

Organic Standards Interpretation Committee

Terms of reference

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Introduction

This document is the result of the work of an Organic Federation of Canada Task Force to provide some guidance to the Canada Organic Office regarding ongoing interpretation of the Canada organic standard. Members of the task force:

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It is the understanding of this task force that this proposal will fit into the larger structure that is being worked on by the Organic Value Chain Roundtable and the OFC task force on Standards and long term sustainability (see also "Proposal for a Standards Maintenance Regime") i.e. - this proposal by itself is not a complete program for dealing with management of the Canada organic standard. This task force recognizes the need of all these structures to evolve over time, and the suggestions presented here may be viewed as guidelines as opposed to rigid rules.

Terms of Reference

1. There will be a Standards Interpretation Committee (SIC), which will be appointed by OFC. Criteria and process for selection of committee members is defined in Appendix 4. The mandate of the SIC will be to recommend answers (interpretive guidance) on standards issues. Interpretations that are approved by the COO will become precedents and be logged by the COO for public perusal. COO will also send out the interpretations (as they are arrived at) to Certifying Bodies (CB)s and Conformity Verification Bodies (CVB)s. All answers and questions will be added to the Q&A database or to the Interpretation Guide to 32.310 and 32.311.

2. The SIC will consist of seven members, who are drawn from the technical committee responsible for the Standard. Members shall be experts in different aspects of organic standards and regulations. Different sectors include:
 - Crop producers;
 - Livestock Producers;
 - Processors (food manufacturers);
 - Importers, Distributors and Retailers;
 - Certification Bodies;
 - CB Inspectors;
 - Consumers.
3. The SIC may bring in technical experts to assist in their deliberations. Such persons shall not have decision-making privileges.
4. Appointments to the SIC shall be for two years, and are staggered to ensure continuity within the committee. Members may be re-appointed two times, after which they must stand down for one year before being eligible for another appointment.
5. The COO will provide secretariat to the SIC and will be a participating member of the SIC. The COO will provide an honorarium to the members of the SIC.
6. Questions regarding interpretation of the standards may come from anyone.
7. Questions shall be sorted according to priority as they arrive, according to criteria (appendix 1).
8. The COO will appoint a chair from among the SIC members. The chair will work with the COO Standardization Officer to prioritize interpretation requests and to manage the workload of the SIC.
9. The SIC will meet as needed to perform their duties—via teleconference, email, or whatever manner they determine in order to efficiently process interpretation requests. Minutes of meetings shall be recorded—decisions logged as in item 1 (above).
10. Decisions of the SIC will be made by consensus. If consensus cannot be reached, a vote of 75% is required. Quorum for meetings is 75% of members. See Appendix 3 for detailed guidance on consensus.
11. Member withdrawal: any member may withdraw from the Committee by delivering to the Committee a written resignation and lodging a copy of the same with the COO Standardization Officer. Any member may be required to resign if he does not accomplish his mandate in a competent manner or if he does not respect the rules of the SIC. A special resolution requiring approval of 75 percent of the members present at a special meeting will be needed for the resign requirement to be effective. The notice of special resolution for expulsion shall be accompanied by a brief statement of the reason or reasons for the proposed expulsion.

12. Decisions made by the SIC will be made public by the COO and any commentary received through public consultation will be recorded and utilized by the SIC in the continuous process of Standards Maintenance.

Appendix 1 - Prioritization of Interpretation Requests

High priority

- questions that affect a large number of operators;
- questions that speak to a fundamental aspect of the organic principles;
- questions that need urgent resolution in order to determine whether or not an operation can continue;
- issues that have potential for greater public scrutiny;
- questions coming from a CVB or a CB.

Lower priority

- questions peculiar to one operator or circumstance;
- questions of procedure - don't affect the organic integrity of an organic project;
- minutia, the outcome of which has limited scope;
- theoretical issues with limited practical application;
- questions that cannot be resolved objectively (there is no answer that applies universally).

Low priority questions must be answered eventually – the SIC will determine a method to ensure this happens.

Appendix 2 - Modes of Resolution

1. The question does not require input from the SIC: the COO Standardization Officer can answer directly, basing himself on the Q&A database or on the Interpretation Guide to 32.310 and 32.311. Then the answer is given directly to the applicant by the COO Standardization Officer. Record of the question and answer are logged.
2. The question requires input from SIC: the COO Standardization Officer refers the question to the SIC. The SIC reviews the issue and is confident that they can make a definitive interpretation that is acceptable to the wide majority of industry stakeholders. They proceed to write the interpretation.
3. The question is technically complex and requires input from technical working groups or deliberation by experts. It is referred by the SIC to the appropriate working group for a recommendation. The SIC rules on the question after considering the working group's recommendation.
4. The question is one of discretion and would be heavily influenced by the results of a poll of the operators who will be directly affected. The SIC could poll or survey the sector group directly or ask that the working group do so. The working group's expertise may be needed even in wording the question or deciding on what various options are proposed. The results of the poll are not binding but serve as further data for use by the committee in consideration of their decision.

5. The question points to a need for revision of a section of the standard. The appropriate working group supplies a proposed revision which, after review by the SIC is forwarded to the technical committee responsible for the Standard for approval and balloting.

Appendix 3 - Consensus Description

1. The ISO definition of consensus is:

General agreement, characterized by the absence of sustained opposition, to substantial issues by any important part of the concerned interests, and by a process seeking to take into account the views of all parties concerned to reconcile any conflicting arguments.

The principles governing the Interpretation Committee consensus process are:

- equal access and effective participation by all concerned interests (this may require the use of expert committees, or some other creative endeavour to broaden the understanding of the board);
- respect for diverse interests and identification of those who should be provided access to provide the needed balance of interests;
- Consistent objections of the minority are not allowed to indefinitely block resolution of proposals.

Reaching consensus is not always easy. Some individuals become frustrated with the time taken for group decision-making. In addition, this method relies on the discretion of the chair who eventually decides when a general agreement or common "feeling" has been reached. In some situations, if only extremely vocal and confident individuals dare to challenge the majority view, then the minority opinion is in danger of being suppressed.

Using consensus, however, can result in higher quality decisions. The complicated rules of parliamentary procedure are reduced while maximum member participation is encouraged.

Consensus Process

Describe the issue or problem confronting the Interpretation Committee. State the problem clearly and concisely—if it is complex, write it down.

Gather all information relevant to the problem. All pertinent facts and ideas about the problem need to be heard in order to make a wise decision. Distinguish between facts and opinions. A decision can often be made right away. However, action may need to be deferred so that additional information can be gathered.

List all possible solutions or actions. Explore alternatives. Be creative. Use brainstorming techniques to generate new ideas, from every member.

Choose the best possible solution. Use a process of elimination; refine and combine parts of your list in step 3.

Make a decision. Formulate a statement of general agreement or consensus; or, develop a motion and vote on it.

Then, record the results in the minutes

Chair mandate

The Chair has to :

1. Be neutral and impartial;
2. Chair meetings in agreement with the SIC procedures;
3. Determine the conflicts of interest when discussing about specific issues;
4. Make sure that discussions stay focused on the issue;
5. Participate to the agenda preparation;
6. Verify that minutes reflect the decisions made at meetings;
7. Act as the spokesperson of the SIC.

Conflict of Interest

A conflict of interest is defined as:

An actual or perceived interest by a member of the SIC that results in or has the appearance of resulting in, personal, organizational, or professional gain.

A conflict of interest occurs when a SIC member has a direct fiduciary interest, which includes:

- ownership with,
- employment of or by,
- contractual relationship with,
- creditor or debtor to,
- consultative or consumer relationship to

a stakeholder requesting a standards interpretation or a standard affecting the organic operation of the SIC member.

In plain language, a conflict of interest occurs when a SIC member has the potential to gain (gain usually refers to money, but it can include more intangible benefits) from an interpretation he is involved in.

The duty of loyalty and duty to avoid conflicts of interest have a number of practical implications. SIC members shall:

- demonstrate full allegiance to their SIC mandate;
- not disclose any information acquired in connection with their position as SIC members that might be harmful to the interests of the industry or to the COO;
- not disclose or use any information relating the affairs of the SIC for personal profit or advantage;
- place the interests of the SIC above personal self-interest in all dealings with their mandate;
- carry out all of their duties in the best interests of the SIC;
- actively avoid all conflicts of interest and immediately disclose any actual or potential conflict real or perceived, to the SIC Chair;
- ensure that minutes of any meeting at which an interpretation involving a potential conflict of interest is discussed accurately reflect the views of all conflicted and non-conflicted directors;

- resign where a SIC member is a member of two committees, or serves as a director of another corporation, where the interests of the two entities are in conflict and it is apparent that the SIC member cannot act in the interests of the SIC without acting against the interests of the other entity.

SIC members shall declare all conflicts of interest and potential conflicts of interest to the SIC Chair. If an SIC member is in doubt about whether he is in a conflict of interest, he shall inform the SIC Chair and let him and the COO Standardization Officer decide.

SIC members who are in a conflict of interest shall excuse themselves from all discussion regarding the issue that resulted in the conflict of interests. This means being absent from the meeting—not participating in the discussion (but being present) is not adequate.

Information that is deemed to be confidential shall be respected by the SIC members.

Appendix 4 - Selection of Standards Interpretation Committee

1. OFC Board will select members for the SIC on the following criteria :
 - a) stature within the organic community ; respected and trusted by their colleagues to uphold organic principles;
 - b) broad knowledge of and experience in the industry, with particular expertise in one or more of the areas listed (proposed terms of reference #2);
 - c) proven ability in consensus building and group decision making;
 - d) be members of the technical committee responsible for the Standard.
2. OFC will request nominations from all stakeholders in the sector. Anyone can submit nominations. Each nomination must be accompanied by an outline of the candidate's credentials with reference to the above criteria.
3. A list of all nominees will be compiled and nominees contacted to confirm their willingness to serve on the committee. OFC Directors who have been nominated must either decline nomination or agree to remove themselves from all further involvement in the selection process.
4. OFC will ask each of its members to compile a list of their top seven candidates, taking into account all the criteria listed above and the need for the committee to collectively possess expertise in all of the specific areas (proposed terms of reference #2).
5. The top seven candidates will be chosen, based on the number of votes each has received. OFC Board will conduct a runoff vote to resolve a tie.

Appendix 5 – Flow Chart

Proposal for a Standards Maintenance Regime

