

U. S. DEPARTMENT OF AGRICULTURE

NATIONAL ORGANIC PROGRAMS

RE: Proposed Change in  
the Pasture Standards

\* \* \* \* \*

MEETING

\* \* \* \* \*

HEARING: Thursday, December 11, 2008  
9:42 a.m.

LOCATION: Family Center of Gap  
835 Houston Run, Suite 200  
Gap, PA 17527

Reporter: Jennifer Alves

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RICHARD H. MATHEWS  
Chief, Standards Development & Review Branch  
National Organic Program  
1400 Independence Avenue SW  
Room 4008 South Building  
Washington, DC 20250-0200  
Representing USDA

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## P R O C E E D I N G S

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DR. KARREMAN:

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4           Good morning, everybody. You all  
5 know me pretty much, Hue Karreman. Today's session  
6 is the USDA listening session for the proposed  
7 change in the pasture standards. And we have today  
8 here to discuss that the actual author of the  
9 standard, Richard Mathews who's with the USDA  
10 National Organic Program. We are going to go  
11 through his position and qualifications first,  
12 okay. He's been with the National Organic Program  
13 since 1998. He's the rule writer, okay. Now, once  
14 a rule gets written --- because there are a lot of  
15 different levels of work that have to be followed  
16 to discuss what we can do here today.

17           So if you have --- today's session  
18 is to listen to what the proposed rule is and your  
19 comments on it. And like I told a lot of you  
20 farmers that I talked to, the comments that are  
21 presented here today verbally do enter into the  
22 official record so that you actually don't have to  
23 write a letter if you comment here verbally. Doing  
24 both would be very nice, okay.

25           And this rule is not set in stone

1 right now. It will be at some point, but the USDA  
2 is like any federal agency. It has public comment  
3 and they digest that and go through it, and they  
4 say, hey, look, nobody liked this particular thing  
5 because everybody said let's do this, okay. So  
6 what they're looking for is not just like what  
7 don't you like about it but if you don't like  
8 something, what --- how would you state something  
9 to make it better? Okay? Because they've done  
10 their very best effort to make this pasture  
11 situation that we've had over the last eight to ten  
12 years tighter, okay. I'm not going to say USDA  
13 uses it for small animal farms but I think if you  
14 read it, it helps small farms quite a bit. But  
15 some things are a little bit overly descriptive  
16 perhaps, but that's for you to comment on today.

17                   Now, I've got to say this.  
18 Richard told me that you do need to sign in the  
19 before the comment session starts because there is  
20 a court reporter here, okay, so that everything  
21 transcribed is as said.

22                   That said, if you're not  
23 comfortable talking into a microphone like this  
24 here, I told you this in the barns over the last  
25 few days, I'll be happy to take your comment if you

1 want me to read it into the --- the court reporter  
2 and John Stoltzfus are up here, and Kenny is now  
3 your --- he will be able to do that as well. Okay?  
4 So don't feel shy about commenting. If you don't  
5 want to talk into this microphone, I can understand  
6 that. I'll do it for you or someone else will.  
7 Okay?

8                   So I guess I just want to also say  
9 that the chairman of the National Organic Standards  
10 Board is here with us today, Jeff Moyer. He's from  
11 the Rodale Institute. He and I have been on the  
12 National Organic Standard Board for the last four  
13 years together. I have one more year on the board.  
14 I'm the chairman of the livestock committee. They  
15 came up with the last guidance for pasture back in  
16 2005. With that guidance, the National Organic  
17 Program has done a lot of homework over two years,  
18 two and a half years, to come out with this  
19 proposed rule. Anyway, Jeff and I are here; if you  
20 want to talk about anything, feel free to do so.  
21 But I'm going to give the mic to Leslie Zook from  
22 PCO.

23                   MS. ZOOK:

24                   Hello, everyone. Thanks for  
25 coming. I wanted, before we get started, to thank

1 Mr. Mathews from the National Organic Program as  
2 well as Horizon and the Gap Family Center for this.  
3 They did provide the meeting space and the snacks  
4 for us today. We appreciate that. And thanks to  
5 everyone who helped to organize this, you know,  
6 everyone who worked with us, for helping us find a  
7 place and organize everything. I wanted to let you  
8 know that I'm here with two other PCO staff and if  
9 you haven't met them yet, please introduce  
10 yourself. And they're also standing against the  
11 wall back there. You may know Emily Rosen who  
12 approves your materials. She's in the green  
13 sweater. And Steph Conner is also with PCO and  
14 works with the dairy farmers. If you haven't met  
15 them, please say hi and introduce yourself. Thank  
16 you very much.

17           And also some of our organizers are here  
18 as well as a number of our corporate field members  
19 as well. So thanks for coming, everyone. If I can  
20 help you out, if you have questions for me, that's  
21 why I'm here today. That's why I'm here, and I'll  
22 be happy to help you understand the proposed rule  
23 or, you know, help you work through what changes  
24 you might propose. If you want to write a letter  
25 to the company, that's fine. Any questions for PCO

1 before we start? Okay. I should introduce Richard  
2 Mathews from the National Organic Program.

3 DR. KARREMAN:

4 One extra thing. When we go into  
5 the comments period, I think Richard is going to  
6 have a straight-through presentation; right? No  
7 questions at that point when he's explaining it.  
8 And then if people want to raise their hand and  
9 have a question or want me to read something for  
10 them, I'm going to be roving around with this  
11 microphone. I'm the microphone guy today, so just  
12 raise your hand if you want me to come over to you.  
13 You can stay seated. You don't have to come up  
14 anywhere. You can speak from your seat. Okay?

15 MR. MATHEWS:

16 Thank you, Hue. Emily, let's go  
17 back to the first slide. And let's take the lights  
18 down. Good morning. Hue, thank you for the  
19 introduction. I appreciate the fact that all of  
20 you have come today.

21 What I'd like to do is I'm going  
22 to run through a PowerPoint presentation. Once I'm  
23 done with the presentation, I'm going to basically  
24 turn the meeting over to you. I'm hoping that  
25 you'll have plenty of comments for us. And as Hue

1 mentioned, we're looking for comments that will be  
2 necessary to improve upon this, if you feel there  
3 are areas that need improvement.

4                   As Hue also said, we really need  
5 everybody to sign in. And with that I'm going to  
6 get --- oh, as Hue mentioned as well, there's a  
7 court reporter here that's recording this, and  
8 what's going to happen is that they will send us a  
9 transcript of the meeting, and the meeting  
10 transcript will go out on the internet so everybody  
11 can read what transpired here today. So with that,  
12 we'll move on to the first --- next slide, Emily.

13                   Currently, the regulations are  
14 broken up into four sections under livestock.  
15 Those are the ones that you see in the dark  
16 lettering. The white lettering, which is probably  
17 a little difficult for you to see, is new language.  
18 Currently the livestock regulation is Reg. 205.236,  
19 Origin of Livestock. There is a very small piece  
20 that we propose some language change to that  
21 particular section. Section 205.237, Livestock  
22 Feed. There's significant language that we propose  
23 in that one. 205.238, Livestock Healthcare  
24 Practice Standard. We're not proposing any changes  
25 in the language of that particular section.

1                   205.239, Livestock Living  
2 Conditions. Again, we're proposing some  
3 significant rewording of that section. 205.240,  
4 Pasture Practice Standard, which is up there in  
5 white, is a whole new section that we are  
6 proposing.

7                   All right. And you'll notice as  
8 we go through here that there will be the white  
9 wording. And white wording is always new language.  
10 We don't feel that we've created any new  
11 regulations with the exception of three points, the  
12 70 percent rule that we'll go over later, the 30  
13 percent rule that we'll go over later, and the  
14 requirement for a sacrificial pasture.  
15 Otherwise, we feel this is all clarification of  
16 existing language.

17                   205.237, Livestock Feed. A, the  
18 producer of an organic livestock operation must  
19 provide livestock with a total feed ration composed  
20 of agricultural products, including pasture and  
21 forage, that are organically produced by operations  
22 certified to the NOP, except as provided in section  
23 205.236(a)(2)(i), and if applicable, organically  
24 handled by operations certified to the NOP.

25                   The 236(a)(2)(i) is actually the

1 language that was inserted a few years ago that  
2 deals with the allowance with that operation that  
3 is transitioning to organic for the first time.  
4 They actually feed agricultural products grown on  
5 that land during the third year of transition to  
6 the animals.

7                               There's an exception to the  
8 205.237. It currently reads, except that  
9 nonsynthetic substances and synthetic substances  
10 allowed under 205.603 may be used as feed additives  
11 and supplements. We're proposing to reword that as  
12 follows. Except that synthetic substances allowed  
13 under 205.603 and nonsynthetic substances may be  
14 used as feed additives and supplements. You'll  
15 note that the synthetic and nonsynthetics are now  
16 reversed of what is the current language. The  
17 reason why we've done that is that the National  
18 list, 205.603, contains no nonsynthetics. It's  
19 only a list of synthetic substances.

20                               Now, some people have been  
21 confused by the way the language was and they were  
22 thinking that there would be nonsynthetics on that  
23 list as well, so we reversed it so --- with the  
24 hope of eliminating that confusion.

25                               We go on in the new language to

1 say provided that all agricultural ingredients in  
2 such additives and supplements shall be --- shall  
3 have been produced and handled organically. Next  
4 slide, Emily.

5                   Paragraph B, the producer of an  
6 organic operation must not, one, use animal drugs,  
7 including hormones, to promote growth. Two,  
8 provide feed supplements or additives in amounts  
9 above those needed for adequate nutrition and  
10 health maintenance for the species at its specific  
11 stage of life. Three, feed plastic pellets for  
12 roughage. Four, feed formulas containing urea or  
13 manure. Feed mammalian or poultry slaughter by-  
14 products to mammals or poultry. Next slide.

15                   Use feed, feed additives, and feed  
16 supplements in violation of the Federal Food, Drug,  
17 and Cosmetics Act. And we're proposing to add  
18 seven, provide feed or forage to which anyone, at  
19 any time, has added an antibiotic or, eight,  
20 prevent, withhold, restrain, or otherwise restrict  
21 ruminant animals from actively obtaining feed  
22 grazed from pasture during the growing season  
23 except for conditions as described under section  
24 205.239(c).

25                   We've added language under a new

1 paragraph C that reads, during the growing season,  
2 producers shall provide not more than an average of  
3 70 percent of a ruminant's dry matter demand from  
4 dry matter fed. Dry matter fed does not include  
5 dry matter grazed from vegetation rooted in  
6 pasture. Producers shall once a month on a monthly  
7 basis, one, document each feed ration, i.e., for  
8 each type of animal, each class of animal's  
9 intended daily diet showing all ingredients, daily  
10 pounds of each ingredient per animal, each  
11 ingredient's percentage of the total ration, the  
12 dry matter percentage of each ingredient, and the  
13 dry matter pounds for each ingredient.

14                   Two, document the daily dry matter  
15 demand of each class of animal using the formula,  
16 average weight per animal in pounds times .03  
17 equals pounds of dry matter per head per day times  
18 the number of animals equals total dry matter  
19 demand in pounds per day. Three, document how much  
20 dry matter is fed daily to each class of animal.  
21 And four, document the percentage of dry matter fed  
22 daily to each class of animal using the formula,  
23 dry matter fed divided by dry matter demand in  
24 pounds per day times 100 equals the percent of dry  
25 matter fed.

1                   Section 205.239, livestock living  
2 conditions. A, the producer of an organic  
3 livestock operation must establish and maintain  
4 year-round livestock living conditions which  
5 accommodate the health and the natural behavior of  
6 animals, including those listed in paragraphs  
7 (a)(1) through (a)(3) of this section. Further,  
8 producers shall not prevent, withhold, restrain, or  
9 otherwise restrict animals from being outdoors,  
10 except as otherwise provided in paragraph (b) and  
11 (c) of this section. Producers shall also provide,  
12 one, year-round access for all animals to the  
13 outdoors, shade, shelter, exercise areas, fresh  
14 air, water for drinking, indoors and outdoors, and  
15 direct sunlight, suitable to the species, its stage  
16 of life, the climate, and the environment.

17                   Two, current language for access  
18 to pasture reads, access to pasture for ruminants.  
19 We are proposing new language that would say, for  
20 all ruminants, continuous year-round management on  
21 pasture, except as otherwise provided in paragraph  
22 (c) of this section for one, or I, grazing  
23 throughout the growing season; and double I, access  
24 to the outdoors throughout the year, including  
25 during the non-growing season. Dry lots and

1 feedlots are prohibited.

2                   Paragraph C currently reads,  
3 appropriate clean, dry bedding. If the bedding is  
4 typically consumed by the animal species, it must  
5 comply with the feed requirements of section  
6 205.237. We're proposing some changes to the  
7 language here. Appropriate clean, dry bedding.  
8 When hay, straw, ground cobs, or other crop matter  
9 typically fed to the animal species is used as  
10 bedding, it must comply with the feed requirements  
11 of 205.237, which means that it has to be organic  
12 fed.

13                   Shelter designed to allow for  
14 natural maintenance, comfort behaviors, and  
15 opportunity to exercise; temperature level,  
16 ventilation, and air circulation suitable to the  
17 species; and reduction of potential for livestock  
18 injury.

19                   The lead-in to paragraph B  
20 currently reads, the producer of an organic  
21 livestock operation may provide temporary  
22 confinement for an animal because of. We are  
23 proposing to change the lead-in to read, the  
24 producer of an organic livestock operation may  
25 temporarily deny a non-ruminant animal access to

1 the outdoors because of. The rest of that section  
2 is pretty much --- that paragraph, I should say, is  
3 pretty much as already presented. Inclement  
4 weather, the animal's stage of life; you'll note  
5 that the word life is highlighted or it's in white  
6 in that it used to say stage of production which  
7 we're proposing to change that to life.

8                   Conditions under which the health,  
9 safety, or well being of the animal could be  
10 jeopardized; or risk to soil and water quality.  
11 Because the change B only applies to non-ruminants,  
12 we've added paragraph C which address ruminants.

13                   C, the producer of an organic  
14 livestock operation may temporarily deny a ruminant  
15 animal pasture under the following conditions.  
16 One, when the animal is segregated for treatment of  
17 illness or injury; the various life stages, such as  
18 lactation, are not an illness or injury. Two, one  
19 week prior to parturition, birthing, parturition  
20 and up to one week after parturition.

21                   In the case of newborns for up to  
22 six months, after which they must be on pasture and  
23 may no longer be individually housed. In the case  
24 of goats during periods of inclement weather; in  
25 the case of sheep, for short periods for shearing

1 and in the case of dairy animals, for short periods  
2 daily for milking. Milking must be scheduled in a  
3 manner to ensure sufficient grazing time to provide  
4 each animal with an average dry matter of intake  
5 from grazing of not less than 30 percent throughout  
6 the growing season. Milking frequencies or  
7 duration practices cannot be used to deny dairy  
8 animals pasture.

9                   D, ruminants must be provided with  
10 one, lying areas with well-maintained clean, dry  
11 bedding which complies with paragraph (a)(3) of  
12 this section, during periods of temporary housing,  
13 provided due to temporary denial of pasture during  
14 conditions listed in paragraphs (c)(1) through  
15 (c)(5) of this section.

16                   Yards and passageways kept in good  
17 condition and well-drained. Shade and in the case  
18 of goats, shelter open on at least one side. Water  
19 at all times except for during short periods for  
20 milking or shearing, such water must be protected  
21 from fouling. Five, feeding and watering equipment  
22 that are designed, constructed, and placed to  
23 protect from fouling, such equipment must be  
24 cleaned weekly. And six, in the case of newborns,  
25 hay in a rack off the ground, beginning seven days

1 after birth, unless on pasture, and pasture for  
2 grazing in compliance with section 205.240(a) not  
3 later than six months after birth.

4                   The existing paragraph C would now  
5 be paragraph E because of our proposed addition of  
6 new paragraph C and D. The language for current  
7 paragraph C reads, the producer of an organic  
8 livestock operation must manage manure in a manner  
9 that does not contribute to contamination of crops,  
10 soil, or water by plant nutrients, heavy metals, or  
11 pathogenic organisms and optimizes recycling of  
12 nutrients.

13                   F, the producer of an organic  
14 livestock operation must manage outdoor access  
15 areas, including pastures, in a manner that does  
16 not put soil or water quality at risk. This  
17 includes the use of fences and buffer zones to  
18 prevent ruminants and their waste products from  
19 entering ponds, streams, and other bodies of water.  
20 Buffer zone size shall be extensive enough, in full  
21 consideration of the physical features of the site,  
22 to prevent the waste products of ruminants from  
23 entering ponds, streams, and other bodies of water.

24                   Now, we're going to go over the  
25 proposed new section 205.240, pasture practice

1 standard. The producer of an organic livestock  
2 operation must, for all ruminant livestock on the  
3 operation, demonstrate through auditable records in  
4 the organic system plan, a functioning management  
5 plan for pasture that meets all requirements of  
6 sections 205.200 through 205.240.

7                   A, pasture must be managed as a  
8 crop in full compliance with sections 205.200  
9 through 205.206. B, the producer must develop and  
10 annually update a comprehensive pasture plan for  
11 inclusion in the producer's organic system plan.  
12 When there is no change in the previous year's  
13 comprehensive pasture plan, the certified operation  
14 may resubmit the previous year's comprehensive  
15 pasture plan.

16                   C, the comprehensive pasture plan  
17 must include a detailed description of crops to be  
18 grown in the pasture and haymaking system. Two,  
19 cultural practices, including but not limited to  
20 varying the crops and their maturity dates in the  
21 pasture system, to be used to ensure pasture of a  
22 sufficient quality and quantity is available to  
23 graze throughout the growing season and to provide  
24 all ruminants under the organic systems plan with  
25 an average or not less than 30 percent of their dry

1 matter intake from grazing throughout the growing  
2 season. The haymaking system.

3                   Four, the location of pasture and  
4 haymaking fields, including maps showing the  
5 pasture and haymaking system and giving each field  
6 its own identity. Five, the types of grazing  
7 methods to be used in the pasture system. Six, the  
8 location and types of fences and the location and  
9 source of shade and water. Seven, the soil  
10 fertility, seeding, and crop rotation systems.  
11 Eight, the pest, weed, and disease control  
12 practices.

13                   I think we skipped one, Emily.  
14 There we go. Nine, the erosion control and  
15 protection of natural wetlands, riparian areas, and  
16 soil and water quality practices. Ten, pasture and  
17 soil sustainability practices. And 11, restoration  
18 of pastures practices.

19                   Paragraph D, the pasture system  
20 must include a sacrificial pasture for grazing to  
21 protect the other pastures from excessive damage  
22 during periods when saturated soil conditions  
23 render the pastures too wet for animals to graze.  
24 The sacrificial pasture must be, one, sufficient in  
25 size to accommodate all animals in the herd without

1 crowding.

2                   Two, located where soils have good  
3 trafficability, are well-drained, there's a low  
4 risk of soil erosion, there's low or no potential  
5 of manure runoff, surrounded by vegetated areas,  
6 and easily restored.

7                   Three, managed to, I, provide feed  
8 value, and double I, maintain or improve soil,  
9 water, and vegetative resources. Four, restored  
10 through active pasture management.

11                   Paragraph E, in addition to the  
12 above, producers must manage pasture to comply with  
13 all applicable requirements of sections 205.236  
14 through 205.239.

15                   Now we're going to go on and we're  
16 going to talk about some definitions. Definition  
17 of crop currently reads, a plant or part of a plant  
18 intended to be marketed as an agricultural product  
19 or fed to livestock. We propose that the  
20 definition now read crop, pastures, sod, cover  
21 crops, green manure crops, catch crops, and any  
22 other --- and any plant or part of a plant intended  
23 to be marketed as an agricultural product, fed to  
24 livestock, or used in the field to manage nutrients  
25 and soil fertility.

1                   We propose to define dry matter as  
2 the amount of a feedstuff remaining after all the  
3 free moisture is evaporated out. We propose to  
4 define dry lot as a confined area that may be  
5 covered with concrete, but that has no vegetative  
6 cover. We propose to define feedlot as a confined  
7 area for the controlled feeding of ruminants.

8                   We would define graze as one, the  
9 consumption of standing forage by livestock. And  
10 two, to put livestock to feed on standing forage.  
11 Grazing would be defined as to graze.

12                   Growing season, the definition for  
13 growing season would read, the period of time  
14 between the average date of the last killing frost  
15 in the spring to the average date of the first  
16 killing frost in the fall or early winter in the  
17 local area of production. This represents a  
18 temperature threshold of 28 degrees Fahrenheit,  
19 minus 3.9 degrees Celsius, or lower at a frequency  
20 of five years in ten. Growing season may range  
21 from 121 days to 365 days.

22                   Inclement weather would be defined  
23 as weather that is violent or characterized by  
24 temperatures high or low that can kill or cause  
25 permanent physical harm to a given species of

1 livestock. Killing frost, a frost that takes place  
2 at temperatures between 25 degrees and 28 degrees  
3 Fahrenheit, minus 2.2 and minus 3.9 degrees  
4 Celsius, for a period sufficiently severe to end  
5 the growing season or delay its beginning.

6 I think we got a missing slide  
7 here. Emily? There we go. Okay. Livestock. The  
8 definition of livestock currently reads any cattle,  
9 sheep, goat, swine, poultry, equine animals used  
10 for food or in the production of food, fiber, feed,  
11 or other agricultural-based consumer products; wild  
12 or domesticated game; or other nonplant life,  
13 except such term shall not include aquatic animals  
14 or bees for the production of food, fiber, feed, or  
15 other agricultural-based consumer products.

16 This definition is worded  
17 differently than the definition that is in the  
18 section. What we're proposing to do is to change  
19 the definition to read exactly as it does in the  
20 section. Livestock, any bee, cattle, sheep, goats,  
21 swine, poultry, equine animals used for food or in  
22 the production of food, fiber, feed, or other  
23 agricultural-based consumer products; fish used for  
24 food; wild or domesticated game; or other nonplant  
25 life.

1                   Looking for sacrificial pasture.  
2 There we go. Sacrificial pasture would be defined  
3 as a pasture or pastures within the pasture system  
4 of sufficient size to accommodate all animals in  
5 the herd without crowding, where animals are kept  
6 for short periods during saturated soil conditions  
7 to confine pasture damage to an area where  
8 potential environmental impacts can be controlled.  
9 This pasture is then deferred from grazing until it  
10 has been restored through active pasture  
11 management. Sacrificial pastures are located where  
12 soils have good trafficability, are well-drained,  
13 have low risk of soil erosion, have low or no  
14 potential of manure runoff, are surrounded by  
15 vegetated areas, and are easily restored. A  
16 sacrificial pasture is land used for livestock  
17 grazing that is managed to provide feed value and  
18 maintain or improve soil, water, and vegetative  
19 resources; it is not a dry lot or feedlot.

20                   We propose to define temporary and  
21 temporarily as occurring for a limited time only.  
22 For example, overnight, throughout a storm, during  
23 a period of illness, the period of time specific by  
24 the administrator when granting a temporary  
25 variance, not permanent or lasting.

1                   Section 205.102, use of the term  
2 organic. As you use rule making, sometimes you  
3 impact sections that really have nothing to do with  
4 the rule making that you're doing. And this is one  
5 of those cases. A, production in accordance with  
6 the requirements specific in paragraphs 205.101 or  
7 205.202 through 205.207 or sections 205.236 through  
8 205.240. That 240 is the new paragraph that we're  
9 proposing to add to the regulation. Right now that  
10 number reads 205.239. If 205.240 goes in, we have  
11 to have this section amended to clearly show that  
12 section, that paragraph as well. The section as  
13 well. And all other applicable requirements of  
14 part 205.

15                   I mentioned early on that there's  
16 a small change being made in 205.236, origin of  
17 livestock. A, triple I, currently reads once an  
18 entire, distinct herd has been converted to organic  
19 production, all dairy animals shall be under  
20 organic management from the last third of  
21 gestation. Because there's some confusion on that  
22 paragraph, we are proposing to reword triple I as  
23 once an operation has been certified for organic  
24 production, using the exception in paragraph  
25 (a)(2)(i) or double I of this section, all dairy

1 animals brought onto the operation shall be under  
2 organic management from the last third of  
3 gestation.

4                   This is just a temporary fix to  
5 this paragraph, because in reality, we're working  
6 on a post-separate rule making that has to do with  
7 Section 205.236, origin of livestock. We're hoping  
8 to have that proposed to allow some time in 2009.

9                   And with that, that completes my  
10 slide presentation. And I would like the lights  
11 back up now. And Hue has the microphone, and he  
12 will walk around and give the microphone to you so  
13 that you can tell me what your concerns are with  
14 this particular proposal.

15                   DR. KARREMAN:

16                   Okay. Thank you, Richard, for  
17 that presentation. And just so you all know, he  
18 mentioned the word statute in there. I just want  
19 to clarify for you guys who don't know what that  
20 is. That's the actual organic approved production  
21 manual of 1990 as amended in 2005. That's the law  
22 that's signed. It's the one that goes through  
23 Congress, signed by the President at the time.  
24 These regulations hinge off that law, okay. Both  
25 have effect on your requirements to be certified

1 organic; correct, Richard?

2 MR. MATHEWS:

3 That's right.

4 DR. KARREMAN:

5 So that's what the statute, the  
6 law. These are the regulations that enable the law  
7 and the sections. What we're going to do now is if  
8 anybody has any questions, comments, and  
9 constructive comments, and suggestions, the USDA is  
10 looking for them. Okay? That's what the session  
11 is about. You've heard this. And by the way, the  
12 actual release of that, you know, federal register  
13 that they printed for this with the reasons of why  
14 they're doing all this, there's a small stack of  
15 them on the table where you signed in. They've  
16 simply guided this, you know. There are a lot of  
17 reasons but that's why we had this presentation  
18 today.

19 So what we're going to do is  
20 basically if you want to raise your hand, you know,  
21 I'll walk over and you can stay sitting. I'll hand  
22 you the microphone, and Leslie will be keeping a  
23 list.

24 MS. ZOOK:

25 We'll take you in turn.

1                   DR. KARREMAN:

2                   Right.

3                   MS. ZOOK:

4                   Raise your hand up and we'll sign  
5 you up on the list and take you in turn. Can I say  
6 something?

7                   DR. KARREMAN:

8                   Yes.

9                   MS. ZOOK:

10                  There's about 100 people here and  
11 there's only about 70 on the sign-up list. So if  
12 you haven't signed in yet, it's on the desk on the  
13 table there where you came in. There's a yellow  
14 sheet of paper. You don't have to do it right now  
15 but please do it before you leave. And Richard  
16 will really appreciate it.

17                  MR. MATHEWS:

18                  Yes, definitely.

19                  DR. KARREMAN:

20                  And the other thing is, again, I  
21 would just say if you came in late, if you are a  
22 little bashful about talking into the microphone  
23 --- I'm not. And if you would like me to read your  
24 statement or question, I'm happy to do that. I  
25 will have to say your name and address just, you

1 know, so it's recorded, so ---.

2 MR. MATHEWS:

3 Actually, we don't have to do the  
4 address.

5 DR. KARREMAN:

6 They don't? Okay, just your name  
7 and then your statement. So if you say a question,  
8 you have to say your name and say the question or I  
9 will do it for you. And I have a --- if I may,  
10 like an official comment?

11 MR. MATHEWS:

12 Yes.

13 DR. KARREMAN:

14 Is that all right? Okay. So I'll  
15 just get it started so you all have an idea. I'm  
16 not going to make a lot of comments. Just three  
17 things that I see as a veterinarian that under the  
18 livestock living conditions under 205.239(c)(2),  
19 I'd like to see that --- there's a statement in  
20 there regarding the cows can or animals can be on a  
21 pasture one week prior to parturition and then it  
22 can --- I think no one really knows what one week  
23 before birthing is, okay. So I think it should be  
24 changed to read, animals can be denied pasture due  
25 to impending parturition, when it's obvious, and up

1 to ten days afterwards in case you have to take  
2 care of an extra or whatever problems.

3 Under 205.239(d)(6), in the case  
4 of newborns, hay in a rack off the ground. I like  
5 the whole concept but I believe that it should be  
6 changed to say that simply rudiments shall not be  
7 denied forage at any time of life. Okay. So it  
8 doesn't need to be hay. I mean, what's available  
9 to you might be hay or something else. It's going  
10 to have forage in there. That would be my  
11 suggestion to the USDA. And however you want to  
12 feed it and whatever of recommended whatever.

13 And then the last thing I wanted  
14 to mention is 205.239(f) regarding the excellent  
15 paragraph on streambed fencing and cows not just  
16 standing in creeks and ponds and all that, which  
17 actually in Maryland is illegal. Pennsylvania has  
18 still to do it for being organic. I know PCO  
19 sometimes has encouraged people to do streambed  
20 fencing and I think it's great the USDA is going to  
21 say that's the law for organic. But you also have  
22 to be able to get animals across the creek. There  
23 has to be controlled crossings. Controlled meaning  
24 by dam or bridge, all crossing at the same time or  
25 whatever, you know. It's a defined area, okay. So

1 those are my three suggestions regarding the  
2 feeding and pasture and all the rest of it. I'll  
3 open it up to everybody else.

4 MR. MATHEWS:

5 You had mentioned instead of the  
6 week before parturition to say pending parturition.  
7 When does pending ---?

8 DR. KARREMAN:

9 No, impending.

10 MR. MATHEWS:

11 Impending?

12 DR. KARREMAN:

13 Impending is pretty much ---  
14 people know when a cow's going to calf. Impending  
15 parturition, I think, would be a fine legal term.  
16 Pending would --- simply pending would open up for  
17 weeks ahead of time. Impending means it's  
18 imminent. How's that? Imminent parturition. That  
19 would be a suggestion. And I think that's pretty  
20 clear to most farmers in livestock.

21 MR. MATHEWS:

22 Okay. My concern is somebody  
23 might say, well, we just inseminated her and so  
24 therefore she's impending.

25 DR. KARREMAN:

1 Good point.

2 MR. MATHEWS:

3 And there will be people who try  
4 to do that.

5 DR. KARREMAN:

6 That's right.

7 MR. MATHEWS:

8 So I think we might need a little  
9 further clarification on the regulation.

10 DR. KARREMAN:

11 I appreciate that. And the thing  
12 is that, you know, a lot of --- there's not a lot  
13 of farmers but there will always be some farmers,  
14 that so that you all know this in different areas  
15 of the country, or maybe here, whatever, that kind  
16 of live at the edges of the organic rule, okay. So  
17 something like what Richard just said to clarify  
18 something is very important. That's what they're  
19 trying to do. So imminent parturition, okay, not  
20 just impending because some people would say she's  
21 inseminated and now I don't have to put her on  
22 pasture this spring. And we don't want that. At  
23 least I don't. Who's up?

24 MS. ROSEN:

25 Emily.

1                   DR. KARREMAN:

2                   Emily --- I'm sorry.

3                   MS. ROSEN:

4                   Hi, my name is Emily Brown Rosen,  
5 and I work for PCO as a policy director. So I'm  
6 really glad that you're here today and I'm glad to  
7 be here with you all. And I would like to thank  
8 the National Organic Program for coming to this,  
9 this session. This is number five of the sessions  
10 that Richard has had.

11                   I also am very happy to have this  
12 rule published, you know. Most of you are aware  
13 this has been a long time coming. We first --- we  
14 had another session here in 2006. We were at State  
15 College. But we had 100 people come and really a  
16 lot of care and giving went into these regulations.  
17 So that they are strict and that they do require  
18 clearly and unequivocally that cows are corralled  
19 on pasture eating grass.

20                   Since the rule has been out there,  
21 there have been some bumps along the road and it  
22 hasn't been interpreted the same way throughout the  
23 country. And the dairy farmers really have come to  
24 the forefront in asking for this change. So again,  
25 we're glad to be a big part of this and you know

1 just a little bit more actually getting things  
2 together before it's finalized. It's a great  
3 progress.

4 I just want to tell you that and  
5 I'm not sure how many I have left. Some of you may  
6 have picked up a yellow copy of the rules here.  
7 This is actually not our work. This is a draft  
8 comment that the food farmers have put together and  
9 it could differ ---.

10 UNIDENTIFIED SPEAKER:

11 Federation of Organic ---.

12 MS. ROSEN:

13 Yes, Federation of Organic Dairy  
14 Farmers. It's a combination of farmers in the  
15 Midwestern and western branches. And we're not  
16 necessarily working with all these companies, but I  
17 think it's very good to get a little of this type  
18 of detailed comment that can be made. They've  
19 thought about it a lot, had a lot of meetings and  
20 talked to a lot of farmers; so this is just a  
21 suggestion to see whether you agree with it or not.

22 And then next Monday, there's  
23 going to be a conference call and anyone who wants  
24 to call in and talk with me and give me more  
25 feedback so that we can finalize our comments. And

1 also we want to, you know, if you need any more  
2 help, just call us and we will help you with that.

3                   I want you to know how PCO  
4 currently verifies pasture for animals. We believe  
5 that PCO certified farmers are doing a good job  
6 providing ample pasture for a good representative  
7 of the year. And right now we use the existing  
8 rules and these required it. But it's not spelled  
9 out directly and it's not spelled out indirectly.  
10 And it does say that animals are required to have  
11 outside access for ruminants and are required to  
12 have pasture. Their definition of pasture is  
13 pretty good in the rules now. There are  
14 prohibitions in the current rule about harming soil  
15 and water quality, and there are requirements to  
16 natural behavior. So our procedure is, you know,  
17 we get all that information, you know, what the  
18 farmer's plan is.

19                   And we send inspectors out to make  
20 sure that everything's really --- to verify that  
21 pasture there is in good condition. It provides  
22 feed value and that the pastures are not over  
23 budget, overstocked. It doesn't look like there's  
24 anything causing damage to water. Those are  
25 already covered in the rules.

1                   So based on that, we feel like  
2 it's been helping farmers, you know, with their  
3 work. And we call them and ask them to let us know  
4 if they have any problems.

5                   So this works for us. But we do  
6 understand that this system works for us as  
7 certifiers in this climate, this kind of corral,  
8 this kind of streambed, et cetera. And maybe this  
9 specific system isn't the best but all farmers are  
10 required to do this.

11                   So we think that the fact this  
12 rule gives you more direct requirements for  
13 managing pasture to provide feed value will provide  
14 us with additional tools in terms of compliance.  
15 And rather than indirectly evaluating all the  
16 problems, we'll be able to just --- we'll actually  
17 directly make sure that they have enough feed value  
18 in their pastures.

19                   The fact that those rules, I would  
20 just say overall when the rule was originally  
21 published, it required pastures --- it didn't  
22 necessarily require a pasture based type of dairy  
23 operation. But over the years, the comments from  
24 --- this is the emphasis. This is what the organic  
25 consumers want. That's what we've heard from all

1 these comments. People expect when they see a  
2 picture of a cow in a field on their milk cartons,  
3 then that means the cows are out in the field. So  
4 it's important to then make that a reality.

5           So we're talking about some kind  
6 of quantitative tool for certifiers to measure that  
7 the pasture is actually providing feed. And the  
8 rule has proposed that 30 percent is the amount of  
9 dry matter intake from pasture. And the Department  
10 has felt that this is a reasonable, manageable  
11 rule. Others would rather wait to implement on a  
12 national scale. So we're not sure that that will  
13 work out. Whichever is chosen, we will be happy  
14 with it, but we do think that some kind of number  
15 is needed to make sure there is adequate pasture  
16 provided.

17           But it's not the only rule. It's  
18 not an absolute rule, but that in combination with  
19 the requirement for access, limited number of  
20 exception, and at least 120 days of grazing will  
21 definitely be better.

22           As we said, whatever ends up being  
23 the final rule, we will adopt it and we will work  
24 to provide education and manageable forms for the  
25 farmers to use. We know our colleagues in Vermont

1 have done a really good job and have been working  
2 with those farms for over two years and helping  
3 their farmers to have improvement. We think that's  
4 doable.

5                   Now, here are my suggestions for  
6 improvement. The term growing season, right now it  
7 can be as much as 365 days a year. And we agree  
8 with the food farmers that that's, you know, too  
9 much. I mean, it should be --- we should be  
10 talking about the grazing season, the grazing  
11 season being a time where there is grass that the  
12 animals can eat. Yes, there should be a minimum of  
13 121 days when you have, you know, good fall weather  
14 and spring weather they should be out grazing.

15                   We do agree that animals must have  
16 access all year, but the exception for inclement  
17 weather for ruminant has to be reinstated. We  
18 can't just totally take that out of the picture.  
19 You know, there are lots of situations where you  
20 have very bad weather, ice, snow in the fall. You  
21 know, you need to be able to make adjustments to  
22 that.

23                   Also, we need some type of  
24 protection for our water quality. It's just not a  
25 good idea to have created a huge mud hole where the

1 water from manure can go. The sacrificial pasture  
2 is a good practice for some farms, you know, but it  
3 may be a necessary provision. But it's not  
4 suitable for all farms. So we don't feel it should  
5 be mandatory. It should be --- it could be  
6 included as an option, as a way of providing  
7 limited access in the winter, but it shouldn't be  
8 required for all farms as it could impact the soil  
9 quality.

10 Farmers do need to be able to  
11 utilize improved yards, barnyards, and feeding  
12 areas during poor weather or for supplemental  
13 feeding during the grazing season, and also as  
14 transit areas between the barn and the pasture. We  
15 need them. There's nothing wrong with a good 12  
16 foot barnyard. We don't --- you know, feedlots and  
17 dry lots are a problem, but we need to be able to  
18 make adjustments to these.

19 We urge the NOP to use those  
20 regulations to set objectives and goals, not  
21 necessarily exact practices that need to be done.  
22 For example, the methods for calculating DMI, there  
23 needs to be some guidance because there are very  
24 different formulas for different methods of doing  
25 it. Penn State, Cornell, NRGs, NRGa, they have

1 different ways of doing it. Farmers should be able  
2 to use whatever works for them. And then the  
3 certifiers need to work with the farmers to make  
4 sure it's an accurate way before we approve of it.  
5 I have a little thing in there where it's just too  
6 descriptive. For instance, actually mention clean  
7 water every week. Well, let's just say the animal  
8 must have clean water. I mean, otherwise a  
9 certifier maybe will go in there and say okay, did  
10 you change it this week and, where are your logs  
11 that state you did this 52 weeks of the year? Our  
12 time, inspector's time and farmer's time to have to  
13 write down every week that they cleaned their  
14 water, I mean, if they want to do it, then we have  
15 to monitor it. So it creates a recordkeeping  
16 problem.

17                   Finishing of beef. We're going to  
18 be discussing this with our farmers. From looking  
19 through the regulations, I believe the farmers are  
20 finishing on pasture. They are using supplemental  
21 grain to help fatten the animals, but they don't  
22 tend to put them in the feedlots at the end. So we  
23 are, you know, we will put more thought into that.  
24 But I think that's the direction of beef in this  
25 case is moving, at least organic beef. It's kind

1 of a big operation. But there does seem to be an  
2 emphasis on that 30 percent that we --- before  
3 finishing.

4                   And then again, back to section  
5 205.240. It duplicates a lot of the requirements  
6 and we know it could be streamlined and however,  
7 it's important from our vantage that the Department  
8 describe the grazing season and then our plan for  
9 providing the necessary changes needed; so that's  
10 all the comments, and thank you again.

11                   MS. ZOOK:

12                   If there are any farmers with  
13 questions here, we would like to hear from them.  
14 So don't be shy.

15                   MR. LAPP:

16                   My name is Ivan Lapp. I got a  
17 question on Section 205.237. It says bedding needs  
18 to be certified organic. I guess I have a little  
19 bit of problem with that as far as --- if we don't  
20 feed the bedding like feed, corn fodder, and wheat  
21 and straw, can we still be certified organic if we  
22 use it strictly as bedding? Because 85 to 90  
23 percent of the farmers here in Lancaster County ---  
24 if those cows have to be out 365 days a year, even  
25 if they're only out in the mud, it's going to take

1 a lot of bedding. Where's this bedding all going  
2 to come from, because most of the people just throw  
3 in grass which is, you know, I don't know if  
4 there's a problem with that.

5 MR. MATHEWS:

6 Okay. So you're ---?

7 MR. LAPP:

8 I'm just wondering could that be  
9 amended to in effect if we don't feed corn fodder  
10 or real straw to our cows, does that bedding still  
11 need to be certified?

12 MR. MATHEWS:

13 Let me look at the language that  
14 we have in here. Hey, Emily, can you bring that  
15 slide up? Here, I found it. What we said is that  
16 appropriate clean, dry bedding, when hay, straw,  
17 ground cobs, or other matter typically fed to the  
18 animal species is used as bedding, it must comply  
19 with the feed requirements of 205.237. So what  
20 you're asking is, if you don't personally feed  
21 that, can you?

22 MR. LAPP:

23 If you don't customarily feed  
24 that, then it doesn't have to be certified organic?  
25 Am I correct on that?

1                   MR. MATHEWS:

2                   Well, it says typically fed. So  
3 whether you're typically feeding it or not, if we  
4 have it, it's organic. So if it's something that  
5 is typically fed by anyone, it would have to be  
6 organic, yes.

7                   MR. LAPP:

8                   So if some of the organic corn was  
9 used in that seed mine would also have to be  
10 certified?

11                   MR. MATHEWS:

12                   Yes. That's the way it's  
13 proposed. What would you like it to say?

14                   MR. LAPP:

15                   Well, I think it should say if we  
16 used --- if we buy that straw as seed and also use  
17 it as hay, it should be certified. But if we don't  
18 use it as straw, why does it have to be certified?  
19 I mean as feed, sorry about that.

20                   DR. KARREMAN:

21                   I don't think Richard is  
22 necessarily going to give answers today. It's more  
23 of a listening session for him to hear your  
24 comments. So, you know, don't expect him to answer  
25 all the questions.

1                   MR. MATHEWS:

2                   Yes, but I'll try to explain what  
3 we've done here.

4                   DR. KARREMAN:

5                   Right.

6                   MR. MILLER:

7                   Levi Miller. The issue that ---  
8 well, there's several issues, I guess, but the one  
9 about sacrificial pastures, I can see that being a  
10 really --- a real concern. I have in the past  
11 couple of years done that, and now I'm seeing that  
12 that was a very bad management act because this  
13 fall we took soil tests and that field did  
14 terrible. What I had done is in the wintertime I  
15 was thinking, well, I want my cows outside.  
16 They'll be healthier. And we used just one field  
17 if it was muddy or whatever, and really messed it  
18 up. And went up and did another for the  
19 summertime, then put them back on the same field  
20 again for the wintertime. That field is terrible.  
21 It's going to take five years to get that field  
22 straightened out again.

23                   I'm just sharing a bad experience  
24 I've had. Let's not push it on everyone else.

25                   MR. MATHEWS:

1                   Can you explain a little bit more  
2 why that field is terrible?

3                   MR. MILLER:

4                   Oh, the potash, the potassium is  
5 way, way high. And my soil consultants are telling  
6 me that alfalfa will be the thing to take the  
7 potash out the fastest. But it wouldn't be fit to  
8 feed my cows because it would create all kinds of  
9 health hazards. I'm not sure what we're going to  
10 do about it, but I'm not going to be using it as a  
11 sacrificial pasture for quite a number of years.  
12 So that's something to really be concerned about.

13                   And I think that Emily Brown Rosen  
14 stated that pretty clearly. The grazing season  
15 does not last 365 days. I think a cow should be  
16 kept inside when it's not fit to be out. I'm not  
17 sure how you can word it. I know you're looking at  
18 nationwide, and everybody's not on the same page.

19                   I thought there was another --- I  
20 made notes.

21                   DR. KARREMAN:

22                   You can get back up again if you  
23 want.

24                   MR. MILLER:

25                   It might come to me later. There

1 was another but I forgot it.

2 DR. KARREMAN:

3 Was there anything besides potash  
4 that was a problem in that field?

5 MR. MILLER:

6 Yes. Thank you. As far as, you  
7 know, imbalances, off the top of my head I can't  
8 say but it was way off as far as the mineral, you  
9 know, the amounts that are there. Very, very high.  
10 I mean, he's never seen anything like it. And it  
11 was definitely because of the large volumes of  
12 manure that you put on, you know, a small area.  
13 Thank you.

14 DR. KARREMAN:

15 And also, if you do comment, you  
16 can comment again if you have another question that  
17 comes up because of what someone else says.

18 MR. MATHEWS:

19 Yeah, there's no limit on the  
20 number of times you can get up if things come to  
21 you as you hear others speak.

22 MR. CURTIS:

23 My name's Carl Curtis. I've been  
24 farming for 20 years. First question I have --- it  
25 seems that the tone of the rules because of the

1 grazing period you said extends to a year, it seems  
2 that the rules, if I understand this question, are  
3 probably accountable to spend some limited time in  
4 the barn that even during hot weather season in  
5 June, July, and August, that we can't bring the  
6 cattle back in in the mornings at 10:00, 11:00, put  
7 them on fans, have them on feed, and then turn them  
8 back out and milk them, if I understood the new  
9 proposal?

10 MR. MATHEWS:

11 Yes, the proposal would put them  
12 out except for when they're in to receive  
13 supplemental rations just before or after or during  
14 milking.

15 MR. CURTIS:

16 So my problem with that is, all  
17 the work we did the last 50 years on caring for  
18 these cattle and the environment and everything  
19 that we worked on to increase production and  
20 profitability of the cow. And there's a number of  
21 us who can't manage that much per cow a head  
22 production. And when you're going to throw \$3 per  
23 cow per day, at least it delves into the profit.  
24 And if you've got 50 cows in the herd, you're going  
25 to throw \$3,000, \$4,000 of monthly income instantly

1 the minute he complies with this rule.

2                   My second aspect of that is if  
3 we're going to put those cows under heat stress,  
4 then we're going to affect breeding. And then the  
5 next day, inspectors are coming in and saying we  
6 need to build a shady area outside instead of  
7 having the cattle standing in circles under the  
8 tree. I know the veterinarian's going to kick our  
9 butt for the mastitis we're having because of  
10 standing in the mud hole. It would help if they're  
11 brought back in for a short period of time.

12                   And my suggestion would be that  
13 there is some common sense built into the fact of  
14 allowing for weather. And the original intent for  
15 organic milk was to do away with antibiotics,  
16 pesticide, care for the cattle better. And seeing  
17 that this rule is drafted and I don't want to see  
18 that managed care by a farmer thrown out the  
19 window.

20                   My other comment is on dry matter  
21 intake. We're standing probably in one of the most  
22 productive areas in the state. If the rest of the  
23 state is going to have to do worse than that ---  
24 your 30 percent intake, the requirement of dry  
25 matter intake, first I have a question. Are all of

1 these calculations going to be based on weight?  
2 But we have herds that the dry matter intake,  
3 depending on their production, from forty pounds  
4 per day to 54 pounds per day depending upon the  
5 weight. I calculated that at the bottom weight of  
6 40 pounds, dry matter intake at 12 pounds when  
7 they're not out to pasture or you're at 15 and a  
8 half over the entire herd. And are they going to  
9 penalize them and cause them to overwork the ground  
10 simply because they're making more milk?

11                   And the other comment I can make  
12 about that is, you know, in the last two seasons  
13 our weather has been totally wild between rainfall  
14 and dry spells that I don't know how when we go  
15 through those dry periods, we're going to make up  
16 for that difference in intake. Are we going to  
17 have to oversupply the pasture during the normal  
18 and wet periods to the point that we have not  
19 reached minimum requirement during the dry seasons?

20 There seems to be no exception in here or give the  
21 inspector any ability to give a variance for that.

22                   And the last comment I want to  
23 make about that is that for the --- oh, I would say  
24 last ten years we --- again, the industry has  
25 courts that went after farmers to become a part of

1 this. And they went after the facilities and their  
2 barns and now they're going to make more expensive  
3 ground. And now they're changing the rules on us  
4 midstream. There seems to be no allowance for any  
5 time period in here or to be grandfathered in of  
6 specific facilities. If I was a new producer  
7 looking at this standard today, I would think I'd  
8 have to have access for them to the outside. And  
9 probably overcompensate my pasture ground so that I  
10 didn't fall out of compliance during a dry spell.

11                   And all of that is going to  
12 greatly affect income and ultimately affect the  
13 price of milk because they're not going to charge  
14 \$30 for milk. You're going to take away the  
15 facilities, drop the production, and increase the  
16 amount of steps you have to cover. It may take two  
17 years for them to get there, but at some point  
18 they're going to be right back organized together  
19 saying it's not worth it. If you run the numbers  
20 with these changes, it's going to be \$40 for milk.  
21 Now, if the public is willing to pay for that,  
22 great, but I don't think this is the way the public  
23 wants it done.

24                   MR. MATHEWS:

25                   You raised the issue early on in

1 your comments about the losses that you envision.  
2 Will you be submitting written comments where you  
3 can expound upon it a little bit more for us?

4 MR. CURTIS:

5 (Indicates yes.)

6 MR. MATHEWS:

7 For the court reporter, he said  
8 yes. I also ask, you mentioned the inclement  
9 weather. And since you're sending in some written  
10 comments as well, I'd like some of your thoughts on  
11 how do we ensure that when we say inclement  
12 weather, how do we put some parameters around that  
13 so that it's more than just ice on the pasture,  
14 it's also temperature and humidity in the  
15 summertime? And so how do we put some boundaries  
16 on this so that people aren't finding excuses to  
17 house their animals throughout the summer or  
18 throughout winters with very few days out in the  
19 pasture? So if you have some thoughts on what is  
20 the upper limit on the temperature and humidity as  
21 well as the icing provisions and cold temperatures  
22 in the winter, I'd like your thought on that as  
23 well. Hue, do you want to comment?

24 DR. KARREMAN:

25 Just one quick thing. I

1 understand where you're coming from because you  
2 have to cover everything. But it cannot be so  
3 exact that I need an attorney to understand when I  
4 can turn the cattle out. And we're slowly getting  
5 there.

6 MR. MATHEWS:

7 I understand the problems on the  
8 other side where we have guys with attorneys  
9 telling someone else that he doesn't have to.

10 DR. KARREMAN:

11 But isn't that why we rely on our  
12 inspectors though?

13 MR. MATHEWS:

14 Pardon me?

15 DR. KARREMAN:

16 Isn't that why we rely on our  
17 inspectors though, to be able to bridge that gap  
18 between common sense and regulations?

19 MR. MATHEWS:

20 Yes. But we've got 95 certifying  
21 agencies. Each one of them is contracting the  
22 inspectors, and so that compounds the number even  
23 more. And the bid systems, the application  
24 regulations of countries are the reason why we're  
25 here trying to come up with solutions to close the

1 loopholes.

2 MR. SCANLON:

3 John Scanlon. I'm from upstate  
4 New York. We get a lot of snow. He said a lot of  
5 comments about the weather. I brought pictures of  
6 where I live. I'm in Fairfield, New York. I get  
7 snow banks 12, 14 feet tall. I go up town, the  
8 town of Trafford (phonetic) the Irvin County  
9 highway superintendent association, they got  
10 snowfall there and I got 100 inches. We get snow.  
11 And for you to think I'm going to be able to put my  
12 cows out there --- I'm going to have the humane  
13 society right after me. I mean, and winters, most  
14 days I got 132 inches of snow. And I get a lot  
15 more wind. And we got a windmill farm right behind  
16 us, and they require 30 mile an hour winds, granted  
17 they're up in the sky. But we get ground speeds of  
18 90 miles an hour.

19 Now, throw that 20 degrees below  
20 zero and put your cow out there, she's not going to  
21 last five seconds until she's froze. When there's  
22 cold like that, I feed them what they want but they  
23 won't take it. So I got a lot of questions and  
24 comments, good, bad and indifferent.

25 And dry matter intake is a great

1 problem. In the springtime I love to see cows get  
2 outside. I want them out of the barn. It's great.  
3 Wintertime, they come in, they're in the barn.  
4 They are out when the weather is good. They've  
5 been out, they're in. That's fine. There are days  
6 when it's too icy. We've got 53 milkers; before we  
7 could get the last 20 out, the first one's going  
8 right back to the door inside.

9                   As for sacrificial pasture, I just  
10 can't agree with it. I mean all of our farm's  
11 clay. And we got a tax break deal like this man  
12 did. This is potentially a problem. We have a  
13 concrete barnyard with outside area. The cows are  
14 out in mud. It's adequate. They have plenty of  
15 room to spread out but not in 20 below zero coming  
16 out, you know. They're out for an hour, hour and a  
17 half. Sometimes only 20 minutes.

18                   It just can't happen like that. I  
19 mean, I grow 77-day corn and have all I can do. I  
20 know down here you folks grow 110, 120 and you're  
21 fine. Not going to happen where I am. The calves  
22 in the hutches with the hay on the ground, that  
23 works great. He has bedding and has dry fodder  
24 every day, you know, from the time they're three  
25 days old, two days old. It just works.

1 Management of streams and ponds.  
2 What's more natural than to have a cow beside a  
3 creek? I just don't get it. I've lived on a farm  
4 --- I'm the third generation on the farm I'm living  
5 on right now. Cows go out, take paths, things  
6 haven't changed and I'm 40 years old. They use the  
7 same area. I just don't see why you're going to  
8 start requiring us to fence it up. We're good  
9 caretakers of our cows. We're not going make them  
10 stay outside because then we have milk problems.  
11 That's just how it is.

12 You've got a dry lot, seems to be  
13 on the same definition as our barnyard is concrete  
14 with no permeable. That's what --- up our way,  
15 they encourage barnyard programs, fencing it off,  
16 keeping them out of the other areas. Let's stick  
17 with that. I mean, we've done a lot of good work  
18 and I saw a plant doctor and he comes out. Ninety  
19 (90) percent of these rules, maybe 95, we're  
20 already in compliance with them. It's for the  
21 other farms like you've pointed out. I understand  
22 where you're coming from.

23 But you've also got to understand  
24 our side. Stream, origin of livestock. It used to  
25 be 90 days to start with, 90 for organic. Then it

1 went to 100-some a year. And then there was a few  
2 short months and all of a sudden I'm going to have  
3 a new rule, 81. Fine --- I'm fine with that. This  
4 was the rule and everyone done it and it was fine  
5 and now we're having problems. Well, what about I  
6 got a guy two towns over, he's got a farm. He's  
7 got cows. He's on his own. He went 80/20. And  
8 you're not going to allow him to transition back to  
9 animals? That can wipe you out. And you're not  
10 allowed to go by your old numbers and try to get  
11 everything back in within a year?

12                   If you're going to --- eliminate  
13 the 80/20 and everyone's in. Fine. There's people  
14 that are going into organics all the time. There's  
15 people that are going out of it. Make it by year.  
16 I mean, if you have a problem and don't make it so  
17 dang lengthy that you have to have them vaccinated  
18 and, you know, a nutritionist and try to tell you  
19 what happened. We're good caretakers of our cows  
20 and of our ground.

21                   I understand people push the  
22 edges. And I've heard about them. I've heard that  
23 they were feeding straw to beef operations --- beef  
24 was short, and they were doing things like that,  
25 you know, I heard all these stories. There's a lot

1 of good ideas you have. The dry matter intake, you  
2 know, I'm not going to sit down and try to figure  
3 it out. I feed pasture as much as I can. We feed  
4 dry hay up to 30 pound per day. You've got a lot  
5 of good ideas. Talk to some of us guys, which is  
6 what this is and you know, fencing.

7                   Why? I just think what more can  
8 be done. We're not going to let them stand in  
9 ponds. It's not natural. It's natural for them to  
10 drink out of a creek. And this overnight housing,  
11 it just won't work. I mean, there was a commercial  
12 on from California. Do you remember happy cows  
13 live in California and it shows the old cow,  
14 they're standing in the snow storm and it was on a  
15 New York State television station? That was the  
16 idea. You know, what's the humane society going to  
17 do? I mean, if it's icy out there, are you going  
18 to kick them out there?

19                   I don't know. We've all been  
20 doing fine before this time. You know, we've  
21 always felt safe. Our cows are out in pasture. We  
22 want --- you've got good ideas but I know we have  
23 to go so far and hopefully bring them back. But  
24 don't bring them back so far as to pay for it and  
25 just some foolish rules. And when all is done,

1 we're just going to shake our head and the --- you  
2 know, it isn't worth it anymore.

3 MR. MATHEWS:

4 I do have a question for you. The  
5 issue on fencing off, the water rights.

6 MR. SCANLON:

7 Yes.

8 MR. MATHEWS:

9 In your area, does New York  
10 require a water resource plan?

11 MR. SCANLON:

12 They have a watershed area. I'm  
13 on the town planning board, and so I know where  
14 they are. And yes, we have a commission for that  
15 already.

16 MR. MATHEWS:

17 Do they require a plan from your  
18 farm, how you prevent ---?

19 MR. SCANLON:

20 No. DEP is so hard on our area  
21 about manure runoff and stuff, they're really  
22 tight. If I drop manure in the road, they're out  
23 there. You know, they are constantly watching. My  
24 inspector, you know, he literally does walk through  
25 the pastures and he checks everything. He does not

1 --- we don't allow manure, you know. Even no  
2 matter how close to the barn, our cows walk a  
3 concrete barnyard because under this new rule that  
4 there be that --- or guidelines, I'm sorry.

5                   They go out and they have access  
6 to the pasture on the left and right and there's a  
7 creek right there. I have a creek within 12 feet  
8 of my barn at the narrowest point, 10 to 15. It's  
9 a steep bank. And no, there is no fence.

10                   MR. MATHEWS:

11                   Are you taking precautions to keep  
12 from having manure runoff into that stream?

13                   MR. SCANLON:

14                   As in how?

15                   MR. MATHEWS:

16                   Well, I mean, what are you doing  
17 right now to not allow manure into that stream?

18                   MR. SCANLON:

19                   Our cows are in that concreted  
20 barnyard. We have two separate concrete barnyards  
21 that are fenced off. Under your rule, I don't  
22 think I could do that. I'd have to force them onto  
23 the ground; correct? You'd have to go off. So  
24 then --- besides the stream, yeah, as our concrete,  
25 there's a fence in it. The creek's right there.

1                   MR. MATHEWS:

2                   But you've got to design it so  
3 there's no manure runoff?

4                   MR. SCANLON:

5                   Yeah, it all comes back and  
6 straight up in our --- it's just out back of it.

7                   MR. MATHEWS:

8                   Yeah, well, that's what I was  
9 asking. You already implement the practices to  
10 prevent runoff into the stream.

11                   MR. SCANLON:

12                   I mean, if I had any runoff into  
13 the stream, we clean it. I mean, when they go past  
14 the opening gate, our barnyard is an exercise area  
15 for the wintertime. In the summertime, they go out  
16 and they're gone. Any other questions for me?

17                   MR. MATHEWS:

18                   No.

19                   MR. SCANLON:

20                   Sure?

21                   MR. MATHEWS:

22                   Yes. Thank you.

23                   MR. J. STOLTZFUS:

24                   John Stoltzfus, Whiteville, New  
25 York. I appreciate all that you've done for us,

1 Richard, and there are a couple of comments I had.  
2 We are probably one of the largest farms. Our cows  
3 are out 365 days a year. We have a lane way down  
4 to the edge of the woods. And then we have a pen  
5 back there that's about two-foot deep right now  
6 that will stay there all winter. The other  
7 morning, we had about two degrees and four inches  
8 of snow fell. I may be a little bit different in  
9 that we have the woods on the south and west side  
10 to protect from the wind. We do get drastically  
11 cold. But we're very happy with the way that's  
12 working for us.

13                   But we also have streams on the  
14 other side of the woods so we really watch. We  
15 have a shale area back there so it's great when  
16 cows are around the hayracks to eat. We bring them  
17 inside to milk twice a day.

18                   Some of the comments that I felt  
19 was kind of gone overboard with your proposal was  
20 that --- what Ms. Rosen Brown had commented. And  
21 you know, we try to clean the water troughs once a  
22 month or so and we add times when they are needed.  
23 A lot of times when we put the cows at different  
24 lots we will take that trough, empty it out and  
25 then fill it up again.

1                   The other thing I'm concerned  
2 about is shade in every lot. We have about 80  
3 lots. There's about four or five acres per lot.  
4 And we do not have shade in every lot, but we  
5 designate those lots for our nighttime so that our  
6 cows can go in those lots without shade during the  
7 night. We have presently about five lots that do  
8 not have water to drink. But our cows have access  
9 to the water trough going to that lot and then  
10 leaving again. But those are strictly nighttime  
11 lots. So I'm a little bit concerned about the  
12 proposed rule of making every lot have shade in it.

13                   And for those farmers that do want  
14 to have barnyards for outside access for cattle in  
15 the barn in the wintertime, I think a barnyard  
16 would be a good rule to have in there.

17                   The other one, we're Whiteville,  
18 New York. We have been doing rations, but what we  
19 do is two months ago winter ration and a summer  
20 ration. And then we have to implement that every  
21 year pretty well, organic farmland. And I think  
22 that rather than having a daily or monthly thing,  
23 that we could just have it so you list what the  
24 cows need, pick out three months out of the year,  
25 every three months have a then when an inspector

1 comes we have those papers for him.

2 I know for us in the summertime  
3 for about four months, our cows get 100 percent  
4 grass. We don't feed any hay or silage. And the  
5 other one I was kind of wondering about and might  
6 mention here was about equine, horses. Do they  
7 have to be certified organic when they're used for  
8 traction on the farms? That's one thing I was kind  
9 of worried about because I know that's a good place  
10 for buffer zone feed and to be used when they're  
11 just used strictly for traction purposes.

12 MR. MATHEWS:

13 We have not been requiring that  
14 the horses be certified organic.

15 MR. J. STOLTZFUS:

16 Well, it's in the rules, isn't it?

17 MR. MATHEWS:

18 It's in the definition of  
19 livestock. But we also know that we're not eating  
20 horses so they haven't been requiring that the  
21 horses be organic. Now, that could change in some  
22 respect if those animals --- we get a proposal for  
23 pet food. And so if horses were going to be used  
24 as food in pet food for pets, then we would see a  
25 need for certified horses. Right now, we're not

1 requiring for people to get their horses certified.

2 MR. J. STOLTZFUS:

3 Then the last comment I have is  
4 inclement weather. You know, what are we going to  
5 look at? The degrees, the temperature, how cold,  
6 or how hot, and I know that's a big issue. I am  
7 really concerned about that, where are we going to  
8 put that number actually? Thank you very much.

9 MR. MATHEWS:

10 Well, that --- now the rule  
11 currently says that animals can be housed for  
12 inclement weather. But we didn't have a definition  
13 of hot weather, so we're trying to come up with a  
14 definition. If you have --- any of you have any  
15 thoughts about the definition of inclement weather  
16 and how to make it better, I'm more than happy to  
17 take the feedback. We want to make it work for  
18 everyone.

19 MR. R. STOLTZFUS:

20 Richard, I'd like to thank you for  
21 having broad enough shoulders to write this and  
22 then having everyone comment like this.

23 MR. MATHEWS:

24 And this is the fifth time that I  
25 should be up for about three, four hours.

1                   MR. R. STOLTZFUS:

2                   Yes, Roman Stoltzfus from the  
3 Munlo (phonetic) area here. I appreciate your  
4 coming to Lancaster County. And I would like to  
5 comment. I think it would be impossible to make a  
6 perfect rule. There's somebody here it hurts.  
7 There's not a question about that. And I believe  
8 you all know and would all agree that there are  
9 operations that are managed that should not be.  
10 They don't have the mindset nor the willingness to  
11 make the changes necessary.

12                   But there are concerns that I have  
13 as well. One is, how is it possible to have a  
14 well-drained lot that doesn't take manure into a  
15 stream because if it's well-drained, manure runs  
16 downhill with the water. So I do see an issue with  
17 that. In fact, we have tremendous production off  
18 of those areas, good feed. But I do believe it  
19 needs some careful management and a lot of it's too  
20 tight, too small. We're going to have serious  
21 issues.

22                   And I would like to see farmers be  
23 allowed to use a concrete lot. And that --- but  
24 that also takes management. And I'm concerned  
25 about the overly restricted part of the rule such

1 as cleaning water troughs. I think most here  
2 realize that we have to have possibilities of  
3 staying in business. And if water is as cheap as  
4 feed, we usually drain our water. We drain that  
5 when the least amount of power, and then we still  
6 have water coming back again. And that keeps the  
7 water clean. We also know that there are other  
8 problems that affect profitability.

9 I would like to also say any time  
10 that I would vary away from that, the NOP would  
11 enforce the rule we do have until it's fixed.  
12 Obviously it's not going to need to make all these  
13 changes and have anyone have to get it implemented.  
14 I have an understanding of that. But we do have  
15 the rule that the spirit of the law is --- if we  
16 have followed the spirit of that law, we're in  
17 really good shape even now. I think there could be  
18 some improvement and I appreciate greatly your  
19 efforts to make those improvements.

20 DR. KARREMAN:

21 Thank you. Next?

22 MR. GLICK:

23 My name is Amos Glick. I would  
24 also like to thank you for coming out here. Two  
25 comments. I'd like to endorse somebody's statement

1 on animal confinement. It's just not practical to  
2 all farms to conform to confinement.

3                   And the other thing is an  
4 experience that I had at my home last summer. My  
5 nutritionist said that my cows would need more dry  
6 matter from pasture than most of these other were  
7 getting. And I was bringing my cows in when it was  
8 real humid and 90 degrees and putting them on the  
9 fans. After milking when I turned them out, they  
10 would go to the pastures and they'd go out to  
11 pasture at nighttime. It was an interesting  
12 experience.

13                   DR. KARREMAN:

14                   Thank you.

15                   MR. SHOLDER:

16                   Marc Sholder. And I'd like to  
17 thank you also for taking the time to do this and  
18 hear everybody's thoughts on the proposed rules. A  
19 couple of things that I want to comment on. This  
20 goes actually to another one's comments over here  
21 about stocking rates. I think that although it  
22 would be difficult or unnatural to try to enforce  
23 some kind of stocking rate, we could look at that  
24 on a regional level or if you'd like some  
25 recommendations for these guys. I don't have any.

1 They're going to need to feed these animals from  
2 calves up to cows.

3                   Sacrificial pasture goes back to a  
4 couple comments that these other folks had. I  
5 think with some limits that some of my customers  
6 have, some of these producers have in terms of  
7 land, it makes that sacrificial pasture pretty  
8 difficult to achieve. I think most of them are  
9 utilizing every acre they have to the maximum  
10 whether it's with pasture or in crops. I think  
11 that that sacrificial pasture also puts that, that  
12 portion of the farm into some negative areas in  
13 terms of the quality and erosion and things like  
14 that, so I think that needs to be reconsidered.

15                   I agree with a couple of the other  
16 comments as well on barnyards. I think that it's  
17 also quite a big part in the preservation and the  
18 quality of pasture that's out there, particularly  
19 when they may be unclear about what's inclement  
20 weather and that; if they've got access to a  
21 barnyard or dry lot where they can feed the cows.  
22 Some of them may need to feed in the barn, and that  
23 will allow them to have less time but still give  
24 them the access to that other 70 percent of the dry  
25 matter that they're trying to --- trying to feed

1 those cows.

2                   My next comment has to do with the  
3 dry matter calculation. I was just kind of  
4 crunching some numbers here. I think that  
5 calculation probably isn't the best way to do it.  
6 I think maybe --- maybe even a survey of what these  
7 guys' cows are eating because, you know, a 1,300  
8 pound cow, 30 percent of their body weight, I think  
9 that works out to about 39 to 40 pounds of dry  
10 matter given that rate. And I would say most of  
11 the guys are giving the cow; that they're going to  
12 eat more than that.

13                   The pasture, I agree. I agree  
14 with the shooting for that 30 percent of dry matter  
15 from pasture. I think maybe that could be worded a  
16 little bit differently and maybe look at it in  
17 terms of hours per day, or an average number of  
18 hours per day of the year that the cows spent on  
19 pasture as a way to sort of to calculate that out.  
20 Because as some people mentioned, guys don't like  
21 to turn their cows out in the July and August heat  
22 in the middle of the day and the cows --- the cows  
23 at night are more in the shade because they'll be  
24 itching to come back in. And they're going to eat  
25 a lot more at night. So if we could try to shoot

1 for maybe hours per day on an average throughout  
2 the year, that might be a little bit easier for  
3 some people to swallow; if it's the right products.

4 DR. KARREMAN:

5 Thank you.

6 MR. A. ESCH:

7 Yes, I have a comment on the  
8 quality of the dry matter that you were concerned  
9 --- about dry matter.

10 DR. KARREMAN:

11 Could you restate your name?

12 MR. A. ESCH:

13 Adam Esch. You were concerned  
14 about dry matter, making sure the cows got 30  
15 percent every day. Now, if we're going through a  
16 hot summer, a hot, dry summer where sometimes we  
17 have about six weeks in the rain, you're not going  
18 to get enough dry matter off your pasture at a time  
19 like that.

20 And what we could do then with  
21 respect to that, would it not be more appropriate  
22 for the inspector to find out how many head of  
23 cattle we have on our land and then, you know, tell  
24 us have a herd of about 40, you know, anything like  
25 that? If that runs off stream on a hot, dry

1 summer, he can expect you won't get 30 percent dry  
2 matter. I'm just concerned about how, you know,  
3 --- I thought it would be a better way to go than  
4 to make it 30 percent, you know.

5 MR. MATHEWS:

6 So you're saying that you think  
7 that a stocking rate of the number of animals per  
8 day per cow would be a better system than going to  
9 30 percent?

10 MR. A. ESCH:

11 I would think.

12 MR. MATHEWS:

13 Just a clarification. The  
14 proposal is written so that it's an average over  
15 the growing season so you would miss on some days  
16 because of, you know, dry weather. You would not  
17 be expected to get 30 percent on a daily basis but  
18 rather 30 percent over the course of the growing  
19 season. So like early in the growing season,  
20 you'll probably get far over 30 percent. Later in  
21 the growing season would be far over 30 percent.  
22 But during the middle when it's dry, you would be  
23 probably a little below that, but it's the average  
24 over that.

25 MR. A. ESCH:

1                   Okay. I was not aware of that. I  
2 thought you were stating 30 percent every day of  
3 the grazing season.

4                   MR. MATHEWS:

5                   No, it's really intended to be the  
6 average over the growing season. So some days will  
7 be high, some days will be low. Does that affect  
8 your recommendation for a stocking rate?

9                   MR. A. ESCH:

10                  A little bit, yeah. But you were  
11 saying estimation rules so that we don't have  
12 someone coming in and saying, well, now, that my  
13 cows have to be on pasture and all that. I think  
14 anybody that --- any grazer that really wants to  
15 and weather permitting will have his cows out  
16 daily, nighttime. I think, too, there should be  
17 some, you know, common sense rules on that.

18                  MR. JONAS ESCH:

19                  Jonas Esch. I have a couple of  
20 questions. When the dry matter calculation --- I  
21 agree with the 30 percent dry matter. The  
22 calculation, however, is going to be overburdening  
23 in effect. I agree with the PCO that this should  
24 be a guidance of some type only.

25                  And the other thing as far as

1 inclement weather, I'm sure that's going to be a  
2 hard one. But I think if you would --- if it went  
3 something like from 90 degrees to 25 degrees,  
4 they'd have to be out. If it's raining, storms,  
5 hurricanes, and too wet to damage the soil, it's  
6 going to damage the soil. It's an idea. I don't  
7 know how it will affect things.

8                   I guess one problem I have is that  
9 the humane society --- I mean, just very recently,  
10 my brother had to help me out because the Humane  
11 Society came and said it's 22 degrees outside, it's  
12 too cold to have them out. So I think we need to  
13 consider that because the animal rights folks are  
14 gaining momentum and it's going to have them saying  
15 it's too cold to have the cows out in ten degree  
16 weather with the wind blowing. We're going to be  
17 in trouble. So I think that needs to be corrected.

18                   The other issue is also bedding.  
19 Actually the food farmers propose that it should  
20 have non-GMO --- non-GMO crops to bed with. Like  
21 the other guy said, it's going to be a problem for  
22 us if we have to have bedding that's --- and have  
23 enough bedding available. It's going to be a  
24 trial, and I don't see --- so I think it's probably  
25 going to be difficult for all of us to have enough

1 certified organic bedding.

2 DR. KARREMAN:

3 Okay. Thank you.

4 MR. GEHMAN:

5 Hello, Richard. My name is Mel  
6 Gehman from Jamesville, Pennsylvania. I had the  
7 experience of being on the board of PCO and also am  
8 presently on the poultry committee. There were  
9 some things brought up about the welfare of animals  
10 and I think it's important item to think about.

11 I'm interested in, you know, work  
12 in organic egg production and I'm interested in  
13 first getting outside and working that concept.  
14 And I think there's room for some categories for  
15 birds on grazing, and there needs to be a  
16 separation in some way. I work with about 25  
17 poultry farms in this region, organic poultry  
18 farms. So this is a significant, important area to  
19 get right, however we do that, because consumers  
20 are looking for good, organic eggs and kinds of  
21 feed. If we don't get the rule right and how the  
22 free market is the way it is as far as all kinds of  
23 weather birds are in outside, I think we need to  
24 clarify the type of living conditions for poultry.  
25 And I'm not sure where these categories fit exactly

1 for especially under 20 or under the 205.239,  
2 living conditions under (b), under temporary or  
3 temporary for outdoor access.

4                   We have inclement weather as one  
5 of its categories. And there are a couple  
6 different categories there that would fall under  
7 some of the concern we have for dairy as well. The  
8 inclement weather thing, I think, needs to be  
9 defined a little bit more broad as far as the  
10 temperatures and as far as, you know, other aspects  
11 of health for the birds.

12                   We live in a beautiful area and  
13 where a lot of people --- a lot of people like to  
14 move and so we have a growing population of people.  
15 And we have nice farms, and we have to try to make  
16 them organic. And so we want all these people to  
17 appreciate the way we handle our animals. So I  
18 think we need to really look at this closely  
19 because ---. So the temperature is something.

20                   I'd like to write some things for  
21 you. Don't have them written out today, but I'm  
22 interested in making it possible for people to  
23 produce eggs. And right now, I'm not sure if  
24 anybody can do that with the present law. Thank  
25 you. And I appreciate you coming up here to visit

1 with us and to talk about it.

2 MR. MATHEWS:

3 All right. And I would love to  
4 hear from you. I'd love to see what you have to  
5 offer in writing. The comment period runs through  
6 the 23rd of this month. If you didn't get a copy  
7 of the regs, pick one up. It has the address where  
8 to send it to. It's written down. So yes, please  
9 do follow up with additional suggestions.

10 DR. KARREMAN:

11 We have it in our regs, the  
12 questions that John Scanlon was talking about?

13 MR. MATHEWS:

14 Hue, I don't have a time.

15 DR. KARREMAN:

16 Very good.

17 MR. MATHEWS:

18 I don't know, but we'll stay until  
19 midnight if need be.

20 DR. KARREMAN:

21 Okay. Thank you.

22 MR. MATHEWS:

23 I just want to make it clear that  
24 I'll stay until everyone has had an opportunity to  
25 comment.

1                   MS. ZOOK:

2                   I don't have anybody else signed  
3 up.

4                   DR. KARREMAN:

5                   The signup sheet that Leslie has  
6 to ask questions is only the signup sheet for  
7 questioning, for commenting. Everybody really  
8 needs to sign in at the entryway area table before  
9 you go if you haven't done so, okay. You've got to  
10 do that.

11                   MR. MATHEWS:

12                   Please do state your name.

13                   MR. JONAS ESCH:

14                   Jonas Esch, Fairview, New York.  
15 It's nice to be able to look the man in the eye  
16 who's going to be affecting my future. The one man  
17 over here --- with these rules, why be in business,  
18 you know. I believe that's how most of us are ---  
19 I take care of the animals. I certainly take care  
20 of my animals in inclement weather. In 50, 55  
21 degrees, they're cool and dry. How long do we  
22 stand out there when it's 90? How long can we  
23 stand out there if it's 40 and raining? You know,  
24 we're all pretty good stewards of what we're trying  
25 to do. And you can't legislate morality. It's

1 always going to be --- somebody is going to bend  
2 the rules. I'm worried about my cows being taken  
3 care of. So thank you for the opportunity to voice  
4 my opinion.

5 MR. CURTIS:

6 One comment I had, I'm a little  
7 bit concerned about the regulation that keeps  
8 increasing. And we're trying to protect your legal  
9 --- I think you're making yourself open to someone  
10 else having to maybe break off from organic to  
11 natural because they get frustrated with  
12 overregulation. That is a real possibility to get  
13 too restrictive on yourself trying to manage a bad  
14 five percent or a bad two percent, thinking that  
15 you're maintaining the markets.

16 So I would like you to consider  
17 that because I would imagine five years ago we  
18 wouldn't have management --- this restrictive of a  
19 rule today. And five years from now, where will we  
20 be?

21 My question is on putting the cows  
22 outside. What was the original reason for even ---  
23 in your very first discussion, groups coming up  
24 with that idea? What were you trying to do? I can  
25 understand wanting to get the cows outside, but

1 what was the reason for the group to say, well,  
2 we've got to get cows back outside? I can't think  
3 of a good reason other than are you trying to  
4 display our cattle to the public and say, well,  
5 this is where cows are, outside, like there's a  
6 natural existence?

7 MR. MATHEWS:

8 Yes. The idea of their being out  
9 during the grazing and non-grazing season, non-  
10 growing season, is so that they are outdoors, that  
11 they're not confined 24/7 for a large portion of  
12 the year.

13 MR. MUCKENFUSS:

14 Good morning. My name is Ken  
15 Muckenfuss. I work for County Soil Association. I  
16 work with dairy farms in three different states. I  
17 have a couple of comments. First of all, I'd like  
18 to thank Mr. Curtis for his response. I think he  
19 really put it in a nutshell. I agree with him 100  
20 percent.

21 First one was dry matter, 13 times  
22 2,000 head per day. Where does that come from?

23 MR. MATHEWS:

24 Section number --- I believe they  
25 have a pasture grazing document put out by someone

1 up in the state of New York.

2 MR. MUCKENFUSS:

3 Okay.

4 MR. MATHEWS:

5 It's also a calculation that shows  
6 up in one of those.

7 MR. MUCKENFUSS:

8 What was the impetus of that?

9 Because there are better calculations that are out  
10 there. One I'd like to suggest would be two  
11 percent of body weight for all animals except  
12 Jersey, two and a half percent body weight for  
13 Jersey, plus one-third for milkers, average.  
14 That's a much better calculation, much better, much  
15 more accurate way to calculate proper dry matter  
16 intake.

17 MR. MATHEWS:

18 Question for you. Will you be  
19 sending in a written comment?

20 MR. MUCKENFUSS:

21 I wasn't planning on it, but I  
22 guess I can.

23 MR. MATHEWS:

24 I would appreciate if you could  
25 expound on that a bit more in writing to us.

1                   MR. MUCKENFUSS:

2                   Okay. All right. And nutrition.  
3 I know that's going to be a subject that's going to  
4 be up for discussion for a time to come here, but  
5 you might want to consider three weeks if you have  
6 to assign a time frame to it, three weeks instead  
7 of one week. It's an arbitrary number, again, like  
8 the one week is. But a little more accurate  
9 because most area farmers, again, can't tell  
10 exactly when a cow is going to calf. So that would  
11 leave a little more time to get comfortable in the  
12 barn for that and proper care for the calf after  
13 she's born.

14                   MR. MATHEWS:

15                   So you think instead of one week,  
16 three weeks, and that will take care of those who  
17 may end up calving a little sooner than you think?

18                   MR. MUCKENFUSS:

19                   Correct.

20                   MR. MATHEWS:

21                   Okay. Do you have a problem with  
22 turning them out one week after?

23                   MR. MUCKENFUSS:

24                   As long as they have no health  
25 issues, no, not particularly. I have had to calve

1 actually out in the field with no issues at all.  
2 So I would recommend they bring them in during, you  
3 know, rainy, hurricanes around here, heavy snow  
4 conditions, I agree with that.

5 MR. MATHEWS:

6 So we should extend the period  
7 prior to parturition?

8 MR. MUCKENFUSS:

9 Yeah. You just can't pinpoint  
10 when the animal's going to calf.

11 MR. MATHEWS:

12 Now, do you think that you could  
13 pinpoint it pretty accurately if it was three weeks  
14 before?

15 MR. MUCKENFUSS:

16 No. But it's a safety buffer for  
17 the animal. That's all. I know this was touched  
18 on. I don't agree with that totally. I do believe  
19 that some farms do need to do a better job. I'm a  
20 consultant on that issue, but I do --- I address  
21 with individual clients. There is no provision for  
22 fresh spring troughs that are common out there.  
23 They're self-cleaning. That's just something to  
24 throw in for what it's worth.

25 Stream crossings, again, this was

1 already touched on but probably needs to be  
2 repeated. You mentioned fencing off, which you've  
3 got to come up with provisions for stream  
4 crossings. We would definitely have issues around  
5 us with that.

6                   The other suggestion would be  
7 instead of growing season, change that to grazing  
8 season, and that's been mentioned already.  
9 Particularly as you head further south, we jokingly  
10 call it winter in the middle of the summer in the  
11 Pittsburgh area. It's hard to get any production  
12 on pastures where the season is so short. It's  
13 harder in areas like Pennsylvania, New York. And  
14 in the mountains of central Pennsylvania, those  
15 seasons can be as much as two weeks difference and  
16 they can grow all summer long, where Lancaster  
17 County and southeastern PA would not be able to do  
18 that because of heat stress.

19                   As far as one of these other  
20 things that came up was timing, trying to come up  
21 with a time when cows should come in because of  
22 weather. One of the numbers we use based on  
23 research was generally above 80 degrees, and 80  
24 percent humidity is kind of a cutoff period. If  
25 you get much higher than that, as we all can tell

1 you, you're endangering the cow and also the calf.  
2 So you get the heat stress following the calving,  
3 it affects the milk.

4                                   Again, on this area, on  
5 sacrificial pastures. When I first saw that I was  
6 curious to see what the NRCA was going to say about  
7 that, especially around here. I'm saying what  
8 others alluded to earlier. They're just going to  
9 pile manure in the area. Manure's going to go  
10 right down the stream. So it's not practical at  
11 that point. I know that feedlots or dry lots are  
12 not allowed in this kind of proposal, but they  
13 should probably be allowed in inclement weather  
14 with cooperation of the NRCA, have that section of  
15 the law developed on a farm by farm, individual  
16 basis in cooperation with the NRCA. So I think  
17 that would be a much more logical way to go, on a  
18 farm by farm basis. And the farmer can present  
19 that to NRCA, guideline to certification which is  
20 required. And I just want to point out that it  
21 should probably further include that for dry  
22 lotting in sacrificial areas for, you know, that  
23 particular operation, however you want to phrase  
24 it.

25                                   Let's see. I believe that's it

1 for now. The only other comment I would have is if  
2 we keep going the way we're going, we'll be eating  
3 horses.

4 MR. GRIFFITHS:

5 My name is David Griffiths. Just  
6 extrapolating on the idea that cows should be  
7 outside in order to, you know, get --- we made the  
8 rules that they can't be recirculated 24 hours a  
9 day in the non-grazing season. It seems to  
10 conflict a little bit with the idea of developing  
11 organic management with manure, stockpile of  
12 manure, or spreading in appropriate ways, you know,  
13 and a good time to maximize the nutrients in  
14 manure.

15 So I'm having difficulty imagining  
16 a system that builds on the knowledge we've gained  
17 over the last 80 years plus, since the dustbowl.  
18 With the organic management or soil management that  
19 tells us you don't spread manure in the winter,  
20 whether it be from the cows or with a manure  
21 spreader. And crops compost and manure management  
22 is very important to our sewage. So I think that's  
23 an important question. I don't see how --- I don't  
24 see how the system has received the encouragement  
25 here, gives any real opportunity for manure

1 management.

2 MR. MATHEWS:

3 Okay. So what you're saying is  
4 that you believe that the proposal that the animal  
5 be out on pasture during non-grazing or non-growing  
6 seasons is actually counter to this and probably  
7 violates some EPA or state regulations regarding  
8 frozen pastures?

9 MR. GRIFFITHS:

10 I think it violates the organic  
11 management plan in our properties, if you look at  
12 it as a whole farm management. I don't know how  
13 you created this system where you distribute the  
14 cows evenly 365 days a year, so they spread their  
15 manure everywhere and do it in such a manner that  
16 it never reaches the water or never --- or  
17 maximizes the value of that land.

18 MR. MATHEWS:

19 Okay. I hear you.

20 MR. MILLER:

21 Levi Miller again and I did think  
22 of a second comment. Very well put, Dave  
23 Griffiths. That balances out my problem that I  
24 had, distributing the cows across the whole farm.  
25 On the other side of the picture, as I was

1 listening to all the comments here, most of the  
2 people are thinking low. And the Lancaster Organic  
3 Farms Cooperative, LOFCO, we hear about these  
4 matters going on, and you know, nationwide, and I'm  
5 thinking stocking rates, 5,000 organic cows, 10,000  
6 acres, that's probably what it should be. But they  
7 didn't have 5,000 cows on that. They didn't have  
8 anything like that. I mean, that's one reason.  
9 They will still be there. I know that. You need  
10 to somehow make everyone happy.

11 I'm getting off track, but my  
12 second comment that I couldn't think about is just  
13 a clarification of grazing, the definition of  
14 grazing. Some farmers and some well-managed  
15 farmers go out there and cut that paddock before  
16 they let their cows out. They can no longer do  
17 that.

18 MR. MATHEWS:

19 Okay.

20 MR. MILLER:

21 I was just --- it's something I  
22 thought in the definition, and it needs to be  
23 clarified. It talks about the standing, ruminating  
24 pasture.

25 MR. MATHEWS:

1 Right. And you're talking about  
2 --- I guess your question is, can I go out, cut  
3 that, leave it in the field, and then let the  
4 animals go in and graze?

5 MR. MILLER:

6 Correct.

7 MR. MATHEWS:

8 Yeah, that term definition, you  
9 know, hopefully I clarify that. Well, I don't know  
10 that the way the regs are written would definitely  
11 prohibit you from doing that. Simply because the  
12 grass is growing there, you're going to let them  
13 out on that, so it shows me that they're laying  
14 down stuff instead of the other. But I do  
15 understand where you're coming from, just the way  
16 the definition prohibits standing. But it is a  
17 valid comment. I've heard it elsewhere. I believe  
18 it would be also considered, that issue as well.

19 And I really think that putting  
20 you out --- putting the animals out in that pasture  
21 would stop you from still grazing that after you  
22 cut it, but I do understand where you're coming  
23 from. So we'll be sure to address that.

24 MR. MILLER:

25 You're doing better, very

1 effectively so. I'll give you that.

2 MR. MATHEWS:

3 Well, I think the answer to that  
4 is that standing, ruminating, pasture or recently  
5 cut is allowed.

6 MR. MILLER:

7 Right.

8 MR. MATHEWS:

9 Something like that is what you're  
10 looking for?

11 MR. MILLER:

12 Yes, definitely.

13 MR. MATHEWS:

14 Okay.

15 MR. MILLER:

16 Thank you very much for coming  
17 out.

18 MR. MATHEWS:

19 Yes, sir. Please restate your  
20 name.

21 MR. GEHMAN:

22 Mel Gehman. I thought about  
23 something else. It has to do with the rewriting of  
24 the definition of livestock. And I think this  
25 parallel of Webster's dictionary, and I didn't

1 bring mine. I didn't bring my unabridged  
2 dictionary along today but it does define in  
3 Webster's dictionary of a four-legged animal.  
4 Livestock is a four-legged animal. That may help  
5 you with poultry aspect of this.

6 MR. MATHEWS:

7 Well, we'd have to count their  
8 wings, too.

9 MR. GEHMAN:

10 It really doesn't ---.

11 MR. MATHEWS:

12 What's four legs or two legs and  
13 two wings.

14 MR. GEHMAN:

15 Thank you.

16 MR. MATHEWS:

17 But it also --- it wouldn't take  
18 into consideration our problem with feet.

19 MR. GEHMAN:

20 The feet and the fish.

21 DR. KARREMAN:

22 I think the livestock term now is  
23 from the actual law, and some things you can't mess  
24 with. These are regulations that are verbatim, the  
25 words from the law. So that's what it was when

1 livestock was defined as such, and I think that's  
2 why they're keeping it that way.

3 MR. MATHEWS:

4 Yeah. Actually, the proposed  
5 rewording takes it identical from the statute.  
6 Now, they had originally excluded these and aquatic  
7 animals. We still don't have any standards for  
8 aquatic animals, but we have allowed production of  
9 honey, so we've allowed bees for pollination and  
10 for production of honey. And so to have a  
11 definition that excludes, just isn't consistent  
12 with practice. So for the bee issue, that's why  
13 we're proposing to change to that. The aquatic  
14 animals is another issue, proposed standards for  
15 aquatic animals.

16 MR. G. STOLTZFUS:

17 I'm Gideon Stoltzfus. I thank you  
18 for coming out, for working on these laws. I think  
19 that the time has come. A few comments though. I  
20 think there's a few things that I would like to see  
21 changed or modified.

22 First of all, I'll go in in order  
23 as to the law, as you went through the  
24 presentation, through a few notes I made. One of  
25 them is to simplify the calculations of the feed,

1 for dry matter. I don't have any recommendations,  
2 but just for PCO's sake and for my sake and the  
3 nutritionist's sake, I think it could be somehow  
4 simpler.

5 I do agree with the three percent  
6 for the dry matter --- three percent ---. I can  
7 see it for working in the growing season, but not  
8 for over winter, not on my farm. And I also got  
9 --- the way I operate is for cows to be mostly in  
10 barn over the winter, trying to keep them  
11 comfortable. And I let them out for exercise every  
12 day on my feedlot.

13 You mentioned about feedlots and  
14 dry lots being prohibited. Either I'd like to have  
15 a definition of that, called a barnyard or  
16 something like that, or even just to take it  
17 totally away. My opinion is I don't care if you've  
18 got 2,000, 5,000 cows, as long as you follow the  
19 rules about the dry matter issue. So they're going  
20 to need the dry lot or feedlot or whatever, same as  
21 we are to feed supplemental pasture.

22 As far as having cows in, I feel  
23 cows are creatures of habit. Once I start letting  
24 the cows in for the winter, that's basically what I  
25 do. And if there comes a nice day, I open the

1 windows and give them fresh air, but I don't want  
2 to be going out all day or wasting, having them out  
3 one day the next week or something like that.

4                   And as far as the definitions, I  
5 think inclement weather, that's kind of a touchy  
6 one, I agree. How can we do that without making  
7 loopholes? One definition I've seen instead of  
8 permanent physical damage, causing permanent  
9 physical damage is how about temporary physical  
10 damage? What would that mean as far as milk loss  
11 or from the weather being too stormy or too wet?  
12 If I keep them in in the middle of summer and  
13 you've got a couple days that are just wet, wet,  
14 wet, you keep the cows in more. I don't know. I  
15 think it should be more lenient than permanent  
16 physical damage.

17                   I had here a question on horses,  
18 but you pretty much clarified that. And also I  
19 agree with that birthing thing. I would like to  
20 see it three weeks, but then again if we don't have  
21 to have the cows out all winter, we can have dry  
22 cows in just before threshing. And my threshing  
23 cows are out in pasture over the summer, so I think  
24 that kind of takes care of itself for me. But I  
25 think it still could use that change to three

1 weeks.

2                   And as far as the grazing season,  
3 people have been trying to throw that around as to  
4 what is the grazing season, the growing season. I  
5 know it's different in different parts of the  
6 country. But I think for here, I think frost to  
7 frost is a good idea. But how does that mean now?  
8 Say we get our last killing frost maybe May first  
9 --- I'm not sure when the last day of killing frost  
10 would be here. But how about the grazing we've  
11 done in April? Would that enter into our average?

12                   MR. MATHEWS:

13                   Yes.

14                   MR. G. STOLTZFUS:

15                   Okay.

16                   MR. MATHEWS:

17                   And then I think that ---.

18                   MR. G. STOLTZFUS:

19                   So that would count as far as the  
20 grazing season, even if it's set outside of what we  
21 define the growing season as frost to frost.

22                   MR. MATHEWS:

23                   Yes. That would be great. The  
24 growing season was defined as frost to frost, and  
25 that is the period of time for trying to

1 demonstrate your feeding of at least 30 percent dry  
2 matter intake from pasture. Now, some of what I've  
3 heard around the country is that the frost to frost  
4 doesn't work too well and my people are saying that  
5 we need to define it as grazing season instead of  
6 the growing season. And the reason is that there's  
7 a period of time after that last frost before the  
8 grass starts to grow, there's also a period of time  
9 after the first frost, killing frost, that you can  
10 still graze because there's still grass there. So  
11 that's some of the reasons why I've heard people  
12 say we should not use the growing season, we should  
13 use grazing season.

14 MR. G. STOLFTZFUS:

15 That was my question there. So  
16 grazing that's done outside that frost to frost ---  
17 okay, I can see that. So I think that's all I have  
18 for now. Thanks again.

19 MR. MATHEWS:

20 Thank you.

21 MR. ZOOK:

22 Hello. My name is Abram Zook.  
23 It's nice to see you, Richard. I have a few  
24 comments. One is sacrificial pasture. For a newly  
25 seeded pasture, it might take a year to build a

1 strong sod that you can --- that can take some  
2 trampling. It takes about a year at least. It  
3 takes a while for a field to get seeded down. It  
4 takes a year to get good, heavy sod in there which  
5 is enough for a sacrificial pasture. And if this  
6 sod is saturated with water and it's still raining,  
7 that sod can be destroyed in a few hours. If we do  
8 have rain one week, and you put them over there and  
9 they tramp it up real good, a week later it rains  
10 again, it's not going to be regrown very much.  
11 They're going to tramp the regrowth down. It's  
12 going to get muddier. Do that a week later and a  
13 week later. It's going to be a mud hole.

14                   About the grazing season and the  
15 growing season, I've got a question. I don't quite  
16 understand NOP's position where the farmers on the  
17 grazing season, how can the USDA enforce the  
18 grazing season? It doesn't have any real  
19 definition. I didn't hear one yet anyway. And how  
20 can you define grazing season? Like today, the  
21 last few days they've been outside but today  
22 they're in. So how are you going to enforce a 30  
23 percent dry matter intake for the grazing season?  
24 You can't.

25                   MR. MATHEWS:

1 Well, we can. That gets back to  
2 the question earlier where today would get a zero.  
3 I think the day before, they got 40 percent. Over  
4 the course of the year, or I should say the grazing  
5 season, they get a third. That's the way it's  
6 presently proposed.

7 MR. ZOOK:

8 Yeah, but ---.

9 MR. MATHEWS:

10 You would have days where you'd  
11 have zeros.

12 MR. ZOOK:

13 But the grazing season could run  
14 in Lancaster County --- I mean we're grazing --- if  
15 it's nice weather, we're going to be grazing  
16 January 1st. And we can start on April 1st. So if  
17 you implement the grazing season and you need to  
18 start that dry matter, you're driving the dry  
19 matter requirements up a big --- almost double than  
20 if you go with the last day of the frost in the  
21 spring to the first day of frost in the fall.  
22 We've been able to graze up until October 11th for  
23 several years, which is kind of unusual.

24 I'm thinking the first day of  
25 frost in Lancaster County may be about October 1st

1 or so, October 10th. And your last day of frost  
2 might be early April. So there you've got about  
3 six months of growing season, the way you define  
4 it.

5                   Now, if you put grazing season in,  
6 how in the world are you going to define that? And  
7 it's going to bump your dry matter intake up for  
8 the 12-month period by almost double. At least 60  
9 to 70 percent. So I can understand where you  
10 people are coming from. You should graze longer  
11 than the growing season when you can. But to put  
12 that in, how are you going to define that?

13                   I think your wording, I agree with  
14 that. You have very descriptive terms that you can  
15 enforce, whereas with grazing season, I don't  
16 understand how you begin to enforce it.

17                   MR. MATHEWS:

18                   Yes, and the grazing season will  
19 vary everywhere. We may have two or three grazing  
20 seasons within the year, depending on where you're  
21 located. So yes, it will be very hard to try and  
22 define grazing season, I would suspect.

23                   MR. ZOOK:

24                   I understand that down in New  
25 Mexico, the southern edge of the United States, you

1 can probably graze ten months, get your 30 percent  
2 easily. Up in Maine, the New England states, you  
3 might get four to six months of grazing for your 30  
4 percent.

5                   The stocking rate, you can always  
6 irrigate, get more for your two cows per acre. Is  
7 that a good one for the whole United States? I  
8 don't think so.

9                   MR. MATHEWS:

10                   The reason why we didn't take  
11 stocking rate as explained in the preamble to the  
12 rule is the variance of the pastures. I mean, your  
13 pasture may be beautiful, but your neighbor may be  
14 have pasture that's not providing as much nutrition  
15 value as yours does. And then we would also have  
16 to take into consideration the intensive location  
17 grazing. So I suppose we could have a number ---  
18 two, three, four animals per pasture. I don't know  
19 that that really relates very well to try and get  
20 in a 30 percent dry matter intake.

21                   MR. ZOOK:

22                   In some areas of the United  
23 States, I think the 30 percent dry matter intake is  
24 a good figure. That's not hard to come by.

25                   MR. MATHEWS:

1                   For here, it's not hard to come  
2 by. Unfortunately for some people that, well, they  
3 don't think 30 percent is a very good idea.

4                   MR. ZOOK:

5                   There again, you just have to bump  
6 up your acres. Another thing with the outside  
7 access, when we started farming, we had cows with  
8 wooden troughs. We don't do that anymore. On  
9 occasions in the winter when it's rainy, we're  
10 having cows in three days in a row. They won't be  
11 outside at all. We don't do straw. We have mats.  
12 Usually they're in for three days.

13                   I only think the feedlot should be  
14 level for rainy weather. We keep our animals  
15 outside. I like having the cows outside in  
16 January. They won't go out on a day like this.  
17 Gets back to that sod --- they'll tramp the sod up.  
18 It's not going to get better until it starts ---.

19                   MR. MATHEWS:

20                   What you're saying is that you're  
21 in favor of an area where you can supplement the  
22 pasture?

23                   MR. ZOOK:

24                   Yeah, we do that quite a bit.  
25 Sacrifice paddock. And then like it's time for us

1 now ---. We try to keep a two acre area close to  
2 the barn. And even if it gets a little mature, try  
3 to keep that for a rainy couple of days. Then when  
4 it dries up, we'll move them out. That's how it  
5 works in the summers.

6 MR. MATHEWS:

7 So you're using the grassy area  
8 already?

9 MR. ZOOK:

10 Yes, an acre right outside the  
11 barnyard. And I think that would be a good idea  
12 for the summer, but during the winter, you just  
13 can't have the cows out there all the time.

14 Suggestion: temperature, like  
15 inclement weather. We'll put our cows out in 20  
16 degrees, they're fine. No wind. But you have  
17 something about permanent physical harm. Well,  
18 obviously, if a cow dies from 35-degree weather,  
19 that's permanent physical harm. So how are you  
20 going to enforce it? We all want better pasture  
21 standards. But we all want them the way we want  
22 them, I guess.

23 MR. MATHEWS:

24 And everybody's like that.

25 MR. ZOOK:

1                   Yeah. But I understand the  
2 challenge, going from Florida to Pennsylvania to  
3 Maine to the midwest and upper midwest, and lower  
4 southwest, you've got a major difference in the  
5 temperatures and growing seasons and so forth. I  
6 don't understand how you're trying to put something  
7 in that everybody will agree with. But the dry  
8 matter intake is another thing which could be  
9 changed a little bit maybe, make it easier.

10                   MR. GLICK:

11                   Amos Glick again. I have one  
12 suggestion. Here in Lancaster County where we have  
13 as many acres as cows, would it be practical to  
14 apply that to the organic regulations, if you have  
15 a 1,000 cow dairy, you need to have 1,000 acres of  
16 pasture? Is that something that would protect the  
17 small town farmer for the niche market or for the  
18 quality of product?

19                   MR. MATHEWS:

20                   Well, I think that any number  
21 selected per acre is possible. I think that the  
22 challenge is in trying to justify that number.  
23 I've seen numbers that well, three is the  
24 appropriate number. Others have said four is the  
25 appropriate number. We've heard two today. Now

1 you're suggesting how about one.

2                   I think that's the problem in  
3 coming up with a number. In some locations, one  
4 per acre may work very well. But sometimes you  
5 can't even use one per acre. It would be one per  
6 five or ten acres. What do you do about the guy  
7 who has a nice pasture that can handle six cows per  
8 acre when you put a number on it? So that's part  
9 of what we wrestled with in trying to come up with  
10 a number per acre. Just doesn't work very well  
11 because this is a worldwide program, and pastures  
12 vary in different ways across the globe. But  
13 that's part of the problem. Some areas, you  
14 wouldn't be able to do one cow on an acre. So  
15 that's what we're up against. But thanks for the  
16 question.

17                   DR. KARREMAN:

18                   I actually have a, you know, it's  
19 not stocking rate. It's not 30 percent dry matter  
20 which --- this is Hue Karreman, just for the  
21 record. One thing I thought originally was that  
22 barring any inclement weather when your cows are  
23 in, whatever inclement weather is, a cow's got to  
24 be outside eight hours a day, which is about 30  
25 percent of the day. And if you've got cows eight

1 hours a day outside, whether that's night in the  
2 summer or eight hours in the nice spring and  
3 autumn, you've got to try to have good pasture  
4 intake. I mean, it would be stupid not to if they  
5 have to be outside.

6                   So that would be alternative C, I  
7 guess, instead of stocking rate or 30 percent dry  
8 matter. But that was already criticized by some  
9 people that are kind of in favor of the 30 percent  
10 dry matter intake rule. But I would suggest eight  
11 hours a day they've got to be outside unless  
12 there's inclement weather. And they've got to be  
13 eating actively growing grass. It's got to be  
14 actively grazing that during the grazing ---  
15 growing season. I like what he said. I think it's  
16 got to be the growing season. So anyway ---.

17                   MR. MATHEWS:

18                   So you would say --- you have to  
19 be careful trying to do eight hours a day.

20                   DR. KARREMAN:

21                   Well, the reason I ---.

22                   MR. MATHEWS:

23                   So you're saying as long as  
24 they're grazing eight hours a day, I mean they're  
25 on grazeable land?

1 DR. KARREMAN:

2 Yes.

3 MR. MATHEWS:

4 For eight hours a day.

5 DR. KARREMAN:

6 Yes.

7 MR. MATHEWS:

8 So that they have the opportunity  
9 to graze while they're on grazeable land?

10 DR. KARREMAN:

11 Yes. It's basically between  
12 milking times, either during the daytime or in the  
13 evening through the hot weather outside and they're  
14 going to be inside during the day for the  
15 ventilation and whatnot. Fine, but then they go  
16 out at night and they graze, graze the land for  
17 eight hours roughly. But I think honestly that the  
18 consumers in this market, consumers that come out  
19 from Philadelphia out here and they want to see  
20 these organic cows out on the grass here in  
21 Lancaster County, they have no clue what 30 percent  
22 dry matter is. Not a clue. And they just want to  
23 make sure that those cows are out there, they're  
24 seeing black and white cows on the green grass.  
25 Now you know, this is a very consumer oriented

1 label, the USDA organic label. So that's just  
2 something I throw out there. Anyway.

3 MR. HORST:

4 Willis Horst. I guess my main  
5 concern is the bedding problem that's been brought  
6 up. I just want to second that. Shavings versus  
7 using corn fodder or soybean stubble. If we're not  
8 allowed to get our neighbors' corn fodder,  
9 conventional corn fodder, we're going to have a  
10 shortage of bedding. I would much rather use that  
11 than shavings.

12 To soil quality, usually in the  
13 organic world, there is less grain. In the  
14 conventional world, there's a lot more grain fed  
15 per cow than in the organic world. And therefore I  
16 think, you know, we depend solely on our neighbors'  
17 soybean stubble and corn fodder for our bedding.  
18 We have an outside feedlot and an inside barnyard  
19 which creates a nice area. I just wanted to second  
20 that.

21 MR. MATHEWS:

22 Thank you.

23 MR. B. STOLTZFUS:

24 Ben Stoltzfus. Just want to say  
25 that he liked my eight hours a day idea, as well as

1 if the cows have got to be outside all the time,  
2 the water troughs are going to freeze in the barns,  
3 which is true.

4 MS. ZOOK:

5 We're not ---.

6 MR. B. STOLTZFUS:

7 Now, wait, wait, wait, wait.

8 Joseph Esch wanted to speak. Joseph Esch, E-S-C-H.

9 MR. MATHEWS:

10 Is Joseph Esch here?

11 MR. JOSEPH ESCH:

12 Clean water troughs, I think  
13 they're required to be cleaned every week. It's  
14 not necessary at certain times of the year,  
15 wintertime. Don't need cleaning. Cows aren't  
16 eating close to their water trough. Summertime  
17 with all the algae problems, yes, they do need to  
18 be cleaned out often. So they need to change that  
19 wording a little bit to not require it every week,  
20 just to require clean water. That's common sense.

21 And feedlots prohibited, I guess  
22 it wouldn't be --- I feed my cows on a feedlot in  
23 the wintertime to supplemental feed --- some grain  
24 and some hay. A lot of hay is fed outside of  
25 pasture in the wintertime. I know you have

1 feedlots prohibited, so that would make problems  
2 for me. And I have my cows out on pasture about  
3 every day all year. So it would make problems for  
4 me. I would suggest you make a little change there  
5 because I do think we should be able to feed the  
6 cows when they're hungry when it is muddy outside.

7 I think maybe there could be  
8 something in there as far as in the wintertime for  
9 the cows, they should get out every day in the  
10 weather and when it's not icy or something like  
11 that. Out on the barnyard. I think they should  
12 get out every day just for the exercise. I know it  
13 makes a little more work, but it's good for the  
14 cows.

15 And organic bedding, that can be a  
16 little bit of a problem, too, I think. I think if  
17 a cow's --- if you're not feeding that --- for  
18 example, I know some dairy farms put straw in their  
19 rations. I don't particularly agree with that but  
20 it is done. If you're not putting straw in your  
21 ration, I think your straw shouldn't have to be  
22 certified or if the animals don't eat bedding.  
23 Now, I do have some really --- I would say like if  
24 there's some grassy straw or something like that,  
25 and the animals want to eat that, then it should be

1 certified. But as long as the animals don't eat  
2 their bedding, I mean, they might perhaps eat a  
3 little bit. I know heifers sometimes eat bedding,  
4 but it's very little.

5                   Maybe we should just get rid of  
6 all the lawyers and these laws would be good enough  
7 as they are, and common sense.

8                   DR. KARREMAN:

9                   Any more questions? I think we've  
10 gone through all the names on our list. This can  
11 keep on going as long you want. I think I should  
12 say now, there are refreshments back here at the  
13 table and in the coolers. If you really are  
14 daring, there's a really nice café upstairs that  
15 has quick sandwiches and whatnot. They'll make it  
16 for you. You've got to pay for it, but you know,  
17 so ---. And also, this can go on as long as you  
18 want. But you know, feel free to wander around the  
19 building and see it. It's really a nice place  
20 here.

21                   MR. FISHER:

22                   One quick question. If the  
23 proposed rule passes as it is, and we do have to  
24 have the cows out all of the growing season, would  
25 we be legal if we had the barn open and gave the

1 cow a choice to either be in the stall or outside?

2 MR. MATHEWS:

3 Well, ---.

4 MR. FISHER:

5 The cow's got a choice.

6 MR. MATHEWS:

7 If the door was open --- if the  
8 door was open and they chose to stay in and they  
9 weren't tethered in some way, I suppose that  
10 they've got the access to the outdoors.

11 MR. FISHER:

12 And the second part of that is, it  
13 also applies during the summer. They might come in  
14 for the sake of the heat, if I have the door open  
15 and they decide to use the free stall and be there  
16 with the fan, they're not being restrained from the  
17 pasture, they do have access, they just choose not  
18 to use it?

19 MR. MATHEWS:

20 I would have to say, at this  
21 point, we would answer your question in the  
22 negative. Just having the door open to a barn and  
23 expecting the cows be out in the pasture, if  
24 they're required, you know, pasture during the  
25 growing season would not be sufficient.

1                   MR. FISHER:

2                   So the purpose of the rule is to  
3 put them outside and not give them a choice?

4                   MR. MATHEWS:

5                   The purpose is to put them on the  
6 pasture, physically move them out to the pasture.  
7 Don't allow them to just hang out in the barn.

8                   MR. FISHER:

9                   And as your ---.

10                  MR. MATHEWS:

11                  That's where your supplemental  
12 feed is.

13                  MR. FISHER:

14                  And would the same be true during  
15 the wintertime?

16                  MR. MATHEWS:

17                  For the wintertime, I would think  
18 that it's probably not practical, but we probably  
19 wouldn't prohibit you from opening up the door and  
20 allowing them to just walk out into the barnyard.

21                  MR. FISHER:

22                  Menno Fisher. I'm a couple weeks  
23 away from organic certification but if this rule  
24 goes through, I may just give it up. It's too  
25 much. But I hope you come up with a nice plan.

1 Thanks for coming out to listen to us. I didn't  
2 think I'd say much, but inclement weather --- if it  
3 goes up past 80 degrees in summer and like 30  
4 degrees in the wintertime, you know. After 30  
5 degrees, as everybody knows, is when water freezes.  
6 If you're on the road in a vehicle, you can go down  
7 when it's icy. I understood you flew in here, so  
8 cows don't have wings. They can't fly across the  
9 lakes into the woods where it's not icy.

10 I'm turning to horses. They're  
11 livestock but we farm with horses. Are we supposed  
12 to feed them organic feed? I can't see why because  
13 I don't see no kind of work horse feed on the store  
14 shelf.

15 MR. MATHEWS:

16 Yes, we're not requiring horses to  
17 be fed organic.

18 MR. MILLER:

19 Okay. Because I'm not seeing that  
20 organic.

21 MR. MATHEWS:

22 Hue is within compliance with the  
23 regs to give your horses non-approved material.  
24 Horses aren't organic. Feed wouldn't have to be  
25 organic. I think you'd run into problems though

1 with your certifying agent if you're not trying to  
2 give them organic feed because he's going to have  
3 to have an organic systems plan. That way the  
4 certifying agent can be confident that whatever  
5 you're feeding your horses isn't also being fed to  
6 something else. So clearly if it was strictly  
7 horse feed, you don't have to have organic. But if  
8 you're going to be mixing it in with stuff that  
9 might be used for dairy animals, it would have to  
10 be organic. And of course, if you have the horses  
11 out on the pasture eating grass, that'll give them  
12 some organic.

13 MR. MILLER:

14 Concerning barnyards or concrete  
15 lots, what are we supposed to do with what we have?  
16 Tear down all the feeders, manure lots? Where's  
17 all the concrete going to go? I have a lot of  
18 concrete outdoors.

19 MR. MATHEWS:

20 Okay. Well, ---.

21 MR. MILLER:

22 And what am I supposed to do when  
23 I let the cows out? There's concrete right outside  
24 the barn, the barn's made of concrete. Are we  
25 supposed to --- they can't fly over that.

1                                   MR. MATHEWS:

2                                   Well, our intention was never to  
3 prevent you from being able to feed your animals in  
4 an area outside of your barn because we do realize  
5 you've got to get supplemental feed into them some  
6 way, otherwise you'd be 100 percent organic  
7 pasture. So we never intended to prevent the  
8 feeding of additional products to your animals. So  
9 that's got to be done somewhere, whether it's in  
10 the barn or in an area just outside the barn. So I  
11 think that in our interest in saying that feedlots  
12 are not appropriate, that would be more for  
13 finishing beef, that this is one of those  
14 unintended consequences of the proposed rule which,  
15 you know, here and in the other places, people have  
16 been bringing up this. So I appreciate the  
17 comments on that.

18                                   Let me assure you, we're not going  
19 to be telling you you cannot feed that other 75  
20 percent or 70 percent of the dry matter inside the  
21 barn or just outside the barn. That's not our  
22 intent.

23                                   MR. MILLER:

24                                   All right. I didn't think I was  
25 going to say too much more. Thank you very much.

1                   MR. MATHEWS:

2                   I didn't mean to take your steam  
3 away. And I'll be right up front with you, too.  
4 One of the other unintended consequences that I've  
5 been hearing has to do with the sacrificial  
6 pasture. Sacrificial pasture was proposed due to  
7 the fact that there are places where the slightest  
8 amount of rain was used as an excuse not to pasture  
9 your animals. I would think that most of you would  
10 agree that your animals have been out in the rain.  
11 But I see plans where if it's going to rain, the  
12 animals wouldn't be out because it was going to  
13 rain. Okay.

14                   So that's the idea of a  
15 sacrificial pasture was to take away that loophole.  
16 Clearly I've been hearing across the country that  
17 that pasture, sacrificial pasture, is a horrible  
18 idea. Well, I'll take that back to Washington.

19                   MR. MILLER:

20                   Thank you.

21                   MR. J. STOLTZFUS:

22                   John Stoltzfus from Martinsburg.

23 I got a comment on flies.

24                   MR. MATHEWS:

25                   Flies?

1                   MR. J. STOLTZFUS:

2                   On having the cows out during the  
3 day or overnight. If we let our cows go out in the  
4 morning and they're full of grass, they all go over  
5 to the corner and make mud holes. Then the flies  
6 follow the group together. They all stick their  
7 heads together to be as close as they can. We put  
8 our cows in tunnel ventilation and it sucks the  
9 flies right off of the cows. I didn't spend  
10 nothing on flies for around six years. Cow --- the  
11 flies, don't bother the cows in the nighttime. But  
12 in the hot, blazing day, the flies are all over the  
13 cows. Just a comment. Thanks.

14                   MR. CURTIS:

15                   I don't really see how eight hours  
16 a day of grazing during growing season would take  
17 care of the inclement weather problem because grass  
18 doesn't grow when it's snowing like crazy. Maybe  
19 make it a little simpler. It would also eliminate  
20 the paperwork on the 30-percent rule because it  
21 doesn't matter how much the cows are out during the  
22 day or during the night. She's not --- I mean, our  
23 cows won't touch anything when the weather starts  
24 changing and they're outside. Maybe a simpler  
25 approach would be for the whole inclement weather,

1 30 percent. It would make my life simpler.

2 MR. MATHEWS:

3 Well, my life's simpler. I'm sure  
4 the certifying agent's life is simpler. And I know  
5 the farmers like it simpler. But let's sort that  
6 out, that recommendation as well as the eight hours  
7 a day. We'll look for it.

8 DR. KARREMAN:

9 I think it was someone who said  
10 that four hours a day a whole year round would also  
11 kind of do the same thing, on average. You know,  
12 except for inclement weather. The reason I think  
13 eight hours would be good is, you know, those  
14 consumers that come out from Philly, you know, they  
15 think a work day is eight hours. So they kind of  
16 identify with your cows out working on the grass.

17 MR. MATHEWS:

18 So are you telling me, Hue, that  
19 cows only produce milk eight hours a day? I don't  
20 think the farmers would agree with that since they  
21 have to do it at least twice a day.

22 UNIDENTIFIED SPEAKER:

23 You were just asked by a gentleman  
24 over here about if the cows were allowed to go back  
25 inside if they want to. And you gave him a

1 negative answer on the --- negative. You told him  
2 if they're not unhealthy, they have to be out.  
3 Section 205.239 says you're allowed access for all  
4 animals to be outdoors, shade, shelter, exercise  
5 area, fresh air, water for drinking indoor and  
6 outdoor, and direct sunlight when possible. That  
7 would give us the right to give cows their choice  
8 if they're not outside; isn't that correct?

9 MR. MATHEWS:

10 Where are you?

11 UNIDENTIFIED SPEAKER:

12 That would give us the right to  
13 let the cows have their choice of shelter or  
14 outside.

15 MR. MATHEWS:

16 Okay. This is --- actually it  
17 gets more specific as you go in. It starts talking  
18 about the difference between ruminants and non-  
19 ruminants. And we said that the ruminants have to  
20 be outside all the time.

21 UNIDENTIFIED SPEAKER:

22 Allow access for animals?

23 MR. MATHEWS:

24 Right.

25 UNIDENTIFIED SPEAKER:

1 And light for all animals?

2 MR. MATHEWS:

3 Right. But as you go into the  
4 regulations, they get more specific. There's a  
5 paragraph. I think it's new paragraph C that talks  
6 about for the ruminants. C, it says for ruminants  
7 continuous year-round management on pasture, except  
8 as otherwise provided in paragraph C of this  
9 section. For grazing throughout the growing season  
10 and access to the outdoors throughout the year  
11 during the period of non-growing season. So you  
12 have to take the regulations in total, not just the  
13 leading paragraph of a section.

14 UNIDENTIFIED SPEAKER:

15 Okay. I guess I misunderstood. I  
16 thought when I seen this, it would give us the  
17 right to give those animals shelter.

18 MR. MATHEWS:

19 Oh, yes. Yes, you can give them  
20 shelter. But when it comes to the --- it's been  
21 split up into two parts in the proposal for the  
22 non-ruminants growing season. And in the non-  
23 ruminants, it's still listing inclement weather as  
24 a justification for putting them inside. But in  
25 the new, new paragraph C and new paragraph D, it

1 talks about ruminant animals. And the problem is  
2 that it does not include inclement weather as a  
3 justification for confining the animals. Are we on  
4 the same ---?

5 UNIDENTIFIED SPEAKER:

6 I'm not sure if you are, but could  
7 you revise that? I mean, wouldn't it be more  
8 proper to give the cows their choice in inclement  
9 weather either in cold or in hot weather?

10 MR. MATHEWS:

11 The problem with it as it is  
12 written, and I've heard this around the country, is  
13 that we do not provide for inclement weather as a  
14 justification for housing the animal. And that is  
15 one of the unintended consequences of splitting the  
16 thing out. At one point, there was a provision in  
17 an earlier draft that talked about if there's ice  
18 on the pasture, would not have to confine it during  
19 that time period. Somewhere along the line, that  
20 got lost. I'm not sure where it got lost out of  
21 there. But when you look at for the non-ruminants,  
22 clearly it says that inclement weather is a time  
23 that you can house the animals. For the ruminants,  
24 we don't have that. That is something that we're  
25 going to have to address as we go to the final.

1                   Let me assure you that everything  
2 that is prevented or presented here today is open  
3 for some change. It could lead to stuff that is  
4 new language, all that is subject to making a  
5 change. I can't say what it is that's going to  
6 change. I don't know how it's going to change.  
7 All I know is that we're taking comments from  
8 people like yourself, telling us what works and  
9 what doesn't work.

10                   Now, we might assume people that  
11 --- did we have everybody who was going to comment?

12                   DR. KARREMAN:

13                   Was there someone else who wanted  
14 a chance to ---?

15                   MR. MATHEWS:

16                   Yeah. I don't want to do a wrap-  
17 up without giving everybody a chance to ---.

18                   MR. JOSEPH ESCH:

19                   I'd like to say about ---.

20                   MR. MATHEWS:

21                   Please state your name for the  
22 record.

23                   MR. JOSEPH ESCH:

24                   Joseph Esch. We're saying about  
25 the eight hours on the grass. I'm not sure if that

1 would be quite enough because somebody might keep  
2 their area as an acre of grass, put 1,000 cows on  
3 it for eight hours. So we would have wording in  
4 there that they can't do that.

5 MR. MATHEWS:

6 Well, that's exactly what that  
7 lawyer we want to do away with will say.

8 MR. JOSEPH ESCH:

9 I'm not sure that some of that  
10 stuff is all clarified --- the growing season. I  
11 guess the growing season, you couldn't put the cows  
12 on the feedlot or keep them on there, otherwise  
13 we're feeding them. Get them out in inclement  
14 weather, that kind of stuff. But you know, that  
15 stuff could be worded --- that's common sense.  
16 Thank you.

17 DR. KARREMAN:

18 Okay. Thank you. If you've got  
19 another question, John, and then if you do have an  
20 official wrap-up, Richard, that would be great so  
21 they can hear while they're here, but then they can  
22 keep going with questions. So John.

23 MR. KEMP:

24 John Kemp. It's great to have  
25 someone from Washington here. Just a few comments.

1 Keep it simple. Bedding as defined. Clean water.  
2 Thirty (30) percent of dry matter based on the  
3 grazing season, which would be around the first or  
4 last killing frost. I cannot agree with the dry  
5 lots and feedlots being prohibited. Thirty (30)  
6 percent of the dry matter based on the growing  
7 season. Take care of the dry lot operation. Make  
8 sure that the grazing is 30 percent based on their  
9 ruminating season.

10 DR. KARREMAN:

11 Are you able to hear everyone?

12 OFF RECORD DISCUSSION

13 DR. KARREMAN:

14 So would you like to do --- do you  
15 have an official wrap up?

16 MR. MATHEWS:

17 It's not so much an official wrap  
18 up. It's just to let you all know that I do hear  
19 you, and we're going to be taking all of your  
20 comments and giving them consideration, as well as  
21 at the other four locations where we met with the  
22 farmers, so that we can try to craft this thing in  
23 a way that works for everybody. And I'm really  
24 glad you all came out today because it's really  
25 important to us to hear from the farmers because we

1 get tens of thousands of comments from consumers  
2 who have, you know, signed on to a form letter.  
3 But they have a very different perception as to  
4 what organic farming really is than what the  
5 organic farmers have. So it's really good to be  
6 able to come out and meet with you. It's great  
7 that we had such a large attendance. I know that  
8 at one point I had counted 100 of you, and I know  
9 more people came in. So we had a really good  
10 turnout. And you've all given us a lot to think  
11 about. We will do that. We'll think about it and  
12 we'll try to come up with something that works for  
13 everyone. That's really all I have at this time.  
14 Just wanted to say thank you.

15 Hue, or I guess Leslie, would you  
16 like to make a comment?

17 MR. B. STOLTZFUS:

18 Just a question on the profits.

19 MR. MATHEWS:

20 Okay.

21 MR. B. STOLTZFUS:

22 When you write the rules to make  
23 everybody happy, will they be presented again, or  
24 will that be the law? I mean, I'm just trying to  
25 figure out how it works.

1                   MR. MATHEWS:

2                   Well, let's hope that we can get  
3 it right without having to come out with another  
4 proposal. I would like to see it written as a  
5 final rule and put out as soon as possible. But  
6 there may be some issues that will have to go out  
7 for a second proposal. I don't know. I do have a  
8 sense from having come out now to five listening  
9 sessions, so I have a good idea where the problems  
10 are. Not so good an idea of how to fix all of  
11 them.

12                   DR. KARREMAN:

13                   Where were the listening sessions?

14                   MR. MATHEWS:

15                   Hue would like me to tell you  
16 where all the listening sessions were. There was  
17 one in Auburn, New York; one in LeFarge, Wisconsin;  
18 Chico, California; Amarillo, Texas; and of course  
19 here in Gap, Pennsylvania.

20                   The schedule is to --- as soon as  
21 the comment period closes, which is December 23rd,  
22 right after that, we'll start to review the  
23 comments. And we'll start strategizing as to how  
24 to address the comments. And we'll start putting  
25 together the final rule. Now, like I say, I don't

1 know what we're going to find. I don't know how  
2 we're going to solve some of the problems that have  
3 been identified. So I really don't know how long  
4 that process is going to take. I don't know  
5 whether we'll have to come out with a second  
6 proposal or whether we can go directly to a final.  
7 Maybe we have to do a final and then re-propose  
8 portions of the rule.

9 I would like to be able just to go  
10 straight to final and be done with the whole thing.  
11 But I do see a potential that we go final with  
12 parts of it, and then re-propose other parts. But  
13 as far as the time table, I don't know what that's  
14 going to be, other than the fact that we're going  
15 to work diligently to get it done as quickly as we  
16 can.

17 MS. ZOOK:

18 Thank you, Richard. Whatever  
19 happens, I know it's going to be a lot of work for  
20 you, reading all of those comments and trying to  
21 figure out where to go from there. I want to just  
22 remind everybody that as I mentioned at the  
23 beginning that we are having a conference call on  
24 Monday. The information is on the half sheet of  
25 paper over there on the table behind the folks

1 there. I think there's still some left.

2                   The purpose of that is PCO is  
3 going to comment that Mr. Mathews here is going to  
4 read and pay attention as he always does. Gather  
5 up all the best information from all of you so that  
6 we are actually properly reflecting what we feel as  
7 though our farmers are. So if you're interested in  
8 being in on the conference call, even if you just  
9 want to listen, that's fine. And also if you'd  
10 like help and you want to write your own comments,  
11 we can help you figure out where to send it in and  
12 assist you with the rule language or any of that,  
13 please feel free to call me or anyone at the PCO  
14 office. We'll get together and help you. We'd  
15 like to receive comments from those who weren't  
16 here, so spread the word. That's all I have.  
17 Thanks a lot. Great job. We really appreciate it  
18 very much.

19

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MEETING CONCLUDED AT 12:38 P.M.

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