



May 12, 2006

VIA EMAIL – nop.livestock@usda.gov

Mr. Mark Bradley
Associate Deputy Administrator
Transportation & Marketing Programs
National Organic Program
1400 Independence Avenue, SW
Room 4008-So.
Ag Stop 0268
Washington, DC 20250

**RE: Docket Number TM-06-06-PR
National Organic Program – Revisions to Livestock Standards Based
on Court Order (Harvey v. Johanns) and 2005 Amendment to the
Organic Food Production Act of 1990**

Dear Mr. Bradley:

CROPP Cooperative respectfully submits the following comments regarding the Docket Number TM-06-06-PR that proposes to amend certain portions of the National Organic Program (“NOP”), 7 C.F.R. Part 205. CROPP Cooperative’s “Organic Valley” label is the nation’s largest farmer-owned certified organic brand. The Cooperative’s membership includes nearly 750 organic family farms in 22 states. CROPP’s structure as an agricultural cooperative owned by its members provides it with a unique opportunity to comment to the USDA on behalf of its dairy farmers, and as a dairy processor. In addition, CROPP has encouraged its members to comment individually to the USDA with regard to this docket.

These comments respect the Secretary’s efforts to meet the timeline for rulemaking set by the U.S. District Court, and CROPP appreciates the recent comments from the Secretary’s office that it anticipates commencing additional work on the dairy replacement issue in the near future. CROPP strongly urges that the USDA make every effort to avoid unnecessary delay in beginning this process on the dairy replacement issue. In its recent comments, the Secretary indicated that the USDA would undertake an ANPR on the dairy replacement issue, and CROPP looks forward to participating in that process and providing substantive comments on dairy replacement at that time.

Because any rulemaking process takes time, CROPP encourages the USDA in the interim period between now and a final rule to clarify certain enforcement issues that are currently causing confusion to farmers and certifiers alike, specifically with regard to the raising of calves on organic operations. There is currently confusion with regard to the ability of an operation to raise animals born to organic mothers using non-organic methods (ie., conventional feed or antibiotics) and re-transition those animals twelve months prior to milking. The USDA should firmly clarify that an animal born to an organic mother, on an organic operation, cannot be raised conventionally and then moved back into organic production. Some certifiers are using a twelve month conversion rule, while others are insisting on organic production for the life of the animal.

Once an operation is certified organic, all animals born on the organic farm must be raised organically. This means organic feed and no prohibited substances. If an animal is born on the farm, it may be taken off the farm but cannot be raised using conventional methods (or raised on an uncertified farm) if it is expected that the animal will be brought back to the farm for milking. The need for this policy is supported by the §205.238(c)(1) which prohibits antibiotic use, and §205.236(b)(1) which disallows the organic representation of livestock or edible livestock products from livestock that has been removed from an organic operation. CROPP encourages the USDA to clarify and enforce one standard, that animals born on an organic operation must be raised organically, if the operation ever intends to use that animal for organic dairy production.

CROPP also respectfully submits the following comments as to the continuance of the 80-20 feed exemption, and requests some clarity with regard to that transition method, and the new option of using feed from the transitioning operation during the third year.

The Harvey Q&A states:

Producers who elect the 80-20 feed exemption up to the day before the final rule is published can continue to complete the year under the old regulation. For producers who elect the 80-20 feed exemption prior to the publication of the final rule, enforcement of the new regulation will not take place until June 9, 2007. This delay in enforcement respects the final court order to minimize market disruption and consumer confusion.

CROPP supports this allowance because it provides needed flexibility and avoids disrupting the settled expectations of dairy farmers interested in transitioning to organic production. We have many farmers who began the process of transitioning their farms in the past two years, in reliance on the current regulations with regard to the 80-2- feed exemption.

CROPP supports the inclusion of the language regarding use of crops and forage under third year of organic management as feed for dairy animals converting to organic. This will provide equal terms for dairy farmers who otherwise may be unfairly burdened with a four-year transition (due to three years need to convert crop and pastureland, plus a 12 month requirement for organic feed.)

With regard to the changing dairy transition from 80/20 to 12 month third year transitional CROPP requests that the USDA clarify the differences between when a farmer chooses to begin

transition, when an Organic System Plan can be accepted by an accredited certifier and when an applicant can become certified.

For example;

- If a farmer began the process of transitioning the land two years ago, and will begin feeding his herd feed produced from the land now in it's third year of transition this spring, will that farmer be allowed to become certified as soon as next spring? Or does the farmer need to wait for twelve months from the publication of the final rule to use that transition method?
- If a farmer began transitioning an entire distinct herd using the 80/20 exemption this spring but does not submit an Organic System Plan to an Accredited Certifier until after June of this year can that farmer still be certified upon completion of the transition next spring? Or, since his OSP was not submitted prior to June 9th of this year is this farmer required to use the new transition clause?

Because of the dates, and the timing issues, farmers and certifiers alike would appreciate as much guidance as the USDA can provide. As a cooperative actively seeking to increase our milk supply we feel it is paramount that producers be able to be certified as soon as they qualify.

Respectfully submitted,

/s/

Melissa Hughes

CROPP Cooperative/Organic Valley