

# **PUBLIC COMMENT PROCEDURES**

## **EXECUTIVE SUMMARY**

- We recognize that some restrictions might be necessary, but a formula should be devised to maximize public participation. We do not support the three minute restriction without other modifications that would enhance public participation. reluctantly accept the proposal to limit public comment to 3 minutes, as long as the Board reinstates the ability to comment by proxy. Another viable alternative would be the meritorious suggestion by the National Organic Coalition providing for 5 minutes, with gradual reductions in time based on pre-registrations (again with preserving proxies).
- Another option includes extending the public comment from 3 minutes to 5 minutes at the Chair's discretion, especially when experts travel great distances to share their expertise with the Board.
- We agree that the Q&A during public comment should be unlimited.

## **PUBLIC COMMENT PROCEDURES**

Some of the issues before the Board are very complex, and cannot easily be explained in just 3 minutes. While the Board can receive comments in writing before the meeting, there are numerous reasons why relying on extensive written comments alone is not sufficient.

First, Board members understandably become overwhelmed with the volume of written comments, and benefit from listening to oral comments during the meeting. Second, written comments are an opportunity for the public to convey background information and their position, but do not provide the opportunity to respond to positions or claims made by other commenters, either in their written comment or during previous public comment.

Furthermore, the opportunity for board members to ask questions, after a comprehensive presentation, is invaluable to the decision-making process.

It should be noted that during the over 20-year history of the NOSB, the current three-minute limitation on oral testimony, and the elimination of proxies, is unprecedented.

NOSB members universally viewed the opportunity for public input at the meetings to be a vital element of the community coming together twice a year. Past Boards practically bent over backwards to accommodate everyone who wanted to speak. Sometimes that meant ending meetings at 6 or 7 PM rather than 5 PM, and sometimes Board members were willing to work over lunch, sending out for food

while continuing to meet (although we hope that would only be necessary under rare circumstances). Their extra efforts were respected and universally appreciated by other meeting participants.

Furthermore, we do not support the NOP's decision to shorten the length of the meeting (in the case of the Albuquerque meeting, by one half day). Any incremental economic savings are disproportionate to the value of full input from the public.

**3 minutes:** We reluctantly accept the proposal to limit public comment to 3 minutes and we urge the Board to reinstate the ability to comment by proxy. We also believe the possibility of extending the public comment from 3 minutes to 5 minutes at the Chair's discretion is important, especially when experts travel great distances to share their expertise with the Board.

**Proxy:** The ability to comment by proxy is especially helpful for public interest organizations, who do not have the resources to match the physical presence of lobbyists and corporate representatives present at the meetings. Simply put, public interest groups cannot afford to fly in multiple staff members and pay for farmer-members or suppliers to attend the meeting and testify on their behalf. This jeopardizes true balance in the information presented to the Board.

The total time of public comment is an indication of an organization's financial resources, not an indication of public support. A multibillion-dollar corporation can essentially buy several slots at the podium (by paying and/or underwriting travel expenses for its staff members, lobbyists, lawyers, suppliers or farmers to attend) while many public interest groups – with the support of thousands of farmers and consumers – can usually afford just one slot at the podium. This dynamic has played itself out in past meetings during controversial debates on livestock standards and materials.

Since public interest groups are handicapped in this system of public comment, compared with high resource corporate participants, we believe proxy statements are important because they allow public interest groups to speak on behalf of one additional individual (typically farmer or consumer organic stakeholders).

**Unlimited Q&A:** We agree that the Board needs to have unlimited time for questions. The Q&A allows speakers with expertise to have more time at the podium, at the discretion of Board members. It is also a way to make the public comment more of a conversation with the Board members, which means presenters will spend more time directly addressing questions of interest to the Board.

**Consideration of public comment:** We also agree with the PDC that “there is a perception that the Board does not take the time to adequately review and apply public input prior to making their decision.” We support whatever scheduling model is needed to ensure full consideration of public comment by the Board.

**Electronic media:** Finally, we agree the use of electronic media is not currently recommended.