

Citizen Groups File Petition to Restore Organic Board's Authority

The Cornucopia Institute

Washington, DC — Tuesday, 20 organic farm and consumer groups filed [a legal petition](#) [1] with U.S. Secretary of Agriculture Tom Vilsack to protect the authority and permanence of the National Organic Standards Board (NOSB). The petitioners object to recent changes to the NOSB charter, renewed on May 8, 2014, that undermine the mandatory and continuing duties of the Board as established by Congress under the Organic Foods Production Act (OFPA) of 1990.



[2][The NOSB](#) [2], a diverse 15-member stakeholder body, intended to safeguard the integrity of the organic food label, was created by Congress with independent authorities that operate outside the discretion of the U.S. Department of Agriculture (USDA). Petitioners maintain that in renewing the charter under the Federal Advisory Committee Act (FACA), USDA mistakenly re-categorized the NOSB as a time-limited Advisory Board subject to USDA's discretion and a narrowing of responsibilities.

"These changes to the NOSB Charter are significant and directly controvert the specific mandates of OFPA and Congress that NOSB is a permanent, non-discretionary committee that must fulfill a long list of statutorily mandated duties integral to the organic program," said Aimee Simpson, policy director and staff attorney for Beyond Pesticides.

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The NOSB, appointed by the Secretary of Agriculture, is comprised of a wide swath of organic interests, including farmers, consumers, environmentalists, processors, a retailer, and a certifier. It is charged with a number of specific duties, including establishing and renewing the list of synthetic and non-organic materials allowed to be used in organic production, known as the National List.

“Congress created the Board so that a balance of organic interests, from consumer to industry, would have an irrevocable seat at the table in defining, maintaining and enhancing organic standards. That independent voice is now seriously jeopardized,” noted Paige Tomaselli, senior attorney at the Center for Food Safety.

In response to one of several recent moves by USDA to reclassify the NOSB’s role as a purely advisory and discretionary committee, petitioners urge USDA to reverse what they consider missteps. The petition finds that to comply with organic law, USDA must immediately revise the most recent NOSB Charter to accurately reflect the mandatory non-discretionary duties and ongoing status of the NOSB as described in OFPA.

“The independence of the NOSB is the backbone of the system of organic governance that Congress set up to prevent the industry from being corrupted by undue agribusiness lobbying influence, a dynamic all too common in Washington,” stated Will Fantle, Research Director at The Cornucopia Institute. “It is questionable whether the law being debated in the 1990s would have received overwhelming organic community support if the powerful NOSB buffer, to prevent future corruption by moneyed interests, was not established.”

The groups signing the petition include: Beyond Pesticides, Center for Food Safety, Cornucopia Institute, Food & Water Watch, Equal Exchange, La Montanita Co-op (New Mexico), Maine Organic Farmers and Gardeners Association, Midwest Organic and Sustainable Education Service, Northeast Organic Dairy Producers Alliance, Northwest Organic Farming Association (NOFA) Interstate Council, NOFA Connecticut, NOFA Massachusetts, NOFA New Hampshire, NOFA New Jersey, NOFA New York, NOFA Vermont, Organic Consumers Association, Organically Grown Company, Organic Seed Growers and Trade Association, and PCC Natural Markets.

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Links:

[1] http://www.cornucopia.org/USDA/PetitionChallengingFINAL_NOSB_Charter.pdf

[2] <http://www.ams.usda.gov/AMSV1.0/nosb>