



Organic Industries

Voice of Australia's organic industries
www.organicindustries.com.au

60 Investigator Street
RED HILL ACT 2603

15 June 2021

The Organic Industry Standards and Certification Council Inc.
C/- GPO Box 1582
BRISBANE QLD 4001

Attention: Joylon Burnett
info@oiscc.net

Dear Joylon

We last wrote to OISCC in 2019 to provide our feedback on the structure and operation of OISCC. Our previous letter is attached.

We advised that the OISCC / National Standards Subcommittee system has served the Australian industry well for the last decade. But we also considered that the system is need of an upgrade to address potential conflicts of interest, to improve transparency, and to increase stakeholder engagement in order to best serve Australia's organic Industry.

As the need for reform remains, we thought that it would be timely to bring these issues to your attention in your role as the new President of OISCC.

I would appreciate the opportunity to discuss these issues with you.

Yours sincerely,

A handwritten signature in black ink that reads "Dalene Wray". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dalene Wray
Chair, Organic Industries of Australia Ltd



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PO Box 1862
FYSHWICK ACT 2609

16 December 2019

The Organic Industry Standards and Certification Council Inc.
C/- GPO Box 1582
BRISBANE QLD 4001

Attention: Jan Denham
info@oiscc.net

Dear Jan

We would like to take the opportunity to provide feedback on the structure and operation of OISCC.

We consider that the OISCC / NSsC system has served the Australian industry well for the last decade. We also consider that the system is in need of an upgrade to address potential conflicts of interest, to improve transparency, and to increase stakeholder engagement in order to best serve Australia's organic industry.

OISCC membership

The management of Australia's export standard, the *National Standard for Organic and Biodynamic Produce*, is in the hands of The Organic Industry Standards and Certification Council Inc. which is an Association of Australia's six organic certification companies, Australian Organic Limited (though this is not listed on the OISCC website), the Organic Federation of Australia, as well as the Australian National Retailers Ass (ANRA) and the National Farmers Federation.

According to the published Terms of Reference 2010 (<https://oiscc.org/wp-content/uploads/2017/07/Terms-of-Reference.pdf>), the membership was to be broadened to present wider stakeholder views; however, the current membership list (<https://oiscc.org/about-us/our-members> accessed 8/12/2019) shows that OISCC membership remains mostly with the certification companies.

NSsC membership

OISCC appoints the National Standards Sub Committee (NSsC) to review submissions for change to the National Standard. To appoint NSsC members, OISCC appoints a selection committee; however, the members of the selection committee are not publicised, nor are the applicants and the process by which applicants are appointed reported to the public.

The Chair of NSsC is directly appointed by OISCC, and is neither independent nor elected by NSsC members.

There is no guideline as to the industry roles of members of NSsC, in terms of their independence from OISCC members, and their practical involvement with the National Standard as a certified organic operator, farmer, handler, processor, retailer etc.

NSsC and OISCC transparency

The members of the NSsC are not published.

Submissions to NSsC are not made public until after the NSsC has considered them, after which they are only published on the OISCC website for a limited period of public comment, and with no mechanism for stakeholders to be alerted to outcomes, subscribe to new submissions by email etc.

NSsC's meeting minutes are not publicised.

According to the NSsC Terms of Reference, "Submissions to the NSsC shall be deemed as public documents unless otherwise approved by OISCC not to be publicly available"; however, the submissions are removed from the website after public comments close (<https://oiscc.org/wp-content/uploads/2017/08/NSsCTOR.pdf>).

OISCC makes the final decision as to whether to accept or reject the submission but does not record or publicly disclose its own or NSsC's deliberations over submissions.

In contentious cases, such as submissions with regards to the treatment of GMO contamination, there was much public discussion and thousands of public submissions were received; however, these are not publicly available.

Conflict of interest

Where a member of OISCC, who is also an organic certifier, makes a submission to the NSsC to relax the National Standard in any way—whether it be, for example, a derogation to allow increased conventional livestock feed, or to reduce conversion time post GMO cropping, or that GMO contamination does not necessarily affect a farm's status as organic—there is a potential conflict of interest.

The potential conflict of interest arises where the author of a submission is a member of OISCC and stands to make financial gain from a relaxation of the National Standard by gaining more clients. Note that we do not assert this claim; rather, we simply point out that is how it can easily appear from the outside.

This conflict of interest is all the greater when NSsC members are selected by OISCC and, due to the small size of our industry, have current or historic connections with the certification companies.

Conflict resolution

There appears to be no documented process for conflict resolution.

Comparison of Australia with the US system

The US system has been criticised as too controlled by government; however, in terms of transparency, the US would appear to be far ahead of us.

Approximately 150 advocates, producers, farmers, manufacturers and others attended the fall meeting of the National Organic Standards Board Oct. 23-25 in Pittsburgh, Pennsylvania, according to a USDA spokeswoman. During the 12 hours of public comment, about 115 people spoke to the board members about their concerns, she said. <https://www.newhope.com/food-and-beverage/gene-editing-celery-powder-and-organic-enforcement-roundup-nosb%E2%80%99s-fall-meeting>

The NOSB deliberations are public domain with meeting minutes online back to its birth in 1992 (<https://www.ams.usda.gov/rules-regulations/organic/nosb/recommendations>)

Membership of NOSB is appointed through a transparent, legislated process, members are listed on the NOSB website, and membership is guided by a strong representation of organic operators and only one certifier out of its 15 members:

Each NOSB member is appointed by the U.S. Secretary of Agriculture for a five-year term. USDA publishes a call for nominations each Spring, and newly appointed members begin service in January of the following year.

NOSB members include: four who own or operate an organic farming operation; two who own or operate an organic handling operation; one who owns or operates a retail establishment with significant trade in organic products; three with expertise in areas of environmental protection and resource conservation; three who represent public interest or consumer interest groups; one with expertise in the fields of toxicology, ecology, or biochemistry; and one who is a USDA accredited certifying agent. <https://www.ams.usda.gov/rules-regulations/organic/nosb>

The USDA Standards are public domain and can be downloaded from the USDA website:

<https://www.ams.usda.gov/grades-standards/organic-standards>

Is AS6000 the solution?

In Australia, there has been considerable work put into the addition of AS6000 for Organic and Biodynamic Products which is administered by Standards Australia and whose FT-032 committee membership includes Accord Australasia Ltd, Australian Food and Grocery Council, Australian National Retailers Association, Australian Organic Ltd, Biodynamic Agriculture Australia, Consumers Federation of Australia, Department of Agriculture and Water Resources (Australian Government), Independent Chairperson, Joint Accreditation System of Australia and New Zealand, National Association for Sustainable Agriculture, Organic Federation of Australia, Organic Industry Standards and Certification Council Inc.

At the time of writing, the Terms of Reference for this committee, which presumably includes the selection process and reasoning behind the membership structure, as well as the deliberation process including transparency and stakeholder input, was not available for download from Standards Australia's website.

<https://hub.standards.org.au/hub/public/downloadTermsOfReference.action?committeecode=FT-032%20FT-032>

AS6000 is not available for public download.

Proposed reforms

OIA Ltd considers that it is time for an upgrade in the management of the National Standard for Organic and Biodynamic Produce:

- reduced control of Standards by certification companies and other vested interest groups, and increased control by farmers, processors, and retailers who operate under the Standard on a daily basis, in line with the US model
- expanded NSsC membership, in line with the US model
- greater transparency of the NSsC membership selection process as per the US model, even if this means direct appointment of their members by the Minister for Agriculture
- publicisation of the members of the NSsC
- greater transparency of the submissions review process, including public and long-term archiving of all submissions, NSsC minutes, deliberations and public comments on submissions
- creation of an annual event, similar to NOSB meetings, where important submissions can be openly debated in a physical public forum
- greater leadership by the Department of Agriculture to remove actual, possible or perceived conflicts of interest within all Standards setting organisations
- creation of internal conflict resolution processes and protection of NSsC members from legal harassment

Similar issues arise with aspects of the AS6000 and its FT-032 committee.

Side benefit: US equivalency and cooperation

It is our hope that one outcome of this proposal, in addition to increasing the overall legitimacy and reputation of our organic Standards, is that it may help us to achieve equivalency with the US.

At present, the lack of equivalency means Australian certification companies must impose hefty additional costs on all clients in the supply chain who wish to export to the largest organic market in the world. With a NOP certification surcharge costing approximately \$1000 per client of the major certifiers, multiplied by 3000 operators, this gives a rough annual benefit of \$3million to the Australian organic industry in reduced compliance costs alone.

For this reason, we also recommend that the both OISCC and the Department of Agriculture reach out to their colleagues in the USDA NOP to discuss the pros and cons of the US model, with the long-term goal of achieving equivalency.

We would be happy to collaborate with OISCC in these reforms. I have written in similar terms to the Department of Agriculture.

Yours sincerely,

A handwritten signature in black ink that reads "Dalene Wray". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Dalene Wray
Chair, Organic Industries of Australia Ltd