

**FORMAL RECOMMENDATION BY THE
NATIONAL ORGANIC STANDARDS BOARD (NOSB)
TO THE NATIONAL ORGANIC PROGRAM (NOP)**

Date: March 18, 2005

Subject: NOSB Recommendation for rule Change – “Stage of Production” to “Stage of Life”

Chair: _____ **Jim Riddle** _____
(sign)

Recommendation

The NOSB hereby recommends to the NOP the following:

Rulemaking Action: X

Guidance Statement: _____

Other: _____

Statement of the Recommendation (including Recount of Vote):

The NOSB recommends a rule change to make the language in §205.239(a)(1), §205.239(b)(2) consistent with the language in §205.237(a)(2). The language, therefore in §205.239(a)(1) would read “Access to outdoors, shade, shelter, exercise areas, fresh air, and direct sunlight suitable to the species its stage of ~~production~~life, the climate, and the environment.

§205.239(b)(2) would be amended to read “animal’s stage of ~~production~~life.”

March 2, 2005 Board Vote: 13 – yes, 0 – no, 0 – abstain, 1 – absent

Rationale Supporting Recommendation (including consistency with OFPA and NOP):

Rationale stated in text below.

Response by the NOP:

**Recommendation for a Rule Change
Amending “Stage of Production”
to read “Stage of Life”
Adopted by the NOSB March 2, 2005**

Background

Language within The National Organic Program Final Rule (7 CFR Part 205) creates a certain amount of ambiguity regarding the applicability of specific provisions of the regulation in the lifestage of livestock.

Sections 205.239(a)(1) and 205.239(b)(2) reference “stage of production” in regard to access to outdoors and temporary confinement. Section 205.237 (a)(2) utilizes the terminology “stage of life” to describe the allowance for specific levels of feed supplements or additives.

Development of enforceable standards for “stage of production” is problematic, particularly in regard to dairy animals. While “life” encompasses the total span of an animal’s life, “production” refers only to that portion of life in which the animals is producing milk.

Recommendation

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§205.239(b)(2) would be amended to read “animal’s stage of ~~production~~life.”

Board Vote

13 – yes, 0 – no, 0 – abstain, 1 - absent