ORGANIC VALLEY
Family of Farms

TO: National Organic Standards Board
c/o Arthur Neal
Room 4008 – South Building
1400 Independence Avenue – SW
Washington DC, 20250-0001

RE: NOSB Livestock Committee Recommendation for Guidance – Pasture Requirements for the National Organic Program

CROPP Cooperative respectfully submits these comments to the National Organic Standards Board ("NOSB") regarding the NOSB Livestock Committee's Recommendation for a formal guidance with regard to the pasture requirements of the National Organic Program ("NOP").

CROPP Cooperative's "Organic Valley" label is the nation's largest farmer-owned certified organic brand. CROPP is owned by nearly 700 organic family farm/members in 16 states, including approximately 500 dairy farms.

CROPP appreciates the opportunity to comment on the proposed guidance and echoes the comments of many of the individual farmers who came to the NOSB's meeting in Washington, DC in late February, and spoke so passionately about the importance of pasture in the organic system. In addition, CROPP supports the comments of the Organic Trade Association submitted in this last round of commenting. Above all, CROPP supports the non-adversarial public process that the NOSB has engaged in throughout the discussion of pasture, and CROPP believes that the guidance and the proposed rulemaking will be able to provide certifiers with more than adequate information to determine whether individual producers are satisfying the pasturing requirements currently incorporated in the NOP, and in guiding farmers to use their farm plan to maximize the pasture available on their farm.

CROPP has, throughout this process and discussion, believed that pasturing is a key requirement of the organic system. Although some would argue that other issues are more important, CROPP and its members firmly stand by the need to retain a connection between the animals and the land. If the term "organic" represents the sum of all the parts, then it is critical that the parts maintain a connection with each other. Pasturing represents the natural behavior of the animals, and is the most important connection for the animals with the land. An animal in fresh air, but on a dry lot, does not have a

connection to the land, and therefore the circle is not complete. Not only is this important for the animals, it is a very important issue for the consumers of organic products, who believe that the organic standards put the integrity of the whole farm system before the goal of production. The natural behavior of the animals is an essential issue to organic consumers who are concerned with humane animal treatment.

The guidance document is a key tool for the consistent application of the pasturing requirement around the country. The purpose of the guidance documents is to fulfill the "program manual" described in the preamble to the Final Rule. The guidance documents represent the NOP's current thinking on a particular topic, and while the guidance documents "do not create or confer any rights for or on any person and do not operate to bind the NOP or the public" the NOP has said that the approach outlined in a document should be used and any alternatives should be cleared with the NOP before implementation (NOP's Federal Register Notice on the Development, Issuance and Use of Guidance Documents).

According to the NOP, the purpose of the guidance documents is to

(1) Provide assistance to the regulated industry by clarifying requirements that have been imposed by the Act or its implementing regulations and by explaining how the industry may comply with those statutory and regulatory requirements and
(2) Provide specific review and enforcement approaches to help ensure that NOP staff implements the program's mandate in an effective, fair and consistent manner.

Clearly the Proposed Guidance provides information on the requirements for pasturing in the organic system. CROPP heartily supports the Proposed Guidance's reinforcement of the Organic System Plan as a critical tool for certifiers to use to determine if a farmer/producer has adequately reviewed his pasturing situation in order to maximize pasturing on the operation, in accordance with the NOP standards. By using the Organic System Plan as the vehicle, the guidance outlines precisely what an operation must consider with regard to pasture. A certifier will be able to review a farm plan to determine if a farmer has considered the quality and amount of pasture an individual animal will receive throughout the course of a year, in order to reach the goal of 30% dry matter intake on a daily basis during the growing season of at least 120 days. A certifier will be able to determine if an operation has chosen the best means of extending the growing season of pasture, through good management practices, and irrigation, if necessary. Indeed, an operation may find that irrigation is essential to meeting the minimum days of the growing season outlined in the guidance. Using the template of the NRCS Conservation Practice Standard for Prescribed Grazing, the operation can more easily establish a pasturing program, and the certifier will have particular items to look for, so that even certifiers not familiar with dairy operations will be able to work with farmers in developing an adequate pasturing program. Understanding that the NRCS is largely about beef, the standard can still provide excellent information about the number of recommended animal units and management of pastures as general guidelines.

In addition, as the second paragraph quoted above from the USDA states, the guidance should provide specific enforcement approaches to the certifier. If the operation cannot meet the stated goals, the producer should use the Organic System Plan, and work with its certifier, to reassess its pasturing requirements. We believe an operation that fails to comply with the guidance should be issued a minor non-compliance so that the operation is aware that it is not meeting the pasturing requirements, and must adapt the Organic System Plan so that the operation meets the requirements of the guidance.

There is no doubt that pasturing may be a challenge in some areas of the country, and that is why CROPP supports the guidance as a flexible document designed to lead operations and certifiers towards a strong pasturing program. The individual Organic System Plan is the best and most versatile tool that enables a producer to analyze and reassess the operation on a yearly basis, always seeking to incorporate all aspects of the operation into a whole, contiguous system.

Once again CROPP Cooperative, and its members collectively, appreciate the opportunity to comment on this important subject.

Respectfully submitted,

/s/

Melissa Hughes
Cooperative Counsel