



February 7, 2019

Greg Ibach
Under Secretary for Marketing and Regulatory Programs
U.S. Department of Agriculture
Jamie L. Whitten Building
1400 Independence Avenue, SW
Washington, DC 20250

RE: Origin of organic dairy livestock

Dear Under Secretary Ibach:

The strong public-private partnership between USDA and the organic industry has created a foundation that has allowed the industry to grow into a nearly \$50 billion market. This provides economic opportunities for U.S. farmers and businesses, and produces one of the most highly trusted labels by consumers. We thank you for prioritizing enforcement and oversight of the USDA Organic seal both domestically and globally through many recent initiatives at the Department including the strengthening of organic enforcement rulemaking and the dairy compliance project. As industry partners, we are committed to working with the Department to ensure the continued integrity of the organic sector.

As organic dairy stakeholders, we are deeply concerned by the lack of uniform enforcement regarding the origin of organic livestock regulation §205.236. The regulation requires that milk sold as organic must come from animals that have been under continuous organic management practices for at least one year. The rule allows a one-time transition of a herd from conventional to organic production, but once a distinct herd has been transitioned, all dairy animals including replacement animals must be raised organically from the last third of gestation. Transitioning cows in and out of organic production is strictly prohibited.

While we believe most dairy producers comply with this requirement, we are aware that some certifiers are granting organic certification to operations that are removing calves from organic herds, raising them using conventional dairy practices prohibited in organic production, and then transitioning them back to organic management closer to the time of milk production. The continued allowance of this practice is disrupting the marketplace, putting certifiers, farmers and buyers potentially at odds and risking the overall integrity of the seal.

Consumers are willing to pay more for organic dairy products because they expect the cows are raised according to organic management practices their whole lives from the last third of gestation. These practices include but are not limited to access to pasture during the grazing season, organic feed, and prohibition of the use of antibiotics.



Raising cows organically increases the risks and costs of production for farmers. The return on investment through sustainable prices is critical to maintaining a viable business.

Farmers who are not adhering to these standards have lower costs of production, directly harming other organic dairy producers by putting them at an economic disadvantage. Our analysis indicates that organic dairy farmers who raise their calves according to the organic standard from birth spend an estimated \$600 to \$1,000 more per calf than farmers who raise calves conventionally and transition them to organic at one year of age. It is clear that this inconsistent interpretation of the standard is creating an uneven playing field for organic dairy producers.

We ask that the Department address this inconsistency in enforcement of the organic standards and put the origin of organic livestock rulemaking back on the Unified Agenda. Additionally, we ask that the Department move expeditiously to a final rule based on the comments received on the April 28, 2015, proposed rule. We also ask that you consider issuing a clarification in the meantime to all accredited certifiers that cycling dairy animals in and out of organic production is prohibited and constitutes a violation of the organic regulations.

It should be noted that the origin of organic livestock rulemaking initiated on April 28, 2015, does not limit, in any way, the ability of a conventional dairy producer to convert their existing herd to organic production. The rulemaking is intended to bring consistency in application and a level playing field to all organic dairy producers.

We appreciate your work and attention to these important issues of organic integrity. We look forward to continuing to work with you to ensure that uniform, consistent standards are enforced for the organic sector. Please let us know if you wish to discuss this further.

Sincerely,

Alexandre Family Farm
Aurora Organic Dairy
D&M Family Farm
Danone North America
Dykstra Farms
Fagundes Bros. Dairy
Harmony Organic Dairy LLC
Maple Hill Creamery
Mensonides LLC
Pleasantview Farm
Organic Valley/CROPP Cooperative
Sheffers Grassland Dairy LLC
Stonyfield Farm, Inc.
Western Organic Dairy Producers Alliance