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National Organic Standards Board
USDA-AMS-NOP
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Submitted via www.regulations.gov

RE: Document # AMS-NOP-17-0024

[NOSB Livestock Subcommittee Proposal: Clarifying “emergency” for use of synthetic parasiticides in organic livestock production](#)

Dear NOSB members:

Thank you for the opportunity to provide comments on the Proposal: Clarifying “emergency” for use of synthetic parasiticides in organic livestock production. MOSA certifies approximately 2000 organic operations throughout the United States, including almost 900 livestock operations. Parasite prevention and treatment plans are in place on all operations we certify for livestock. While the use of parasiticides is not prevalent, in the event of parasite outbreaks, parasiticides are a necessary treatment option for farmers.

This proposal seeks to add language to the livestock health care practice standard at §205.238, language which requires a step-up approach to parasite management (comparable to facility pest management requirements, which requires physical prevention and control measures, use of natural materials, and finally allows for the use of synthetic materials which are included on the National List). We appreciate this discussion and agree that farmers should follow the same principle in management of livestock parasites. The Organic Livestock and Poultry Practices (OLPP) final rule addition to §205.238 also points to this intent. *“(d) Organic livestock operations must have comprehensive plans to minimize internal parasite problems in livestock. The plan will include preventive measures such as pasture management, fecal monitoring, and emergency measures in the event of a parasite outbreak. Parasite control plans shall be approved by the certifying agent.”* More robust parasite prevention, control, and treatment plans, including certifier understanding and approval, is the outcome we are trying to achieve.

The NOSB subcommittee proposes adding examples of practices and monitoring within the rule. The proposal says, *“Rather than providing a list that states the only methods of parasite monitoring and management, the proposal below provides examples which can allow producers and certifiers the flexibility to develop and approve other methods that perform the same function.”* **While we support the flexible intent of what is being suggested, we**

do not support addition of the *specific* rule language proposed for addition to the livestock health care practice standard. We'll explain.

Examples, or mandates? The way that the NOSB subcommittee has drafted the proposal, the proposed language does not appear to be *examples of practices and monitoring*. As written, it can be interpreted as being a list of practices which all must be performed prior to use of parasiticides. The new language, nestled in section (c)(4) noting what the producer *must not do* (*administer synthetic parasiticides on a routine basis*), stipulates what the producer *must do* prior to use of a synthetic parasiticide. The list (i)-(iv), though framed as “*examples of materials, management activities and goals used*,” does not appear to just be a list of *examples*, because (v) then follows with, “***When the practices provided for in paragraphs (1) through (4) of this section are insufficient to prevent or control parasites within the accepted threshold of that parasite, and for that age of animal and species of animal, a parasiticide included on the National List of synthetic substances allowed for use in organic livestock production may be used as an emergency treatment. Provided, That, the conditions for using the substance are documented in the organic system plan, and the organic operator documents proposed improvements to their organic system plan to lessen the need for these National List approved synthetic parasiticides.***” [Emphasis added] This implies that all of *examples* in paragraphs (1) through (4) (which, by the way, would seem to be more clearly and consistently identified as paragraphs (i) through (iv)) must be tried and shown to be insufficient.

Structure. Just above the proposed additions at §205.238(c)(4) is the language under §205.238(b) which states, “(b) *When preventive practices and veterinary biologics are inadequate to prevent sickness, a producer may administer synthetic medications: Provided, That, such medications are allowed under §205.603. Parasiticides allowed under §205.603 may be used on:.....*” The new (c)(4) language covers the *preventive practices* required in (b) in more detail and the new (c)(4)(v) says basically the same thing as the current language in (b). If new regulatory language is proposed, it seems most appropriate to us that any required steps be included in (b), where the allowance to use such materials is located. The new rule could read something like “(b) *When preventative practices and veterinary biologics are inadequate to prevent sickness, a producer may administer synthetic medications: Provided, That, such medications are allowed under §205.603. Parasiticides allowed under §205.603 may be used on (1)[breeder stock] and (2)[dairy stock] in the event of an emergency, and only when management practices, such as grazing systems and living conditions to prevent infestation and reinfestation, forage height diversity, use of allowed nonsynthetic botanicals, biologics and minerals to maintain parasite levels below treatment thresholds, and including monitoring and documentation of parasites through use of methods such as fecal monitoring and FAMACHA, have proven insufficient to prevent or control parasites within the accepted threshold for specific parasites, age and species of the animal.*”

Our proposed language summarizes the management practices and the methods for monitoring covered in (i)-(iv) and reels in the more flexible intent of examples through use of “*such as*”. The first part is the requirement while the latter part of the standard as proposed restates the same requirements stipulated in the new OLPP rule.

While we have proposed some alternative language in what we think is a more appropriate section of the rule, the point of our comment is that regardless of location, if the NOSB intends to give a *list of examples*, then the examples should not seem to be requirements in the final part of the rule, as currently seems when reading through (c)(4)(i)-(v).

Alternately, the NOSB could discuss a change in the proposal to simply *require* the management practices stipulated in (i)-(iv). We would agree that (i)-(iii) are typically management practices

we see in place as part of a parasite management plan. We also see fecal monitoring as a method for monitoring, as outlined in (iv). We do still encourage the NOSB to consider the location in the rule we suggest and the language we propose above, with a minor revision. Change “*such as*” to “*including, but not limited to*”. This would leave the door open for other activities yet still require the management practices listed to be followed, more closely resembling §205.271.

In closing, we believe that the format of guidance would provide the most flexibility to clarifying the rule. We encourage the NOSB to take this recommendation back to subcommittee to address the intent and to be sure that intent is clearly understood through the text as proposed. We support the goal of the NOSB subcommittee to better define the circumstances when parasiticides may be approved for use.

Thank you for your work on this important issue.

Respectfully submitted,

The MOSA Certification Team