U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250

DEPARTMENTAL REGULATION	NUMBER:
Reestablishment of National Organic Standards Board (NOSB)	DATE: MAY 18 2010
	OPI:

1 PURPOSE

a Section 2119 of the Food, Agriculture, Conservation, and Trade Act of 1990 (FACT Act). Public Law Number 101-624, requires establishment of a National Organic Standards Board (NOSB). The purpose of the NOSB is 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 Title XXI of the FACT Act.

b The NOSB is of a continuing nature due to the changes in production and marketing brought about through advancements in science and technology.

2 SPECIAL INSTRUCTIONS/CANCELLATIONS

This regulation shall terminate 2 years from date of filing. Departmental Regulation 1042-105, dated May 12, 2008, is superseded by this regulation.

3 OFFICERS and MEMBERS

a The NOSB shall consist of 15 members appointed by the Secretary of Agriculture as follows:

(1) four individuals who own or operate an organic farming operation;

(2) two individuals who own or operate an organic handling operation;

(3) one individual who owns or operates a retail establishment with significant trade in organic products;

(4) three individuals with expertise in areas of environmental protection and resource conservation;

(5) three individuals who represent public interest or consumer interest groups;

(6) one individual with expertise in the field of toxicology, ecology, or biochemistry; and,

(7) one individual who is a certifying agent as identified under Section 2116 of the FACT Act.

b Equal opportunity practices, in line with the Department of Agriculture (USDA) policies, will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by USDA, membership shall include, to the extent practicable, individuals, which demonstrate ability to represent minorities, women, and persons with disabilities.

c The NOSB shall elect from among its members the Chairperson, the Vice Chairperson and the Secretary at the first meeting. No Vice Chairperson shall be elected who is a representative of the same segment of the industry as the Chairperson.

d A member of the NOSB shall serve for a term of 5 years, except that the Secretary shall appoint the original members for staggered terms. A member cannot serve consecutive terms unless such member served an original term that was less than 5 years.

e Pursuant to Sections 10(e) and (f) of the Federal Advisory Committee Act (FACA), the Under Secretary for Marketing and Regulatory Programs or a delegated representative of the Agricultural Marketing Service, shall serve as the Designated Federal Officer (DFO). The DFO approves or calls the meeting of the Board, approves the agenda, attends the meetings, and adjourns any meeting when he or she determines it to be in the public interest.

4 DUTIES

a The NOSB shall provide recommendations to the Secretary regarding the implementation of Title XXI of the FACT Act.

b The NOSB shall develop the proposed National List of approved and prohibited substances, or proposed amendments to the National List for submission to the Secretary. In developing the proposed National List, the NOSB shall:

(1) review all botanical pesticides used in agricultural production and consider whether any of them should be included in the list of prohibited natural substances;

(2) advise the Secretary concerning the testing of organically produced agricultural products for residues caused by unavoidable residual environmental contamination, or emergency spray programs;

(3) advise the Secretary concerning rules for exemptions from specific requirements of Title XXI of the FACT Act with respect to agricultural products produced on certified organic farms if such farms are subject to a Federal or State emergency pest or disease treatment program;

(4) review available information from the Environmental Protection Agency, the National Institute of Environmental Health Studies, and such other sources as appropriate, concerning the potential adverse human and environmental effects of substances considered for inclusion in the proposed National List;

(5) work with manufacturers of substances considered for inclusion in the National List to obtain a complete list of ingredients and determine whether such substances contain inert materials that are synthetically produced; and,

(6) submit to the Secretary the results of the NOSB's evaluation and that of the technical advisory panel of all substances considered for inclusion in the National List.

c The NOSB shall establish procedures under which persons may petition the NOSB for the purpose of evaluating substances for inclusion on the National List.

d The NOSB shall convene technical advisory panels to provide scientific evaluation of the materials included in the National List.

5 ESTIMATED ANNUAL COSTS

a Members of the NOSB shall serve without compensation, but with reimbursement of travel expenses and per diem in lieu of subsistence, as is authorized under Section 5703 of Title 5 United States Code.

b Estimated annual operating cost for the NOSB is $90,000 for Fiscal Year 2010 and Fiscal Year 2011.

6 NUMBER AND FREQUENCY OF MEETINGS

It is anticipated that at least 2 meetings will be held in each of the next 2 years, in order to provide additional recommendations for program regulations and to work on revisions to the National List of approved and prohibited substances.

7 REPORTS/SUPPORT

a Support to the NOSB is provided by the Agricultural Marketing Service.

b The NOSB reports to the Secretary of Agriculture through the Under Secretary for Marketing and Regulatory Programs.

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