

October 30, 2020

The Honorable Sonny Perdue
Secretary, United States Department of Agriculture
Jamie L. Whitten Building, Room 116A
1400 Independence Ave., SW
Washington, D.C. 20250

RE: National Organic Program – Origin of Livestock Rulemaking

Dear Secretary Perdue,

The recent announcement by the National Organic Program (NOP) to backtrack and initiate yet another proposed rule on the Origin of Livestock is extremely disappointing.

As you well know, the ongoing divergence in certifier's application of the Origin of Livestock creates unmistakable competitive harm among market participants. This failure has long been recognized, and the 2015 proposed rule offered a remedy allowing a one-time event that permits the transition of a conventional herd to organic and thereafter the dairy farm/producer will only source from dairy livestock managed as organic from the last third of gestation.

The 2015 proposed rule garnered strong public and industry support through two comment periods with over 2300 comments and 99% of commenters supporting the general premise of the proposed rule offered by the NOP.

Additionally, there is clear Congressional intent for this rule to be finalized quickly, evidenced by the December 20, 2019 FURTHER CONSOLIDATED APPROPRIATIONS ACT which stated:

SEC. 756. 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.

The enactment of the federal law requiring USDA action on Origin of Livestock was over 300 days ago.

A second proposed rule and yet again another comment period is unnecessary and has not been justified to the impacted industry. There is very little or nothing to be discovered or gained from a second proposed rule on the Origin of Livestock and a third public comment period, especially since the last public comment period was less than a year ago.

We do not agree that the impediments USDA has claimed to have identified would prohibit the immediate issuing of a final rule.

We urge USDA to issue a final rule on the Origin of Livestock without delay.

Sincerely,

CROPP Cooperative | Organic Valley
Danone North America
Stonyfield Farm, Inc
Aurora Organic Dairy
Maple Hill Creamery
Straus Family Creamery
Westby Coop Creamery
Alexandre Family Farm
Sheffers Grassland Dairy LLC
Pleasantview Farm
Fagundes Dairy
Harmony Organic Dairy
Maine Organic Milk Producers
Dairy Grazing Apprenticeship

Organic Trade Association
National Farmers Union
Accredited Certifier Association
California Certified Organic Farmers
Pennsylvania Certified Organic
Oregon Tilth
Georgia Organics
Midwest Organic & Sustainable Education Service
Montana Organic Association
Tilth Alliance
Organic Egg Farmers of America

CC: Under Secretary Greg Ibach
U.S. Representative Collin Peterson
U.S. Representative Michael Conaway
U.S. Senator Pat Roberts
U.S. Senator Debbie Stabenow
National Organic Standard Board