

POLICY DEVELOPMENT COMMITTEE

CONFLICT OF INTEREST

EXECUTIVE SUMMARY

Cornucopia supports the proposal, and respectfully asks that the following additions be considered:

- There should be an opportunity for Board members, or members of the public, to point out potential conflicts of interest to the Board at large, and for the full Board to vote on the conflict regardless of whether the Board member in question voluntarily mentions the conflict.
- Contractors who perform Technical Reviews for the National Organic Program and NOSB should be required to disclose to the public the identity of scientists performing the work, and sign a statement that no conflicts of interest exist (either on the part of the contractor or any staff or subcontractor working on the project).
- During public comment (written and oral), those testifying should disclose their past and current clients, or other involvement with any company or organization that has a financial interest related to the issue.

CONFLICT OF INTEREST

Cornucopia supports the Conflict of Interest (COI) proposal, which aims to enhance the current COI policy. In order to strengthen the COI policy even further, we respectfully propose the following additions for consideration.

Addition to Recommendation #3

Recommendation #3 suggests that the Board will vote on a Board member's ability to engage in discussion and vote on a particular matter, but only after said Board member voluntarily declares his/her potential conflict of interest. There should be an opportunity for Board members, or members of the public, to point out potential conflicts of interest to the Board at large, and for the full Board to vote on the conflict regardless of whether the Board member in question voluntarily mentions the conflict.

There have been instances where Board members have voluntarily mentioned inconsequential conflicts while refraining from mentioning serious ones. For example, Dr. Katrina Heinze, at the Fall 2011 meeting, failed to mention General Mills' licensing agreement with Martek Biosciences Corporation while participating in the debate and voting on Martek's petition on DHA/ARA oils.

In committee meetings, similar failures to mention conflicts have recently occurred, as when Mr. Joe Dickson, in the Handling Committee, failed to declare that his employer (Whole Foods) widely uses, in its 365 private-label products, a material up for sunset review (carrageenan). Given that Mr. Dickson failed to mention the conflict during the committee meetings, it would not be unreasonable to suspect that he might also fail to mention the conflict at the biannual meeting and final vote.

As the recommendation is currently written, the full Board would be unable to vote on a Board member's conflict of interest unless he or she voluntarily declares the conflict. As a result, only Board members with integrity will declare their conflicts, while the possibility exists that other Board members will, intentionally or unintentionally, hide their conflicts. If members of the public have convincing evidence that a Board member has a conflict, they should be able to bring this to the attention of the Chair, and be subject to a vote.

Contractors and Technical Reviewers

Currently, the identity of technical reviewers is not publicly available, much less the potential conflicts of interest held by the reviewers.

Contractors who perform Technical Reviews for the National Organic Program and NOSB should be required to disclose their identity to the public. This will give the public an opportunity to determine whether conflicts of interest exist.

The contractors should also sign a statement stating that no conflicts of interest exist, prior to commencing work on the Technical Review. If the reviewers are unable or unwilling to sign this statement, the USDA should find a different agency or organization to conduct the Technical Review.

Moreover, when the Technical Review is finished, the reviewers should disclose for the public record any individuals, within and outside their organization, that provided assistance. Currently, it is possible that outside consultants with conflicts of interest assist technical reviewers. Just as written documentation must be referenced in the TR, so should telephone conversations and other types of assistance. This will help the public understand who was involved in the TR, and whether conflicts of interest exist.

As an example, for the Technical Reviews on Martek DHA Algal Oil and ARA Fungal Oil, much of the information was taken from the Linus Pauling Institute website, which is not a primary source of scientific information (a serious deficiency in terms of what is required according to the NOSB procedure manual). The DHA Algal Oil Technical Review was severely deficient in pointing out the lack of health benefits from DHA algal oil, and failed to include the most important meta-analysis studies done on the subject.

A consultant to the food industry, and former TAP author, Bob Durst, is employed at the Linus Pauling Institute, which raises questions about Mr. Durst's involvement with the TR.

We are not making allegations of any specific improprieties, but rather pointing out why it is important for any individuals and contractors involved with TRs to identify themselves.

This is especially important since individuals involved with the TRs could act as consultants for the petitioner. For example, Mr. Durst presented oral testimony at the NOSB meeting in Savannah in favor of DHA Algal Oil, without disclosing his client.

Again, we are not making allegations against Mr. Durst, but rather pointing out the importance of greater transparency of the TRs. And we want to reinforce our comments, in the area of conflict of interest, that all individuals testifying, written and oral, to the NOSB need to declare their current client and any past financial relationships which could be construed as conflicts in relationship to their testimony.

Public Commenters

During public comment, presenters should disclose their past and current clients, or other involvement with any company or organization that stands to gain financially from the vote on the issue.

During public testimony, consultants and other individuals often speak on an issue without disclosing who their client is, or who financially supported their presence at the meeting. This makes it difficult for NOSB members to gauge the level of general support or opposition for a petition or issue, versus the level of financial support. After all, consultants, scientists, physicians, farmers and other individuals who are paid to attend the meeting, or whose expenses are covered, are a reflection of the financial clout of a corporation, not necessarily a reflection of general support.

Committee Proposals

Discussion documents and committee proposals by the NOSB that are not the result of a petition should be accompanied by a declaration of which Board member initiated the document and whether this Board member has a financial relationship with any company that stands to gain from the proposal. If the proposal came from a member of the community or the public, the Board member who spearheads the proposal should identify the source. Without this information, it would be too easy for Board members to initiate and recommend rules that would directly benefit their employers.