

FOOD Farmers

Federation Of Organic Dairy Farmers



WODPA Board

Tony Azevedo, CA, President

Arden Nelson, CO, Ist Vice

President

Ward Burroughs, CA, 2nd Vice

President

Joe Fischer, OR, Treasurer

Sharon Sinko, OR, Secretary

Board members

Jon Bansen (OR)

Joe Doornenbal (OR)

Andrew Dykstra (WA)

Scott Forrest (WY)

Tim Miranda (CA)

David Roberts (ID)

Tony Schilter (WA)

Paul Staehley (OR)

Guy Stueve (CA)

Mike Wangsgard (UT)

Website Coordinator & Integrity

Newsletter Editor:

Cindy Daley (CA)



MODPA

Darlene Coehoorn, President, WI

Jim Greenberg, Vice-President,

WI

John Kinsman, Secretary, WI

Bruce Drinkman, Treasurer, WI

John Kiefer, WI

Ed Zimba, MI

Ernest Martin, OH

Richard H. Mathews

Chief, Standards Development and Review Branch,

National Organic Program, Transportation and Marketing Programs

USDA-AMS-TMP-NOP, 1400 Independence Ave., SW.

Room 4008- So., Ag Stop 0268

Washington, DC 20250.

Docket Number AMS-TM-06-0198; TM-05-14

December 23, 2008

Dear Richard,

These comments are sent on behalf of the Federation Of Organic Dairy Farmers (FOOD Farmers), the umbrella organization of the Northeast Organic Dairy Producers Alliance (NODPA), the Midwest Organic Dairy Producers Alliance (MODPA), and the Western Organic Dairy Producers Alliance (WODPA), which represents over 1,200 organic dairy farmers across the country.

We thank USDA for writing a rule with the specificity that holds organic dairy producers to the high standard that consumers expect and producers requested from NOP. It also gives very clear language that certifiers can use to implement the rule fairly and universally. The 26-page document contains rulemaking language that provides measurable and verifiable pasture grazing standards, clearly prohibiting drylots and feedlots, and strengthening the role that the organic systems plan plays in organic certification.

These recommendation and comments on the Proposed Rule are made on behalf of FOOD Farmers and other signatures. We wish to acknowledge the cooperation and work of the following organizations and their members in the development of these recommendations and comments: National Organic Coalition, Accredited Certifiers Association, Organic Trade Association, Consumers Union, National Campaign for Sustainable Agriculture, Midwest Organic Services Association, Inc., The Cornucopia Institute, and organic dairy processors. We thank all those myriad individuals and organizations whose suggestions and ideas have led to what we put forward as clear and concise rulemaking language, reflecting the input from an extremely broad cross section of the organic community.

30 Keets Rd, Deerfield, MA 01342

Email: ednodpa@comcast.net

Tel: 413-772-0444

Fax: 866-554-94863

Website: www.nodpa.com



NODPA Board

Henry Perkins, President, ME
Rick Segalla, Vice President, CT
Dave Johnson, Treasurer, PA
Liz Bawden, Secretary, NY

Jim Gardiner, NY
Craig Russell, VT
Steven Russell, ME
Steve Morrison, Chair Policy Committee,
ME
Morvan Allen, MA
Ed Zimba, MI
Bruce Drinkman, WI
Tony Azevedo, CA

State Reps:

Siobhan Griffin, NY
Arden Landis, PA
Beverly Rutter, VT
Aaron Bell, ME
Dana Sgrecci, NY
John Stolfus, NY
Rodney Martin, PA
Roman Stolzfoos, PA
Jerome Walker, LA
John Gould, NY

Policy Committee

Kathie Arnold, NY

Executive Director: Ed Maltby

While the Final Rule is being shepherded through the Federal review process prior to being published and implemented, we strongly urge NOP to enforce the current regulation in regards to pasture. We look forward to the publication of a Final Rule in spring 2009 with one season to implement the rule. We urge NOP to carefully monitor the enforcement of the new regulation.

We support the department's recently announced priority to provide educational resources to certifiers and their inspectors. During the process of working with many groups to discuss the benefits and challenges of this proposed rule, it has become even more evident that there is great disparity between the interpretations of different standards by certifiers. We hope that this rule will provide clear parameters and requirements for certifiers to enforce that will level the economic and production playing field across the country.

We would like to offer the proposition that some certifiers will need more education on the realities of organic livestock production than others and suggest that NOP examine their accreditation process to take into account the necessary rigor that is needed in certifying organic livestock operations.

We understand through the remarks made by Richard Mathews at the listening sessions that the inclusion of changes to the language in the Origin of Livestock section was to encourage comment rather than deal with the existing two track system for replacement livestock

We **strongly advocate for the immediate publication** of a proposed rule on Origin of Livestock to stop the continuous transition of conventional animals as dairy replacements, which undermines the integrity of the Organic Seal. FOOD Farmers has long supported the need for changes in the Origin of Livestock rule, so that the economic and production playing field can truly be level for all producers.

The following are areas where we will provide some detailed comment in the next section of this document:

1. We applaud the fact that the proposed rule includes the requirement for a minimum 30% dry matter intake (DMI) from pasture, averaged over the full growing season, with the

growing season ranging from 121 -365 days. We suggest that “grazing season” be substituted for “growing season,” as that can be better defined to take into account the reality of the grazing seasons in different areas.

2. We recommend changing the requirement for ruminants to be managed on pasture year round to a requirement that ruminants be managed on pasture only during the grazing season, to take into account different farming conditions, to protect pastures from damage, to prevent manure runoff contamination of waterways, and to not bring risk to the health and safety of the livestock from winter weather conditions.
3. We advise the reinstatement of needed exemptions for ruminants from pasture and outdoor access during periods of inclement weather and to protect soil and water quality.
4. We suggest the revision of the definition of inclement weather to take into account conditions that could cause temporary rather than just permanent physical harm to livestock to be a valid exemption.
5. We welcome the definition of sacrificial pasture as it can be an acceptable use of pasture and is used by many graziers. The definition correctly draws the distinction between a sacrificial pasture and a feed lot specifically with the words “restored to active pasture management.” We do not want the use mandated, however, as the practice may be detrimental to the environment, including to soil and water quality, and to animal health when operations do not have well drained land that is accessible for livestock or during winter weather or excessive rain conditions.
6. Crop material bedding must be organically certified when it is typically consumed by the species, even if it’s not a typical feed for the certified operation using the bedding.
7. We suggest creating minimal new record keeping requirements for livestock operations within the rule and in guidance, replacing the overly prescriptive text proposed by the NOP.
8. Concerning replacement dairy animals, we do not want the new language proposed by the NOP to be implemented. We welcome the opportunity to provide the NOP with comments on the origin of livestock and advocate for the rapid publication of a Proposed Origin of Livestock Rule that has one criteria for dairy replacement animals for all operations: “Once an operation has been certified for organic production, all dairy animals born or brought onto the operation shall be under organic management from the last third of gestation.”
9. We want to state very clearly that lactation is not a stage of life that would exempt ruminants from any of the mandates set forth in this regulation.
10. The proposed Pasture Practice Standard requires extensive, detailed information from producers: parts of it should remain in the rule to ensure that there is a comprehensive pasture plan in every ruminant livestock operation’s organic system plan, describing their

pasture management system, but other parts can be deleted that refer to the haymaking system or will be covered by pasture being classified as a crop.

11. We recommend removing some of the duplicative text in Livestock Living Conditions and moving some of the very prescriptive proposed text to guidance for certifiers and producers, as production practices vary with location and climate and from operation to operation.
12. We support that, during the grazing season, ruminant slaughter stock that are typically grain finished to meet consumer expectations may be exempt from the 30% pasture DMI requirement during the finishing period, not to exceed 120 days, but must not be denied access to pasture during that period.
13. We request that "bee" and "fish used for food" be removed from the definition of "livestock" until proposed standards are issued for those production systems.

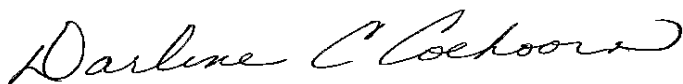
As organic dairy producers across the country whose families rely on the income that is generated by our organic farms, we urge you to consider our comments on the Proposed Rule. We welcome the publication of the Proposed Rule and support the intent to provide very specific standards that can level the playing field for all organic dairy producers. We produce a high quality product to standards that are supported by consumers and their advocates, and we, as organic dairy producers, will do everything within our power to ensure that the organic rule continues to separate and distinguish organic dairy products as the result of thoughtfully written and fairly enforced organic standards and practices.

We strongly advocate that you move forward quickly to the publication of a Final Rule on Access to Pasture. Please contact Ed Maltby, NODPA Executive Director, at 413-772-044 or ednodpa@comcast.net or 30 Keets Rd, Deerfield, MA 01342, for more information on our comments.

Sincerely



Henry Perkins, NODPA President



Darlene Coehoorn, MODPA President



Tony Azevedo, WODPA President

Federation Of Organic Dairy Producers (FOOD Farmers)

The Federation Of Organic Dairy Producers is an umbrella group for the three regional organic dairy farmer organizations: Northeast Organic Dairy Producers Alliance (NODPA), Midwest Organic Dairy Producers Association (MODPA), and Western Organic Dairy Producers Alliance (WODPA). FOOD Farmers represents over 1,200 or two thirds of organic dairy farmers across the country. The organic dairy farmers have many different production methods including seasonal grass based dairies and more traditional production methods that combine pasture, conserved forage and grain. They also market their milk in many different ways, selling to the major brands including Horizon Organic, Organic Valley, Stonyfield, Humboldt Dairy, as well as through smaller cooperatives including Upstate Farms Cooperative, Organic Choice and LOFCO, and independent manufacturers of organic dairy product and direct to the consumer.

Northeast Organic Dairy Producers Alliance (NODPA)

NODPA represents 820 organic dairy farmers in the East of the USA

The mission of the Northeast Organic Dairy Producers Alliance is to enable organic dairy family farmers, situated across an extensive area, to have informed discussion about matters critical to the well being of the organic dairy industry as a whole, with particular emphasis on:

1. Establishing a fair and sustainable price for their product at the wholesale level.
2. Promoting ethical, ecological and economically sustainable farming practices.
3. Developing networks with producers and processors of other organic commodities to strengthen the infrastructure within the industry.
4. Establishing open dialogue with organic dairy processors and retailers in order to better influence producer pay price and to contribute to marketing efforts.

Midwest Organic Dairy Producers Association (MODPA) mission is to promote communication and networking for the betterment of all Midwest dairy producers and enhance a sustainable farmgate price

Western Organic Dairy Producers Alliance (WODPA) mission is to preserve, protect, and ensure the sustainability and integrity of organic dairy farming across the west.