

FINAL

Food and Agriculture Sector Coordinating Council Governance Principles and Operating Procedures

Background, Mission and Purpose

U.S. food and agriculture sector company owners, operators, and trade associations have organized themselves in an alliance to proactively and dramatically foster advances in the way the industry, in partnership with state and federal government agencies, protects the nation's food supply from farm to fork.

The Food and Agriculture Sector Coordinating Council (FASCC) was created by the industry to serve the sector's counter-terrorism and security interests. FASCC was formed using an inclusive and consultative process. The mission of the FASCC is to:

- Facilitate intra-sector communications, set processes for information sharing, and facilitate priority setting regarding sector: strategy and planning; policies and procedures; best management practices; threat communication and analysis; as well as sector protection, response and recovery planning and activities;
- Serve as the primary, policy-level interface with the Department of Homeland Security, and other federal and state agencies on homeland security matters;
- Facilitate communications, plans and activities with other relevant infrastructure sectors, government entities, and others necessary to further secure the nation's food supply and critical infrastructure; and
- Communicate the sector's needs and requests for resources to the government.

In considering new security structures, practices and procedures, the FASCC will seek to combine new security practices with the already existing communication and food safety systems, as well as the science and technology already in place in the food and agriculture industry.

Composition

During the sector organizing process, it was agreed that the FASCC will consist of representatives from Sub-Councils (currently seven). This process and structure is meant to result in the formation of one body (the FASCC) that can accurately represent the scope, breadth, depth, and interdependence of the American food and agriculture sector (i.e., owners, operators, and their associations) on security issues. Taken on their own, each of the initial seven Sub-Councils represents a significant component of the nation's economy and critical food and agriculture infrastructure.

The FASCC is made up of two designates and one alternate identified by each Sub-Council. The three Sub-Council representatives are expected to attend and participate in all FASCC meetings. The two representatives and alternate from each Sub-Council will be named by a consensus process by the Sub-Council membership and will serve a two-

year term on the FASCC. Consecutive or non-consecutive subsequent terms are permitted.

- FASCC members and alternates must, by definition, be employees of owners and operators of the sector or employees of their associations. Consultants, attorneys or other representatives who are not employees of owners and operators of the sector or their associations cannot serve as FASCC members or alternates.
- FASCC Alternates will automatically have decision-making authority when they sit in place of an absent member.
- In the event that a FASCC member cannot, or chooses not to, fulfill the term of their office, the relevant Sub-Council shall appoint a successor to fill the remainder of their term

FASCC Decision Making, Roles and Responsibilities

The FASCC will make decisions using a consensus process rather than majority-rule voting. This is consistent with the approach the sector used to organize itself to ensure inclusion of the diverse segments of the U.S. food and agriculture sector. Consensus is defined by a decision or action that all of the **Sub-Councils represented on the FASCC** can live with (i.e., choose not to block). Each Sub-Council will have equal voice in decision-making processes and will be allowed one official position in consensus decisions making.

- Council members should collect and convey information effectively, efficiently, and inclusively to their Sub-Councils members; consult as broadly as possible on pending decisions and issues requiring feedback to the government or others outside the Council; and initiate liaison with others who can help serve the security needs of sector members and the interests represented by their Sub-Council. This might include but not be limited to: other critical infrastructure sectors; research and academic institutions; and others.
- Council members should play a leadership role in helping their Sub-Council identify critical needs, problems and opportunities for their own Sub-Council area as well as identify areas for linkage across sub council areas as well as linkage to other critical infrastructure sectors or the government.

The responsibilities of FASCC members are to:

- Represent and communicate the interests of their Sub-Council to the Coordinating Council and the government in sector matters;
- Keep Sub-Council members apprised of key sector, inter-sector, and sector/government activities;

- Bring to bear their best judgment upon FASCC decisions based on their understanding and experience within their Sub-Council business area.

FASCC Meetings

- FASCC meetings will be open to members and alternates as participants and to sub-council members as observers. Leadership of each sub-council will determine those sub-council members that can attend FASCC meetings as observers, which in large part will be driven by the issues to be discussed at the FASCC meeting. Due to the potential size of FASCC meeting audiences as a result of the open policy, sub-council leaders will need to make notice of attendance early to the FASCC Secretariat.
- FASCC will meet on an as needed basis, as decided by the consensus of the Council, but will initially meet in person with conference call-in capability at least once every three months in its first year of operation.
- FASCC decisions can be made only when there is a quorum of participation (defined as at least one of the representatives or the alternate from each of the seven sub-councils). Because the FASCC will make decisions by consensus, it will be possible (though not desirable) to conduct meetings with only one representative of any one Sub-Council. The consensus decision-making process ensures that the protection of the interests of each Sub-Council is respected. This process is based on a presumption that a Sub-Council representative is in appropriate consultation and communication with her/his Sub-Council. Therefore, each Sub-Council must ensure that it has at least one of its three potential participants attending or participating in each session. In the event that none of the three representatives can attend, the sub-council will select an individual to be granted decision-making authority for the sub-council at that particular meeting. FASCC members are expected to prepare for each meeting taking appropriate consultations with the Sub-Council membership.

Principles of Participation in Council Meetings

- All members must be working towards the same goal and purpose of improving the nation's agriculture and food security system.
- All members need to participate by attending meetings, conference calls, and any other such activities whether called by the Sector (industry) or the government.
- Discussion and deliberations must recognize and take advantage of each members/organization's/Sub-Council's strengths, skills, and perspective.
- Results of FASCC discussion and deliberations must be a coherent voice made up of each member's and Sub-Council's contributions.

FASCC Secretariat

The Secretariat function for the FASCC will be provided by the Department of Homeland Security (DHS). The Secretariat will provide meeting and organizational support to include (but not limited to):

- Notifying members and alternates of meetings via email, telephone or both
- Distributing relevant background information prior to each meeting;
- Soliciting agenda topics for FASCC and Joint Council Meetings based on communication with Council members and alternates;
- Informing members and alternates of the agenda items, and particularly decision items likely to be taken up at each Council meeting on a timely basis
- Arranging for meeting locations and support logistics;
- Taking and distributing meeting notes,
- Maintain and following up on a catalogue of FASCC topic/issues and work products and their status
- Ensuring ongoing liaison with the Government Coordinating Council and other external entities.
- Maintaining an updated mailing list for FASCC members and alternates
- Identifying other support as needed and clarifying who should provide that support to the FASCC

Subject Matter Experts

Individual subject matter experts are non-voting participants of the FASCC or any Sub-Council drawn from any organization from which the FASCC or a Sub-Council needs expertise on an ad hoc basis. Subject matter experts may be invited to participate or assist the FASCC or Sub-Council by consensus agreement of the respective body.

Distribution of Material To the Sector

The FASCC will identify or designate material requiring distribution and potential feedback such as reactions to existing or proposed government policies, plans, or activities. Specific guidance will accompany material such as purpose, timeline, nature of feedback desired, format, and means of communication if of a sensitive nature. Because the FASCC is comprised of representatives of each Sub-Council the FASCC will heavily depend upon each Sub-Council to establish clear procedures and protocols for the distribution of information and material and the receipt of feedback, data, or other information.

Communication of Council Decisions and Meeting Summaries

The FASCC will distribute a summary of its meetings and any decisions to the sector via the processes and procedures established by each Sub-Council. Each Sub-Council will convey procedures to the FASCC and the Secretariat so that the means of distribution will be transparent to all within the sector. The FASCC Secretariat will be responsible for: 1) clarifying with the FASCC membership that the meeting summaries and decisions are accurate prior to release for distribution; 2) distributing the final summaries and

decision messages to each FASCC member for communication to the Sub-Council members as determined by each Sub-Council's standard procedures and practices.

Requested Meetings, Materials, and Briefings

While not required, briefings, meetings and materials relevant to the interests of the Food and Agriculture Sector generally or which may involve interactive issues between sector Sub-Councils are encouraged to be conducted and conveyed to the FASCC through the Secretariat. Briefings, meetings, and materials uniquely relevant to only one Sub-Council and with no discernable interactive effects to other Sub-Council areas in the sector should be conducted or conveyed at the Sub-Council level. The default should be to err on the possibility of an integrative aspect and hence the primary area of action should be at the FASCC level. When a Sub-Council makes such a request they should notify the FASCC Secretariat.

If the government seeks input of a general nature of interest to the Food and Agriculture Sector it should make the request to the FASCC via the Secretariat. As above, requests unique to a particular Sub-Council should be made to that Sub-Council if there are no discernable interactive or interdependencies to other Sub-Councils, but the FASCC Secretariat should be notified and copied on the communications.

Sector Threat and Response

The FASCC will provide a useful role in ensuring appropriate mechanisms for communicating confidential and sensitive information from the government to the industry via the Sub-Councils, and from the industry to the government, on any actual, threatened or suspected malicious attacks so the information may be analyzed.

Each Sub-Council will be charged with the ability to create, interpret and assess the proper response to a potential threat or attack, as it relates to that Sub-Council's specific area. Further, they will develop the appropriate programs, procedures and processes that will mitigate or reduce the vulnerabilities of their specific areas.

In the area of sector threats and response, the FASCC and Sub-Councils will help in:

1. Detecting potential threats to the food supply infrastructures.

a. Working directly with the Department of Homeland Security, FDA, USDA and other government agencies, the FASCC and Sub-Councils will be able to identify credible threats and craft specific warning messages to the food industry.

2. Assessing threat information.

a. Provide information and analysis information that will enable the food industry to report, identify and reduce its vulnerability to malicious attacks.

3. Providing timely warnings to the critical food supply operators so countermeasures can be developed and implemented

a. Facilitate the development of “best practices”, recommendations and countermeasures for preventing and recovering from malicious attacks.

FASCC Sub-Councils

Role, Responsibilities, and Principles of Participation

During the sector organizing process sector members stressed the importance and essential nature of building sector coordination from clearly identified sub sector areas called Sub-Councils.

- Each Food and Agriculture Sector Sub-Council will develop definitions regarding the focus of the Sub-Council to assist in identifying the focus and boundaries of its sub-sector areas, and so that members of the sector can clearly identify which Sub-Council or Sub-Councils might involve their business and security interests.
- Each Sub-Council will define its membership, priority issues, and areas of work and activity. Each Sub-Council will need flexibility in prioritizing and identifying its needs, but should examine the general areas of: communications and information sharing; research and development, including prevention, detection; incident management; vulnerability assessments; and recovery.
- Outreach, participation, and membership at the Sub-Council level is intended to be as inclusive as possible of relevant owners and operators and their associations.
- Sub-Councils will articulate their priorities and action items to the FASCC, which then can communicate to the government, other sectors, and other appropriate entities
- Each Sub-Council will determine its own procedures for naming representatives to the council (two from each with one alternate) as well as replacing a member or alternate. In addition, each Sub-Council will take responsibility for naming an ad hoc FASCC representative for any one meeting when none of its named individuals (i.e., the two members and one alternate) can attend. Sub-Councils should give some consideration to identifying “high risk” food groups, which would be communicated to the FASCC for consideration of additional inclusion in the FASCC.
- Each Sub-Council should establish its own decision making procedures and operating procedures given the nature of the standard business practices and relationships in that part of the food and agriculture sub sector.

- Each Sub-Council might consider the use of subject matter experts, Sub-Council member work groups, and/or advisory work groups to assist in their activities
- Each Sub-Council should establish a procedure for soliciting Sub-Council members' views on policies, programs, and activities, especially when conveying input to government proposed or existing policies, plans, procedures, and activities.
- Each Sub-Council should establish and maintain Sub-Council membership lists and contact information as well as establish communication procedures for sensitive and non-sensitive information. These should be conveyed to the FASCC and updated on a regular basis.

Other Elements of Sector Participation

Participation in Sub-Councils should be broad and inclusive. All those with a legitimate business interest and the ability to make a meaningful contribution should be encouraged to participate. Participation in multiple Sub-Councils is appropriate whenever legitimate business interests are served.

Sub-Council representation on the FASCC is limited in order to maintain the efficiency of the FASCC and consistency in Sub-Council representation. In identifying members for the FASCC, the following guidelines may be helpful.

1. Two FASCC representatives plus one alternate are appropriate for each functioning Sub-Council.
2. Representatives should be chosen from organizations whose business or whose members mirror the scope of the specific Sub-Council as its members define it.
3. The individuals selected should be full-time employees of their organizations minimizing the chances that any actual or perceived conflicts of interest may develop.
4. While an organization may participate in multiple Sub-Councils, an organization may represent only one of those Sub-Councils on the overall governing council.