



December 2, 2019

Paul Lewis, Ph.D.

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

**Docket: AMS-NOP-11-0009; NOP-11-04PR**

Dear Dr. Lewis:

Thank you for this opportunity to provide comment on the USDA National Organic Program (NOP) proposed rule to amend the origin of livestock requirements for dairy animals under the USDA organic regulations. Immediately issuing a final rule on the Origin of Livestock is critical to provide consistency in the organic dairy standards and to prevent further economic harm to the thousands of organic dairy farmers that adhere to the strict regulations required by the organic program.

The Organic Trade Association's Dairy Sector Council brings together farmers, handlers, processors, and manufacturers to advocate for and advance the U.S. organic dairy industry. The current Dairy Council membership comprises over 90% of the U.S. organic dairy market and includes a diverse cross section of farmers and companies from small farms to some of the largest food companies in the world. The Dairy Council held its inaugural meeting in 2019 and a primary priority of the Council's work this year was to advocate for a final rule on the Origin of Livestock.

The organic dairy industry has been requesting consistency and clarity on the regulations related to transitioning dairy livestock to organic production for well over a decade. We support the original proposed rule published by USDA in 2015 that narrows the regulations by allowing a farm to transition their livestock to organic production over a one-year period as a one-time event, after which any new animals born or brought onto the farm must be raised organically from the last third of gestation. The proposed rule clarifies that continuously transitioning conventional animals to organic production or cycling animals in and out of organic production is strictly prohibited.

The policy outlined in the 2015 proposed rule strikes the right balance by not limiting, in any way, the ability of a conventional dairy producer to convert their existing herd to organic production while also providing consistency in application of the regulations and a level playing field to all organic dairy producers. There is widespread support amongst the organic industry for the 2015 rule, which is reflected in the original public comment record. Over 99% of the more than 1,500 comments submitted from stakeholders support the rule.

Additionally Congress has expressed their strong support for USDA finalizing the 2015 rule through multiple comments made during several public Congressional hearings as well as taking the unusual step of requiring USDA to issue a final rule by including the following language in both the House and Senate passed Agriculture Appropriations bills for Fiscal Year 2020:



*“Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture shall issue a final rule based on the proposed rule entitled “National Organic Program; Origin of Livestock,” published in the Federal Register on April 28, 2015 (80 Fed. Reg. 23455): Provided, that the final rule shall incorporate public comments submitted in response to the proposed rule.”*

A final rule on Origin of Livestock is needed now more than ever. 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. Since USDA originally issued a proposed rule in 2015, the market conditions for organic dairy farmers have worsened. According to the Organic Trade Association, this is the second year in a row that growth in the organic dairy category has fallen below 1% after experiencing high single-digit to low double-digit growth from 2010 to 2016. The milk and cream subcategory declined 1.3% in 2018.

With the downward pressure on dairy prices and slowdown in organic dairy consumption and sales, the importance of fair enforcement of regulatory standards is paramount. We ask that you immediately issue a final rule that includes the policies contained in the original proposed rule issued in 2015 and limits the allowance for transitioning dairy animals to organic milk production as a one-time event.

Thank you for your support of the organic dairy industry and for the opportunity to provide additional comments on the proposed rule on Origin of Livestock. We look forward to USDA issuing a final rule expeditiously.

Sincerely,

Alexandre Family Farm  
Aurora Organic Dairy  
D&M Family Farm  
Danone North America  
Dykstra Farms  
Fagundes Bros. Dairy  
Fair Hill Farms, Inc.  
General Mills  
Harmony Organic Dairy LLC  
K-n-R Farms Organics  
Maple Hill Creamery  
Mensonides LLC/Providence Farms  
Organic Valley/CROPP Cooperative  
Perk Farm Organic Dairy  
Pleasantview Farm  
Sheffers Grassland Dairy LLC  
Stonyfield Farm, Inc.  
Western Organic Dairy Producers Alliance