

FOOD Farmers

Federation Of Organic Dairy Farmers



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National Organic Standards Board
USDA-AMS-NOP
1400 Independence Ave., SW, Room 2646-S, Mail Stop 0268
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Dear Ms. Coke,
Please find attached **The Federation Of Organic Dairy Farmers (FOOD Farmers)**, comments to the NOSB in response to the Livestock Committee recommendations and guidance documents.

FOOD Farmers, is the umbrella organization of the Northeast Organic Dairy Producers Alliance (NODPA), the Midwest Organic Dairy Producers Alliance (MODPA), and the Western Organic Dairy Producers Alliance (WODPA), and represents over two thirds of organic dairy farmers across the country.

WODPA's mission is to preserve, protect, and ensure the sustainability and integrity of organic dairy farming across the west reflecting the input from an extremely broad cross section of the organic community

NODPA's mission is to “enable organic dairy family farmers, situated across an extensive area, to have informed discussion about matters critical to the well being of the organic dairy industry as a whole.” NODPA is not aligned with any one processor or cooperative and is therefore able to represent the views and needs of many different farmers in the east. NODPA is a member of the National Organic Coalition (NOC), comprised of consumer organizations, organic farmers, organic food companies, and organic certifiers. The goal of the coalition is to assure that organic integrity is maintained, that consumers confidence is preserved and that policies are fair, equitable and encourage diversity of participation and access.

MODPA represents organic dairy producers in WI, MN, ND, SD, IA, NE, KS, MO, IL, IN, OH, & MI with the mission “to promote communication and networking for the betterment of all

Midwest organic dairy producers price.” MODPA objectives are:
and enhance a sustainable farmgate

1. To ensure a fair and sustainable farm gate price.
2. Keep family farms viable for future generations.
3. Promote ethical, ecological and humane farming practices.
4. Networking among producers of all organic commodities.
5. Promote public policy, research and education in support of organic agriculture.

In any consideration of Animal Welfare Standards we remind the NOSB that organic certification is already the gold standard for animal welfare as it is not just a scorecard of the health and well-being of the livestock but is a third party certified federal program with a holistic system approach that also considers the impact of the production system on the environment, the quality and content of animal feed, and ensures that livestock are not treated with any antibiotic, artificial hormones or growth stimulants.

We applaud the NOSB Livestock Committee and the NOSB for their dedicated work in writing Animal Welfare Standards, and their consideration of many comments from producers, consumers and other stakeholders. We acknowledge that in the writing of the regulation based on these recommendations the rule writers at NOP will need to clarify, or seek clarification, on different recommendations to reflect the requirements of regulations and their legal interpretation, for example one stall per animal in the facility is the requirement when looking at the year round cow numbers, but at any given time there may be a few cows more if cows freshen before others are dried off at the end of their lactation and this temporary increase in cows per the number of stalls should not be cause for de-certification.

Our comments will be on the proposed recommendations and guidance presented by the NOSB Livestock Committee.

These comments are respectively submitted by Ed Maltby, NODPA Executive Director on behalf of FOOD Farmers.

For further information or clarification please contact Ed Maltby, 413-772-0444 or ednodepa@comcast.net or 30 Keets Road, Deerfield, MA 01342.

Sincerely



Ed Maltby
NODPA Executive Director

Comments from the Federation Of Organic Dairy Farmers (FOOD Farmers)
General Comment on Animal Welfare Standards

NODPA joins with the National Organic Coalition with their concern about relying on heavily prescriptive or quantifiable measures to define the limits of animal welfare standards because standards written in this way don't allow either the farmer or certifier any room for considering individualized solutions that are suitable for the wide range of production systems used by organic livestock producers of differing scales and located in different parts of the country. The livestock committee's concerns about individual solutions was evident in many statements that were made in the guidance documents, for example the tethering of calves which can be done in many ways, some of which fit into an organic system plan and others that don't. In addition, diverse livestock systems may rely on multiple species in one area (pasture or paddock), which makes space calculations extraordinarily complex. Finally, understanding and quantifying the individual needs of the wide range of domesticated species possible is a daunting task. Instead, our suggestion is to write the standard as a list of mostly qualitative (descriptive) measures based on the "Principles of Organic"¹ and that rely on the use of a comprehensive Organic System Plan to allow a producer to explain the details of a specific production system to a certifier.

For instance, we think vegetative cover is one of the significant criteria for evaluating a quality organic livestock system. In discussions regarding the role of "outdoor access" in animal welfare, it is often clarified that this "outdoor" must not be a dirt or cement pad, but have vegetation in order to provide benefits such as a) animal natural behavior; 2) animal health and hygiene; and 3) environmental benefits.

We propose making all livestock operations comply with one strong, **qualitative** standard. Qualitative standards have been used in this Rule, as well as other rules around the world. For example, see the NOP standards on crop nutrients and soil fertility in §205.203.d. This standard starts with an introduction that is based on organic principles and uses subheadings to provide more definition to the "edges" of that standard which determines which practices are compliant and which are not.

We understand that the development of enforceable qualitative standards is difficult. We encourage this Board to request that NOP engage the assistance of a standards developer and rule writer who truly understands organic systems' standards development to assist them in the development of qualitative standards. We have learned from the implementation of the new pasture regulation, which contains many quantitative limits, that while it does increase consistency to a numerical standard, it also burdens producers and certifiers with paperwork, lessening the time producers can devote to innovating and perfecting their organic production systems unique to their operation. These quantitative requirements have also not necessarily increased consistency in interpretation of regulations by certifiers. We have seen that prescriptive regulation encourages inspectors/certifiers to keep their eyes to the paperwork and not lift their eyes to an assessment of the whole livestock system. In the case of the pasture regulations, USDA NOP lawyers determined that there needed to

¹ NOSB Principles of Organic Production and Handling, Adopted October 17, 2001)

be prescriptive regulations to interpret “outside access.” There is no reason to assume that there would be that requirement for every regulation.

Indeed the increased prescription and paperwork burden that has accompanied the access to pasture regulation has increased the disillusionment of organic dairy producers who have seen their farm income eroded by increased costs of inputs and no corresponding increase in their gross income.

If we are to attract the next generation of organic dairy producers, we need to encourage the message of continuous improvement and high quality of soil and livestock husbandry, not the ability to place a check mark against quantitative and prescriptive regulation.

General comment on guidance and regulation

Within the proposals put forward by the Livestock Committee the proposed guidance are as detailed and voluminous as the regulations. This emphasizes the committee challenge to recognize that there are numerous different production practices that are appropriate for different locations and size of operations. Guidance documents are interpreted very differently by certifiers which creates confusion and ‘certifier shopping.’ We recommend that when the NOP takes these recommendations and translates them into regulations that the difference between regulation and guidance is clarified.

General Recommendation

We recommend that the NOSB Livestock Committee’s recommendation and guidance that the committee has worked on for many years be passed on to the NOP to start the process of rulemaking. The rulemaking process will allow for comment on proposed rule that have been developed by professional rule-writers. If the committee feels that they need work on individual species then proposed rules should be developed on those species where there is broad agreement.

Recommendations

§205.2, 205.238 and 205.239

We are in agreement with the regulatory changes but continue to encourage certifiers and NOP to ensure that each operation has detailed records of all animals in the operation. In a recent completed survey of organic dairy farms by Cornell, Oregon State and Wisconsin Universities, “The Health and Well-being of Organically and Conventionally Managed Dairy Cattle,” one of the recorded results was that only 85% of organic farms had complete health records for their livestock.² We are very concerned that all organic dairies do not, at a minimum, have complete health records for all their animals.

We wish to remind the committee that dehorning and disbudding are very different operations. Disbudding is done on young animals with a hot iron before a horn is formed and prevents any horn from being formed. De-horning is a larger operation that deals with a horn that is already grown. While care and any pain relief need be provided for both operations, any assessment by inspectors needs to acknowledge that these can be very different operations depending on the age of the animal and production practices.

We are in general agreement with the approach and content of the Minority Opinion.

² The Health and Well-being of Organically and Conventionally Managed Dairy Cattle,

§205.241

All producers are concerned about humane treatment of animals from birth to death or slaughter. The slaughter industry has, with some justification, come under great pressure to improve their humane treatment of livestock which has also resulted in many changes to the USDA Food Safety and Inspection Service (USDA FSIS) and a proliferation of Animal Welfare standards. This has come at some cost in the areas of the country that have few slaughterhouses where small to midsize facilities have disappeared because of the cost of upgrading the facility; the lack of trained, or training for, personnel; increasingly complicated HACCP plans and monitoring for every step of the operation; disposal of waste, and liability insurance responsibilities. Animal welfare audits vary from company to company as do their costs. To insist on yet another level of third party audit to verify conditions which are monitored daily by USDA FSIS staff will discourage small to mid-size plants from providing organic certification services and for those that choose to, they will need to increase their charges to producers. While the extra work and costs can easily be absorbed by large facilities where there is dedicated quality assurance staff, the effect on small to mid-size plants will be disproportionately higher.

In introducing any new regulations or oversight for organic certification, we need to be aware of what is already covered by other federal agencies, the paperwork burden on small businesses, and the need for all levels of the organic supply chain to be profitable in order to continue to allow family farms of all sizes to thrive.

Slaughter plants that choose to add organic certification to their services offered to producers are already part of a highly regulated system. The Food Safety and Inspection Service (USDA FSIS) is the Agency within USDA responsible for ensuring compliance and enforcement with the Humane Methods of Slaughter Act, Federal Meat Inspection Act and other regulations.

USDA FSIS inspectors are trained and receive professional development to maintain their proficiency. They are supervised by trained veterinarians (District Veterinary Medical Specialists (DVMS) and regularly evaluated by USDA for their performance. It would seem difficult for organic certification inspectors to replicate those skills and experience, and provide such in-depth monitoring on humane handling, and also be able to cover the many specific requirements, record keeping and use of materials that organic certification of slaughter plants requires.

We recommend that in the development of regulations related to animal handling, transport and slaughter, that NOP work with existing organic facilities, producers and other USDA agencies to analyze the impact of increased regulation on small slaughterhouse businesses and the impact on producers who might lose these local facilities because of the imposition of more regulation on plants that may only slaughter a few organic animals a week.

Species Specific Animal Welfare Scorecards Recommendations

We strongly believe that organic animal welfare guidance and standards must be sensible and based on reasonable standards that are determined by the realities of farming, good husbandry, grazing, natural animal behavior, and natural healing. Dairy livestock are managed in a variety of different geographic locations and under many different constraints to preserve soil and water quality. Body scoring is another example of a quantitative measure that does not particularly work in organic systems. Inspectors need to be trained to recognize conditions that are adverse to the animals exhibiting their “natural behavior” and to recognize during the times they are temporarily confined. It

is unrealistic to expect that organic inspectors can be trained to conduct even the most basic condition scoring of dairy cattle, especially of those animals that are grazing rather than continuously housed.

The use of a score sheet using a limited number of photographs from a limited number of breeds in a limited number of production situations increases the likelihood of personal interpretation of individual farm situations. For example: the perception of reasonably clean for an inspector or any other visitor to a farm varies from their own experience. While we all may know what is 'completely dirty', anything less than that would be difficult to reach a consensus depending on time of year for example: freshly out to pasture, a cow with an unclipped tail may have covered her back end with manure which some might judge as being dirty.

We recommend that the producer and inspector use a scorecard of the general health of the individual cow as a percent of the whole herd, which allows for many different criteria to be used including breed, time of lactation, age, and time of year. That way if a producer is excelling in most areas, but weak in one area, they should not be penalized. Any animal welfare problems that become apparent during the inspection should be assessed by management and certifier holistically within general herd management. If there are serious problems, there are already provisions in other parts of the rule, for example: If an individual cow has extensive lesions, then preventative and curative measures are covered under § 205.238 (a).