

# United States Senate

WASHINGTON, DC 20510

December 2, 2019

The Honorable Sonny Perdue  
Secretary  
United States Department of Agriculture  
1400 Independence Ave SW  
Washington, DC 20250

Re: Comments on the proposed rule on National Organic Program Origin of Livestock;  
Regulatory Information Number (RIN) 0581-AD08

Dear Secretary Perdue:

We write to urge you to quickly finalize the National Organic Program ‘Origin of Livestock’ proposed rule first published by USDA on April 28, 2015, and recently reopened for public comment (Docket Number: AMS-NOP-11-0009).

The Organic Foods Production Act (OFPA), passed as part of the 1990 Farm Bill, sought to establish consistent national standards for organic products and practices. Success of the organic sector that the OFPA created—now a \$50 billion industry—relies on uniform interpretation and enforcement of those standards to create a level playing field for producers and ensure the trust of consumers. Unfortunately, a difference of interpretation among certifiers of the Origin of Livestock regulations and USDA’s failure to establish clear guidelines through a final rule continues to put organic dairy producers in our states at a competitive disadvantage and erodes consumer trust.

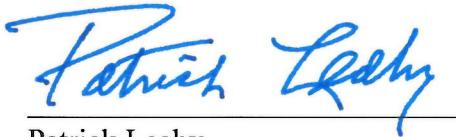
Current organic standards (§ 205.236) require that all milk marketed as organic come from animals that are managed using continuous organic practices. The standards provide, however, for a one-time transition of a conventional herd to organic over a one year period, after which all dairy animals must be raised organically from the last third of gestation. A small number of certifying entities have interpreted these regulations to allow for continuous transition of non-organic animals into organic herds and permit producers to ‘cycle’ animals in and out of organic management. This defies consumer expectations that organic dairy cows have been raised as such, and creates a large loophole that significantly reduces the cost of production for a handful of producers, putting the vast majority of farmers, who adhere to the correct standard, at a disadvantage. The resulting loss of consumer trust and rapidly growing production are undermining the entire industry.

It is past time for USDA to close this loophole. As members of the Senate Appropriations Committee, we were pleased to include language in the Senate-passed FY2020 Agriculture Appropriations bill directing the Department to finalize the 2015 proposed rule, incorporating public comments. We applaud your recent actions in this direction.

As the reopened comment period now closes, we urge you to give close attention to comments by Vermont Organic Farmers LLC and the Maine Organic Farmers and Gardeners Association (MOFGA) attesting that this rule is critical to organic dairy producers. Please move quickly to issue a final rule that ends the ongoing and significant economic harm to organic dairymen and women in our states.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Patrick Leahy". The signature is written in a cursive style with a prominent initial "P".

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Patrick Leahy  
United States Senator

A handwritten signature in blue ink that reads "Susan M. Collins". The signature is written in a cursive style with a prominent initial "S".

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Susan M. Collins  
United States Senator