



September 30, 2021

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National Organic Standards Board
USDA-AMS-NOP
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Submitted via [Regulations.gov](https://www.regulations.gov).

RE: Docket #AMS-NOP-21-0038

NOSB Policy Development Subcommittee (PDS) Subcommittee Discussion on Public Comment Process

Dear NOSB Members:

Thank you for the opportunity to provide comments on the Public Comment Process. MOSA certifies approximately 2,050 organic operations throughout the United States, including approximately 1714 producers (crop and livestock), 58 Producer/Handlers and 269 Handlers.

We appreciate your request for feedback regarding how processes might be modified to maximize community engagement, resulting in fair and equal access by all stakeholders. MOSA will address your specific questions below:

- 1. Should the Board move to an entirely virtual format for oral comments the week before in-person meetings or maintain the pre-pandemic format of hearing oral comments, both virtually prior to the in-person meeting as well as in-person at the public NOSB meeting.**

We certainly recognize the benefits of in-person meetings - after hours creative informal group-thinking, collegial relationship building and increased exposure to industry affairs, to name a few. It is hard to quantify the value of these in-person opportunities and impromptu conversations. However, we support moving to an entirely virtual format for oral comments. In the past, we have sometimes felt like in-person comments were given more weight than webinar comments. Moving to an on-line platform for all comments will help level the playing field, allowing all stakeholders the same opportunity to participate in this essential process. We also feel an increased pressure to be as efficient with our resources (time and money) as possible. And considering climate change, the pros of virtual meetings are obvious.

2. If NOSB meetings move to a model wherein all oral comments are heard virtually the week before the meeting, would it reduce the attendance of stakeholders at the Board meeting?

With a move to all oral comments being heard virtually the week before the meeting, we expect to see increased participation through virtual attendance. That may reduce in-person attendance. With deep respect for the benefits of meeting in person, it seems we should be committed to addressing concerns noted by some stakeholders regarding barriers to their attendance - harvest schedules, obstacles to finding replacement milkers and animal care issues, as well as financial constraints. A move towards virtual comments may be a way to address these concerns and increase accessibility and participation in the public process.

3. Restrictions due to the pandemic aside, would the availability of a live-stream meeting discourage in-person attendance?

Even since before the pandemic, we have advocated for a live-stream component in NOSB meetings. Moving to a formal live-stream meeting may reduce the number of in-person attendees, but does not intrinsically discourage in-person attendance. There will still be opportunities from other organizations in our industry to schedule optional after-hours conversations/meetings, encouraging a connected community and travel to NOSB meetings. We have appreciated that NOSB meeting locations have been in many parts of the United States.

In these times, MOSA must ensure our resources are used as efficiently as possible. Right now, that translates into fewer dollars available to fund travel, and a need to safeguard staff time to ensure we are able to complete reviews, inspections and other NOP enforcement requirements. We need to funnel more of our resources towards education opportunities for staff, and invest in our organizational infrastructure, so we are poised to meet increasing NOP requirements. We also want to continue our active participation in overarching conversations about our work and the National Organic Standards.

4. Is the practice of scheduling multiple oral comments by a single organization (such as a business/company/non-profe/trade group) inherently unfair?

Like many organic organizations that represent a diverse group of stakeholders, we are affected by, and tend to comment on, a breadth of agenda items. We typically have at least two staff members sign up for public comments. One three-minute time slot is often not long enough to sufficiently address our thinking regarding a number of agenda topics. We are very conscious of the constraints of the public comment process and work to ensure we bring one harmonized voice to NOSB meetings, without duplication of subject matter. Allowing groups to have many speakers on the same topic while representing the same point of view is not the best use of the public comment forum. While that is nicely democratic, meeting time resources do need some limits. We support

consideration of limiting multiple speakers from an organization when they are speaking on the same topic.

We also recognize that the comment period sign up is first come, first serve. We are unclear about how many people are turned away and not able to make an oral comment. With a shift to an all virtual platform there could be time savings, previously needed for travel to/from the meeting. That could be translated into additional opportunities for stakeholder input via verbal comment. We encourage the NOSB to consider adding a day or two to the public comment process. We have long stressed that the robust and engaged public comment process is a great strength of the National Organic Program, and exemplifies democracy at its best.

Is there a path by which the Board can field multiple areas of expertise from a single organization, while balancing the limits of time, fairness, and the importance of receiving a wide range of stakeholder feedback?

The timeline to submit written comments can be an obstacle when one considers the efforts representative organizations like MOSA take to gather feedback from our diverse stakeholders. It takes time to convey topics of discussion to stakeholders and receive feedback from our clients, many of which do not use the internet as their primary source of communication. If we could have more time to submit written comments it may help reduce the amount of verbal comments we are inclined to make.

There have also been times when we have been asked questions following our verbal comments that were addressed in the previously-provided written comments. We understand that the NOSB only has two weeks to read public written comments and prepare for the meeting. We also understand that there are additional NOSB timing needs related to preparation of meeting documents, before they are released for public comment. We would encourage the NOSB to match up written comments to the oral commenter schedule and read the comments of public commenters before their verbal comment. This may save some time during the public comment portion of our meetings and make space for adding additional commenters.

Stakeholder input is a tenet of the National Organic Program. We think it is incredibly important for the NOSB to follow a defined process - of presenting discussions and asking questions of the stakeholder group and voting on proposals only after a full vetting process. Presenting significant proposals for a vote at the same meeting (as with Ammonia Extract does not enable a wide range of stakeholder feedback, nor enough time for adequate consideration.

In summary, we do not feel that the system is broken, but we are in favor of increasing efficiency and reducing our carbon footprint through adapting an all-virtual platform. We must ensure that changes to the meeting format do not decrease the diversity of perspectives and valuable stakeholder input. Personally, many of us here at MOSA would like to see a hybrid approach to the NOSB meetings so we can continue to garner the benefits of in-person interactions.

However, the important points here are about removing barriers that prevent stakeholder voices at the table, and reducing our carbon footprint.

Thank you for considering our input, and for your work on this challenging and perhaps precedent-setting issue.

Respectfully submitted,

The MOSA Certification Team