: 0 Abstain: 0 Absent: 1 Recuse: 0

- **Sunset Timeline Reorganization Discussion Document.** The Subcommittee discussed language in the draft document which includes edits and proofreading changes from members. The PDS proceeded to a vote. One PDS member was unable to participate on the call and requested the vote be kept open so she could participate via email. **ABS NOTE:** The absent member cast her vote via email February 24, and the voting record below was changed to reflect that.

Motion to accept the sunset timeline reorganization discussion document as revised

Motion by: TC

Seconded by: AS

Additional discussion: none

Yes: 5 No: 0 Abstain: 0 Absent: 1 Recuse: 0

- **Other business.** None
- **The meeting was adjourned**

### [Previous PDS Notes](#)

#### **Future Call Schedule (2<sup>nd</sup> Tuesday 2:00 ET)**

February 9, 2016

Member Guide

Sunset Division

February 23, 2016 - additional call

Vote on updated PPM

Vote on sunset timeline changes

March 8, 2016

April 12, 2016

May 10, 2016

June 14, 2016

July 12 2016

August 9, 2016

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November 8, 2016

December 13, 2016

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