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Sent: Saturday, March 23, 2002 9:11 PM  
To: NOP, Webmaster; Livestock, NOSB  
Cc: esideman@mofga.org%inter2; george.siemon@organicvalley.com%inter2  
Subject: NOSB L.C. Replacement Dairy Animal Recommendation

To: The NOSB Livestock Committee and the USDA National Organic Program  
Re: NOSB Livestock Committee draft recommendation on replacement dairy animals  
From: Kathie and Richard Arnold, Twin Oaks Dairy, Truxton, NY  
Date: March 22, 2002

We urge the NOSB and USDA NOP to require that all organic dairy replacement stock be organically raised from the last third of gestation.

The only relaxation on this rule that we would support would be allowing non-organic calves up to two weeks of age to be brought onto organic farms and thence be under organic management. We do not support the NOSB's draft recommendation on replacement dairy animals for a number of reasons:

- The term "commercially available" is a very broad term that will be defined differently by each certifying body

- --There will likely be uneven and unequal interpretation of the commercially available clause by different certifiers

- --The commercially available clause will likely not be farm-size neutral. Expansions of large organic herds would be apt to be the segment of the industry to have the demand for large numbers of animals that could not be met by the current organic dairy replacement pool and so large farms would be more liable to lay claim to commercial unavailability

- --A thriving organic replacement segment will not likely develop because arguments will be made and likely accepted by some certifiers that "commercially available" means within a certain price range and geographic distance, thus limiting the demand for higher cost organically raised replacements

- Potential confusion and dissatisfaction in the minds of consumers as to what and when prohibited materials are allowed for use in dairy stock

- Although this provision helps, it still will not level the playing field between requiring organic management of on-farm raised youngstock and allowing the importation of conventionally raised yearlings

- This proposal does not promote a continuous cycle of organic management on organic dairy farms

- This proposal is in direct opposition to the clear intent stated in the preamble to the Rule. According to the discussion section printed in the December 21, Federal Register 2000 National Organic Program Final Rule, the unequivocal intent is that other than a distinct, one time herd conversion allowed over a one year period, all other livestock must be organically raised from the last third of gestation:

Federal Register page 80570: "After the dairy operation has been certified, animals brought on to the operation must be organically raised from the last third of gestation. We did not incorporate the NOSB's recommendation to provide young stock with nonorganic feed up to 12 months prior to the production of certified milk. By creating an ongoing allowance for using nonorganic feed on a certified operation, this

provision would have undermined the principle that a whole herd conversion is a distinct, one-time event.

We anticipate that the provisions added to the final rule will address the concerns of commenters who objected to the conversion principle. Consumers have embraced milk and milk products from dairies under private whole herd conversion provisions essentially identical to that in the final rule. While the conversion provision may temporarily reduce demand for organic feed materials, it encourages producers to develop their own supplies of organic feed. The conversion provision also rewards producers for raising their own replacement animals while still allowing for the introduction of animals from off the farm that were organically raised from the last third of gestation. This should protect existing markets for organically raised heifers while not discriminating against closed herd operations. Finally, the conversion provision cannot be used routinely to bring nonorganically raised animals into an organic operation. It is a one-time opportunity for producers working with a certifying agent to implement a conversion strategy for an established, discrete dairy herd in conjunction with the land resources that sustain it."

Even nonedible livestock products must be from livestock organically managed from the last third of gestation. Federal Register page 80570: "Conversion Period for Nonedible Livestock Products. The proposed rule required that livestock must be under continuous organic management for a period not less than 1 year before the nonedible products produced from them could be sold as organic. Several commenters questioned the basis for creating different origin of livestock requirements based on whether the operation intended to produce edible or nonedible products. These commenters stated that the OFPA does not sanction such a distinction, nor is it contained in existing certification standards. They questioned why the proposed rule created such a provision in the absence of a favorable NOSB recommendation. We agree that the creation of a separate origin of livestock requirement for animals intended to provide nonedible products could be confusing. We have changed this provision in the final rule to require that nonedible products be produced from livestock that have been organically managed from the last third of gestation."

Section 205.236(b)(1) prohibits organic animals being removed from an organic operation, managed on a nonorganic operation, and then being brought back into organic production--the aim being that there be no loophole for conventional treatments slipping in. Another section of the Rule that supports the intent of organic from the last third of gestation is 205.238(c) and (c)(1) "The producer of an organic livestock operation must not: (1) sell, label, or represent as organic any animal or edible product derived from any animal treated with antibiotics, any substance that contains a synthetic substance not allowed under 205.603, or any substance that contains a nonsynthetic substance prohibited in 205.604." No exception is made here that conventionally raised animals brought onto a farm one year prior to milk production can have been treated with antibiotics and other prohibited substances. The rule is unequivocally saying that no livestock can have been treated with antibiotics or prohibited substances and then subsequently, at any time in their lifespan, produce products that can be marketed as organic