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RE: Docket #AMS-NOP-20-0089

Compliance, Accreditation, & Certification Subcommittee (CACS)

Discussion Document: Human Capital Management - Supporting the Work of the NOSB

Dear NOSB Members:

Thank you for the opportunity to provide comments on the “Supporting the work of the NOSB” discussion document. Since our founding in 1999, we have been an active contributor to the work of the NOSB by offering comments on a wide variety of meeting agenda items, and almost always sending staff to participate in meetings. We very much appreciate the breadth and depth of your work, and have watched that grow along with our certification agency and the rest of the organic community. MOSA now certifies approximately 2,100 organic operations throughout the United States.

We support the concept of adding more human capital resources to support your work. Our call for more support for the NOSB also recognizes the value of more autonomy. You must be enabled to discern how to use your time in service to advance the organic label and the values which spurred our organic movement. Too much busyness and burden can stifle imagination and the creative thinking that may be key to our best way forward in our challenged world.

We certainly understand that your work as members of the National Organic Standards Board requires ability to digest a lot of technical and other details on a wide variety of subjects, using critical thinking skills, balancing the interests of a diverse set of stakeholders within and beyond the United States, and ideally, with a strong commitment to organic principles. From the outside, NOSB responsibilities appear daunting. It’s also our understanding that NOSB work is a sizable time commitment that typically falls on top of full-time jobs or managing farm businesses. Even when willingness to serve is present, for many who otherwise would be called to serve, there are practical challenges that stifle NOSB member recruitment.

At MOSA, for a number of years we have considered the logistical challenge of enabling staff to consider candidacy for NOSB service. Although the will, aptitude, and values are present within

our staff, it's a tall order to enable volunteer NOSB service in a certification business that already is feeling a pinch from the stressors noted in the Human Capital documents on your plate. From our perspective, our logistical hesitance to enable staff to serve comes from a solid appreciation and respect for the work of the NOSB, and a recognition that NOSB work is a commitment not to be taken lightly. It's a commitment to serve as a representative of your individual stakeholder group, and to listen not just to the louder voices but also to enable the quieter members of our organic community to be heard. Doing your work well means not just understanding the facts, data, technical issues, and creating documents, but perhaps more importantly it requires taking time to pause and digest and holistically consider the best way forward for our organic community.

In 2020 as we submitted our comments on the Strengthening Organic Enforcement proposed rule, we noted our perpetual concern that no rule ever seems to simplify the responsibilities of our organic regulatory and enforcement community. From our perspective, increased regulatory burdens on certifiers leads to increased costs for organic operations and ultimately for consumers. The burden is felt throughout our entire organization: the burnout felt by reviewers as their work becomes increasingly detail-obsessed; the burden on MOSA as we stay in alignment with the NOP in our systems, paperwork, IT, and training; the burden felt by our inspectors who are spending an increasing amount of time on paperwork; and the inequitable burden on certified operations who are spending more time recordkeeping, documenting, and tracking paperwork, and who are paying more for certification because the certifier and the inspector are trying to remain fiscally responsible and working to prevent fraud. Clients and certifiers alike feel that organic certification becomes more complex, time consuming, and costly each year and the complexity and detail do not necessarily result in greater organic integrity. Similarly, we have concerns about the level and volume of work that should be completed by the NOSB, work prioritization, and its impact on necessary creative thinking. We all have passion for organic agriculture and its positive impact on communities and our planet, but sometimes that passion gets lost under the workload.

Below are our responses to the Questions for Stakeholders posed in the discussion document.

1. Please provide any general comments on the remark below.

“In addition to those fields noted in the memo, other expertise such as those in chemistry, ecology, biological sciences, plant pathology, and biological engineering would be particularly helpful, especially when considering many of the topics discussed and debated by the NOSB. We have long wondered what it would look like if each NOSB member had a research assistant (a co-op position for a graduate student, for example) to help conduct and provide literature reviews, write drafts, and otherwise support the work of NOSB members. What better way to expose young people to the organic community than through service to its leadership board!?”

We agree that having NOSB research assistants could be helpful, might enable a wider breadth of qualified and committed individuals to serve on the NOSB, and could lead to a better balance of productivity in NOSB work. In general, we're in favor of more human capital resources for your work, but we'd caution that the solution to the work burden challenge should not be too prescriptive; it should enable some autonomy and independence in calling in help. For example, NOSB members likely have valuable resources within their own networks, and could be enabled to choose appropriate assistance with guidance and support from the NOP, but not necessarily

requiring NOP vetting of the resources. Along these lines, we appreciate Beyond Pesticides' comments regarding the value of public input to NOSB deliberations, including encouragement of transparency, including an open, online docket that enables improved between-meeting communication between Board members and the wider organic community.

2. Is the organic community comfortable with the Board getting support “to help conduct and provide literature reviews, write drafts, and otherwise support the work of NOSB members”?

We're generally supportive of the Board getting support, but this question is rather vague. It does not specify what type of support would be provided. From a Board autonomy and independence perspective, that may be a good thing. The NOSB should be enabled to approach help with their needs from their perspective. For example, assistance with gathering technical details and facts could afford NOSB members more time for the creative and critical thinking that uses those facts and details to come to a recommendation for the Program. NOSB members should be enabled to decide where or how they need support, areas where they are not finding needed time, or areas where they could decrease some more tedious parts of their work so it's not at the expense of losing necessary time for consolidating facts into progressive recommendations that strengthen the organic movement.

3. If so, what areas are appropriate for the Board to get support?

Currently, the NOSB is afforded some support via others providing technical reports. This and other similar information gathering and compilation is appropriate. We've seen some of this type of input with occasional panels of experts convened for particular NOSB agenda topics. Sunset review data may be another area where support could be used without affecting Board members' autonomy in using their own resources and representing their stakeholder group. Updating the petitioned substances information online is another area where the NOSB might use support. In general, it seems most appropriate for support to be used for gathering and presenting background materials, facts, preparing reports and such. This could free some time and space for the necessary critical thinking and assessment work of the NOSB, for thinking and hearing between the lines, for considering the views of stakeholders that are underrepresented in the NOSB discussion milieu.

As we consider what parts of the NOSB workload are appropriate for assistance, we have some opinions regarding NOSB work plan and agenda development. There is room here for better balance.

On one hand, as public representatives in USDA-NOP organic's public-private partnership, we would like the NOSB to have more apparent authority in setting their work plan. It seems there are some areas of inconsistency or undefined expectations in enforcement where the NOSB deliberation process could be of great value, yet these are not finding their way to work plans even after a lot of organic community encouragement of discussion. Discussion on guidelines for greenhouse/container production is an example. This relates to our call for more autonomy.

On the other hand, perhaps some NOSB agenda/work plan items need more monitoring and limitation. Sometimes it seems like the NOSB has taken on topics that do not seem to have much organic stakeholder impact, where there have not been petitions or apparent NOP requests for

guidance. Of course, the relative importance of various work plan/agenda items is subjective. Sometimes, much NOSB time has been spent discussing topics that have either fizzled or end up falling off of NOSB agendas.

Devoting adequate time to each agenda item is important. Sometimes, having fewer agenda items is helpful, or, it could be helpful to balance work among subcommittees, or adjust subcommittees' membership to enable an expeditious deliberation process, to enable NOSB members to read and consider all public input, and to still enable appropriate attention to demanding needs like petitioned materials.

It is also important for the NOP to have capacity to follow through on NOSB recommendations. And, for some dated recommendations, perhaps the NOSB needs support to revisit their work from a more current perspective. For example, a dated NOSB recommendation recommended that calcium propionate be added to the National List for treatment of milk fever in livestock. But with our current point in understanding, the NOSB would have viewed this material as covered under electrolytes, so now we have an unnecessary listing.

We also see value in offering more support to the NOSB so information might be better vetted by the stakeholder communities they impact, before being brought as a formal proposal. For example, the current proposal for mulch introduces some new phrases about plastic. Technical reviewers - like certifiers - could have commented earlier regarding improved terminology. Concerns like this might be solved by more transparency through an open public docket.

4. For which areas should the Board not use outside support?

We think the NOSB subcommittees should author their own proposals and documents for stakeholder consideration, after having time for assessment of data, facts, and public input. The NOSB should use their assessment skills to make recommendations. Although not a likely outcome, if too much work were delegated to outside support, it could lead to some NOSB members becoming less invested in outcomes. As noted above, the commitment to NOSB work should not be taken lightly. Committing time and effort encourages investment.

Thank you for your consideration of your own capacity challenges as a part of the human capital issue which affects our entire regulatory enforcement community. It's important work.

Respectfully submitted,

The MOSA Certification Team