



ORGANIC FARMERS ASSOCIATION

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December 2, 2019

Paul Lewis, Standards
Division, National Organic Program,
USDA-AMS-NOP,
1400 Independence Ave., SW,
Room 2642-So., Ag Stop 0268,
Washington, DC 20250-0268

Dear Mr. Lewis,

The Organic Farmers Association is writing to provide comments on docket number AMS-NOP-11-0009/Regulatory Information Number (RIN) 0581-AD08. The Organic Farmers Association is providing comment now as the organization was created after the 2015 Origins of Livestock Rule comment period ended.

The mission of the Organic Farmers Association is to provide a strong and unified national voice for domestic certified organic producers. With the purpose to build and support a farmer-led national organic farmer movement and national policy platform by: developing and advocating policies that benefit organic farmers; strengthening and supporting the capacity of organic farmers and farm organizations; and supporting collaboration and leadership among state, regional and national organic farmer organizations. We represent the 19,500 certified organic farmers and have organic farmer members in 48 of the 50 states.

The current Origin of Livestock rule is inhibiting the National Organic Program's ability to provide consistent and fair enforcement; leaving our nation's organic animal standards unfair and inconsistent. Our members have experienced the inequities created by the lack of clarity within the current rules outlining bovine dairy transition to organic dairy production. Our farmer members have ranked NOP enforcement and origin of livestock and pasture rule enforcement top policy priorities for in each of the two years we have administered a national organic farmer policy survey.

We are encouraged that Congress has listened to its constituents, our membership and the organic farming community, to include language in the FY20 Agriculture Appropriations bill requiring USDA to implement the 2015 OOL Rule.

Organic Farmers Association supports an immediate issue of the Final Origin of Livestock Rule followed by immediate implementation and asks the USDA to include the following comments in the Final Rule:

- a. A producer as defined by USDA NOP may transition bovine dairy animals into organic production only once.
- b. A producer is eligible for this transition only if they convert an entire established non-organic dairy operation to organic production at the same geographic location within a defined

12-month period. Once that transition has started, other non-organically certified animals cannot be added to the herd.

- c. This transition must occur over a continuous 12-month period prior to production of milk or milk products that are to be sold, labeled, or represented as organic.
- d. A producer must not transition any new bovine dairy animals into organic production after the end of the 12-month transition period.
- e. A producer is not eligible for the exemption if it has been used by a Responsibly Connected person who has a 20% or more ownership share in their legal entity.
- f. The certifying entity will file an organic system plan prior to the start of transition and the transition process is overseen by the certifier as part of their accountability.
- g. Transitioned animals must not be sold, labeled, or represented as organic slaughter stock or organic bovine dairy animals.
- h. If organic management of the dairy animal, starting at the last third of gestation or at any other time it has been organic, is interrupted, the animal cannot be returned to organic certification.
- i. Split bovine conventional and organic milking herds at the same location are prohibited.
- j. Once the regulation is finalized all entities should be required to immediately meet the requirements of the Final Rule. There will be no implementation period.

The intent of the Organic Farmers Association position is to ensure that the transition exemption that allows for a conventional herd to be transitioned to organic production follows the intent of the original regulation and the subsequent recommendations of the National Organic Standards Board.

- Organic Farmers Association's position will stop continuous transition of conventional dairy livestock and stop the exemption from being used to combine multiple transitioned herds to form one operation. It will also stop first calf heifers and young cows being transitioned from conventional production and then being sold to an existing organic dairy, which is not in line with the rule and undermines certified organic dairies by providing a cheaper, quicker alternative to raising organic replacements under organic management.
- Organic Farmers Association's position will ensure that the whole transition happens over a twelve-month period and under the supervision of a certifier as part of the producer's Organic System Plan. It will stop the practice of adding conventional animals and extending the transition period.
- Organic Farmers Association's position will stop the sale of transitioned animals (not raised in organic production from the last third of gestation) being sold as organic dairy animals that can be used to produce organic milk. It will not stop transitioned animals retaining their organic status if they are moved to a different location but under the same ownership. This does not affect the asset value of the animal as its initial value was as a conventional animal and any cost of transitioning the animal was reflected by the higher pay price. For family members who were part of the ownership of the transitioned entity who want to start their own operation, they will need to purchase organically certified animals under organic production from the last third of gestation as either young stock or milking animals. They would not be eligible to transition conventional animals. While this may seem unfair to new entrants or complicate succession planning, strict clarity within this rule is required to end abuse that undermines the integrity of organic certification for all operations.

- Organic Farmers Association's position will stop the practice of having an organic and conventional dairy operation at the same location. While the practice of a split operation may be practical with other commodities, it is very difficult to audit and ensure that organic dairy product (raw milk) is not mixed with non-organic product. This will prevent any abuse or the perception of abuse.
- Organic Farmers Association's position supports economic equity for all organic dairy operations and ensures continued consumer confidence in the third-party certification process.
- Organic Farmers Association's position will increase the value of organically certified livestock (managed organically from the last third of gestation) which currently have no premium as most are sold on the conventional market. This will reflect the equity and sweat equity that organic producers have invested in their organic genetics and long-term commitment to organic integrity.

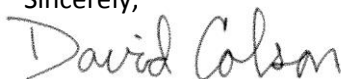
The implementation of these changes is needed to uphold consumers' expectations about organic dairy by specifying that organic dairy animals must be raised organically from the last third of gestation or be raised organically for one year if transitioning a conventional herd to organic, which should be allowed only once. Once a distinct herd is transitioned to organic, all animals must be raised organically from last third of gestation. It must be prohibited to cycle dairy animals in and out of organic production.

Finalizing this rulemaking is critical to bring consistent enforcement which would create a level playing field among all organic dairy producers and uphold strong organic integrity for all organic farmers. Our members, efficient domestic organic dairy producers, believe they can compete with the most efficient organic dairy producers if they are treated equitably. Loopholes in the current rule put our members at a competitive disadvantage and allowed for an inequitable interpretation and enforcement of the rule by certifiers. The current transition system places the majority of organic dairy farmers, and particularly family-owned and operated dairy operations, at a significant competitive disadvantage. While we agree that market competition drives innovation, the current organic dairy farmers have not had fair competition due to lack of clarity in the rule and inequitable enforcement by the National Organic Program.

The strong public-private partnership between USDA and the organic industry has created a foundation that has allowed the industry to surpass a \$50 billion market. More importantly, maintaining and improving the integrity of the organic seal is a top priority for our members. The organic market provides economic opportunities for U.S. farmers and businesses and produces one of the most highly trusted labels by consumers.

As you are aware, 99% of the original comments to the FY15 Origin of Livestock Rule supported making these same changes. We urge you to ensure the final rule reflects the much-needed clarity requested by the organic dairy producer community and upholds a strong sense of organic integrity.

Sincerely,



David Colson
President