

July 12, 2021

U.S. Department of Agriculture
1400 Independence Ave. SW
Washington, DC 20250

RE: Docket Number AMS-NOP-11-0009; NOP-21-04PR

Dear Secretary Vilsack:

Inconsistent enforcement of the USDA organic regulations for the Origin of Livestock, which govern the process of transitioning conventional dairy livestock to organic production, has been threatening the economic viability of many organic dairy farmers for more than a decade. The organic community has provided comments two times on the 2015 proposed rule that would stop the continuous transition and two-track system interpretation created by loopholes in the current regulation. But years of delay in finalizing this regulation have resulted in economic damage, financial hardships, and closure of businesses for organic dairy farmers following the true intent of the organic standards.

Therefore, we are pleased to see the USDA finally taking steps to complete the long-delayed proposed rule and urge the USDA to swiftly finalize an enforceable regulation that is applied equally to all certified producers.

The organic dairy operations who have utilized the loophole in the current standards to continuously transition conventional animals into organic production have gained an economic advantage and contributed to the oversupply of organic milk. This has contributed to a significant drop in the milk prices paid to organic dairy farmers, the majority of whom were held to a higher standard and stricter enforcement.

In 2015, USDA published a proposed rule to close the loopholes related to the Origin of Livestock. Specifically, the proposed rule would clarify that: "After completion of a one-time, 12-month transition period of an existing conventional dairy herd (or livestock to form new organic dairy operations), all new dairy animals milked on the organic dairy farm would need to be managed organically from the last third of gestation."

The 2015 proposed rule garnered strong public support from the entire organic community then and again in 2019. As USDA considers additional public comment in response to several specific questions about the 2015 proposed rule, we urge you to work as quickly as possible to finalize the proposed rule on Origin of Livestock with a final rule that can be consistently enforced.

The final rule must:

- Prohibit the cycling of dairy animals in and out of organic production.
- Prohibit the sale or transfer of transitioned animals as organic. A transitioned animal should only be considered organic on the farm it was transitioned on.
- Require oversight by certifiers to ensure transitioned animals are not transferred or sold to other operations as organic.
- Prevent organic dairies and individuals from transitioning multiple conventional herds or groups of animals.

- Provide for immediate implementation. Those operations in the process of completing organic certification at the time the rule goes into effect can transition animals to organic as directed under the existing one-time, 12-month transition period.

The organic label is one of the most highly trusted labels for consumers because it is backed up by strong standards and enforcement. But some standards and the National Organic Program's commitment to enforcement need to be strengthened to retain that consumer trust. Solidifying standards to ensure all organic farmers operate under the same rules is essential for the entire organic community. The economic viability of organic dairy farmers is dependent upon clarification of regulations to stop varied interpretations or loopholes regarding dairy livestock transitioning practices.

Sincerely,

- | | |
|---|---|
| 1. Adobe House Farm | 33. Maine Organic Farmers and Gardeners Association |
| 2. Ascension Solutions Group | 34. Maine Organic Milk Producers |
| 3. Beyond Pesticides | 35. McClelland's Dairy |
| 4. Bionutrient Food Association | 36. Menonides LLC. Providence Farms |
| 5. Bucks Environmental Action | 37. Michigan Organic Food and Farm Alliance |
| 6. Carolina Farm Stewardship Association | 38. Midwest Organic & Sustainable Education Service |
| 7. Center for Food Safety | 39. Midwest Organic Dairy Producers Alliance |
| 8. Champlain Valley Compost Co. | 40. Miskell's Conservation Land Consulting, LLC |
| 9. Co-op Partners Warehouse | 41. Montana Organic Association |
| 10. Cobblestone Valley Farm | 42. National Center for Appropriate Technology |
| 11. Community Alliance with Family Farmers | 43. National Family Farm Coalition |
| 12. CT NOFA | 44. National Farmers Organization |
| 13. FairShare CSA Coalition | 45. National Organic Coalition (NOC) |
| 14. Family Farm Defenders | 46. Natural Grocers |
| 15. Farm and Ranch Freedom Alliance | 47. Nature's Path Foods Inc. |
| 16. Food Animal Concerns Trust | 48. Northeast Organic Dairy Producers Alliance (NODPA) |
| 17. Food Democracy Now! | 49. Northeast Organic Farming Association/Massachusetts Chapter (NOFA/Mass) |
| 18. Friends of the Earth | 50. Northeast Organic Farming Association -- New York (NOFA-NY) |
| 19. Gaia Poiesis | 51. Northeast Organic Farming Association -- New York (NOFA-NY) |
| 20. Govinda Goshala Cow Haven | 52. Northeast Organic Farming Association of New Hampshire (NOFA-NH) |
| 21. Green America | 53. Northeast Organic Farming Association of Rhode Island |
| 22. Green State Solutions | |
| 23. Hanover Co-op Food Stores of NH & VT | |
| 24. iEat Green, LLC | |
| 25. Iowa Organic Association | |
| 26. Iroquois Valley Farmland REIT | |
| 27. J&D Farms | |
| 28. Kanalani Ohana Farm | |
| 29. Lady Moon Farms | |
| 30. Lancaster Farm Fresh | |
| 31. LaRocca Vineyards | |
| 32. Maine Dairy Industry Association (MDIA) | |

54. Northeast Organic Farming Association of Vermont
55. Northeast Organic Farming Association-Interstate Council
56. Northwest Center for Alternatives to Pesticides
57. Ohio Ecological Food and Farm Association
58. OneCert, Inc.
59. Oregon Organic Coalition
60. Organic Advocacy
61. Organic Farmers Agency for Relationship Marketing (OFARM)
62. Organic Farmers Association (OFA)
63. Organic Seed Alliance
64. Organic Seed Growers and Trade Association
65. OrganicEye
66. Pacha
67. PrairiErth Farm
68. Provender Alliance
69. Provident Farms
70. Quality Certification Services
71. Radiance Dairy
72. Real Organic Project
73. Revolution Rickshaws
74. Rodale Institute
75. Rural Vermont
76. Schriver Organics, LLC
77. Slow Food North Shore
78. Slow Food Western Slope
79. Snowberry Farm, San Juan Island
80. Straus Family Creamery
81. Sweet Springs Farm
82. Syntax Land Design, LLC
83. Texas Organic Farmers and Gardeners Association (TOFGA)
84. The Brice Institute
85. The Cornucopia Institute
86. The Land Connection
87. Twin Ponds Farm
88. Valley Organic Growers Association
89. Virginia Association for Biological Farming
90. Western Organic Dairy Producers Alliance (WODPA)
91. Wild Garden Seed