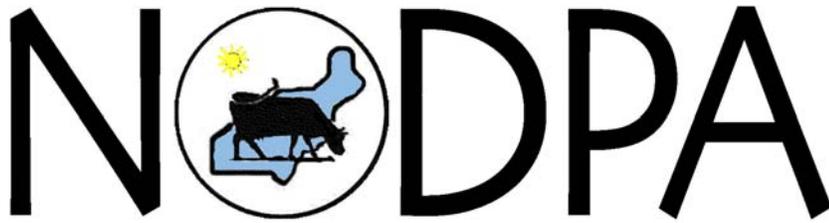


## Northeast Organic Dairy Producers Alliance



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Ed Maltby

December, 2008

Dear producers,

As you have heard the National Organic Program (NOP) published the proposed changes to the Access to Pasture Rule on October 24<sup>th</sup> which contains many of the recommendations that we have made over the years. Richard Mathews and Barbara Robinson of the NOP are to be congratulated on their work shepherding the Proposed Rule through the federal system. They have written a rule with the specificity producers and USDA lawyers asked for and in preparing our comments and suggestions we have viewed the proposed rule within the context of ensuring that we close as many loopholes as possible; provide enough specific, legal language that it won't be necessary to fight court battles for every non-compliance; and that has enough unambiguous language that certifiers who do not have the experience and training to inspect livestock operations are able to rely on the rule and any guidance documents.

We have been working with our sister organizations in the midwest and the west (MODPA and WODPA) and many other groups in many venues to come up with revisions that would modify the rule to keep strict pasture language, in a context that enables enforcement, but would allow producers to best determine the non grazing season management of their animals for the health and welfare of both the livestock and the land.

It is helpful to look at the rule in the context of realizing that the proposed rule was deliberately made very extensive and specific by NOP to allow the organic community to come to consensus on how much detail is wanted, so please understand that changes to the rule are expected and acceptable.

Throughout the preamble, there are many invitations for comment and feedback as well as Richard Mathews repeatedly asking for feedback and specific wording suggestions at the first Listening Session in Auburn, NY.

30 Keets Rd, Deerfield, MA 01342  
Email: [ednodpa@comcast.net](mailto:ednodpa@comcast.net)

Tel: 413-772-0444

Fax: 866-554-94863  
Website: [www.nodpa.com](http://www.nodpa.com)

Below is a listing of main points that we will be commenting on:

1. We wish to thank the National Organic Program for publishing a proposed rule that holds organic dairy producers to the high standard that consumers expect and producers have asked for.
2. The proposed rule includes the requirement for a minimum 30% DMI from pasture, averaged over the full growing season, which must be no less than 120 days in length. We have suggested that grazing season is substituted for growing season, as that can be better defined to take into account the reality of the grazing seasons in different areas.
3. We have suggested changing the requirement for ruminants to be managed on pasture year round to only during the grazing season, to take into account different farming conditions.
4. We suggest the reinstatement of needed exemptions for ruminants from pasture and outdoor access such as during inclement weather, because of risk to soil and water quality, etc.
5. We suggest the revision of the definition of inclement weather to take into account conditions that could cause temporary rather than just permanent physical harm to livestock to be a valid exemption.
6. We strongly recommend that the NOP do not include a rule changes on the Origin of Livestock within this rulemaking as the subject is complicated and needs a separate proposed rulemaking to allow sufficient commenting and discussion. We welcome the opportunity to provide NOP with comments on the origin of livestock and strongly urge them to proceed very quickly with the publication of a Proposed Rule that has one criteria for replacement animals, "Once an operation has been certified for organic production, all dairy animals born or brought onto the operation shall be under organic management from the last third of gestation"
7. We strongly urge NOP to enforce the current regulation in regards to pasture while the proposed rule goes through the Federal process of becoming a Final Rule. Once in effect and with a one year implementation period, we urge NOP to enforce the new regulation and work with certifiers to educate them on the requirements of the new rules.

Attached is a document that shows the NOP's original language and our recommended changes. This is a compressed version and the full documents can be found at: <http://nodpa.com/rule.shtml> .

We will be holding an open conference call on the proposed rule on Wednesday December 17<sup>th</sup> from 7:00 to 9:00 pm EST so please call in with any questions to 800-566-2245 – participant code 877845.

The NOP will be accepting comments on the rule until December 23, 2008.

**We strongly encourage producers to provide comments, and feedback about the rule to the NOP.**

When you submit comments please start by giving your name, farm name (if appropriate), location and the size of your milking herd. Please start by thanking the NOP for publishing the proposed rule that contains the specific recommendations advocated by NODPA and FOOD Farmers on access to pasture: ***The grazed feed must provide significant intake for all milking-age organic dairy cows. At a minimum, an average of 30% of the dry matter intake each year must come from grazed pasture during the region's growing season, which will be no less than 120 days per year.*** The NOP is looking for documentation on how the proposed rule will affect individual operations **so please include in your comments how your farm operations will be affected by the proposed rule, whether you support the changes recommended by NODPA and FOOD Farmers and why you support the recommendations. Wherever possible, back up your comments with examples from**

**your own operation or from research by agencies, universities or other independent organizations. You may include relevant articles as well.**

There are three ways to submit comments:

1) **Mail written comments to the NOP.** Written comments must be received (not postmarked) by Dec. 23, 2008. They must be identified with, "Docket Number AMS-TM-06-0198; TM-05-14".

Mail written comments to:

Richard H. Mathews

Chief, Standards Development and Review Branch,

National Organic Program, Transportation and Marketing Programs

USDA-AMS-TMP-NOP, 1400 Independence Ave., SW.

Room 4008- So., Ag Stop 0268

Washington, DC 20250.

2) **Submit comments online.** Visit the Regulations web portal: [www.regulations.gov](http://www.regulations.gov). Use the search terms "organic pasture." Comments must be submitted online by Dec. 23, 2008. Do not leave it to the last moment to submit comments to the .gov site as it tends to get overloaded at the end of comment periods.

3) **Send to NODPA.** Mail, fax or email your comments to Ed Maltby by 12/19/08 and he will forward them to the NOP. By mail: Ed Maltby, NODPA Executive Director, 30 Keets Rd, Deerfield, MA 01342. Fax: 866-554-9483. Email: [ednodpa@comcast.net](mailto:ednodpa@comcast.net)

Please contact myself, Ed Maltby, or any of the Board and state reps with any questions and please go to <http://nodpa.com/rule.shtml> for more documents relating to the proposed rule.

Sincerely,



Henry Perkins

NODPA Board President

NODPA mission: "to enable organic family dairy 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 and to do so in an independent farmer-driven mode" with particular emphasis on:

1. Establishing a fair and sustainable price for their product at the wholesale level.
2. Promoting ethical, ecological and economically sustainable farming practices.
3. Developing networks with producers and processors of other organic commodities to strengthen the infrastructure within the industry.
4. Establishing open dialogue with organic dairy processors and retailers in order to better influence producer pay price and to contribute to marketing efforts.

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