



December 2, 2019

Paul Lewis, Standards Division
National Organic Program, USDA-AMS-NOP
1400 Independence Ave. SW
Room 2642-So., Ag Stop 0268
Washington, DC 20250-0268

RE: Docket Number AMS-NOP-11-0009; Regulatory Information Number (RIN) 0581-AD08

Dear Mr. Lewis:

MOSA appreciates the opportunity to provide comments to the National Organic Program regarding the proposed rule on the origin of livestock. MOSA certifies almost 2200 operations throughout the United States with the majority of our certified entities located in the Upper Midwest. Approximately 850 operations are certified for livestock. 600 are dairies and others are hog, beef, various livestock species and poultry. The average cattle dairy herd size is 64 head milking. Under this proposed rule, a few operations MOSA certifies would no longer qualify for certification. The vast majority of dairy livestock operations certified by MOSA could comply immediately.

Our original comments submitted July 27, 2015 still align with our thinking today, though we did note one new consideration due to rule changes made in the last year as discussed below. We are encouraged by the forward movement we are again seeing with this Origin of Livestock Rule(OOL) however, we are still disappointed to see a re-opening of the public comment period, rather than a final rule. We urge you to expedite the publication of a final rule with an immediate effective date. Further delay will continue to harm MOSA-certified dairy farms.

Our long standing policy for fiber bearing animals has been to require slaughter eligibility, however, as we pointed out in 2015, we could align with a transition allowance for fiber bearing animals. In our 2015 comments, we suggested a year-long transition, similar to dairy animal requirements. National List changes published December 27, 2018 present a complicating factor now for fiber bearing animals, compared to the proposed rule from 2015. The National List final rule changed the use restrictions for several substances, including parasiticides, which now authorizes a 36 day withholding period after use prior to the harvest of the wool or fleece. This new National List allowance directly contradicts with the intent in the OOL proposed rule to require slaughter eligibility for fiber bearing animals. Parasiticides are prohibited for use on slaughter stock; any use of a parasiticide on the National List disqualifies animals from organic slaughter eligibility. Since this National List rule change last December, we understand that parasiticide use does not impact eligibility for wool or fiber to be sold as organic, however, we assume that although organic animals receiving a parasiticide could still produce organic wool or fiber, they would not be eligible for organic meat production. References to fiber bearing animals in the OOL rule will need to be revisited due to the National List changes.

Please refer to our previous comments for edits to the text of the rule. Edits reflect our suggestions for strengthening and clarifying the intent of the rule. We especially hope to see “dairy farm” changed to “dairy operation” and “organic” reeled into the intent. A dairy farm using a transition allowance should be an operation with a specific location which intends to produce *organic* milk.

We emphasize that third year transitional crops fed to livestock during transition must be grown on the operation transitioning to organic production. Third year transitional crops cannot be purchased.

The proposed rule would bring a new interpretation for the allowance of animals to re-transition. To date, MOSA policy has been that organic animals that have been removed from organic production are not allowed to re-transition to organic production on the same operation *nor on a different operation*. Going forward, cattle could be sold from one organic dairy farm to another farm intending to transition to organic and be re-transitioned by that farmer. This would be a practical policy change, and we can see other reasons where it would be practical to allow for the re-transition of animals, *though not on the same operation*.

Additionally, the AMS requested comments on the following topics.

1. The cost and benefit analysis presented, including assumptions and estimates, of limiting dairy transition to a one-time exception for a given producer;

The benefits of implementing this rule far outweigh the costs. In fact, the cost to not implement the rule has far greater negative ramifications than any negative impact caused *by* implementation. Our organic dairy industry is in crisis. Supply is ahead of demand, due to regulatory loopholes which must be closed and regulations that need to be upheld. Organic dairy production should require great planning by the operation intending to transition. It shouldn't be easy. Stringent transition regulations strengthen our organic dairy industry. All farms will be held to the same regulation, rather than the two tier approach which has fostered an unfair system for entrance into and expansion of organic dairy production. Organic replacements will be in greater demand, resulting in market growth and stability for farmers selling replacements. When rule changes require organic purchases, we see the organic market rise to meet the challenge. We saw this with the pasture rule requirement to provide organic bedding (when roughages are used as bedding). There was skepticism, but there has been enough organic bedding materials to go around. The organic industry rises to meet necessary supply challenges when needed.

2. Procedures that certifying agents would use under this proposal to determine whether a producer is eligible for the one-time transition;

We continue to be confident in the procedures we follow to determine producer eligibility for transition. Only minor changes have been made to our Organic System Plan forms since 2015.

3. The proposed implementation approach for this rule.

- *Producers who are certified as of the effective date for any final action would be allowed to complete any transition that was already approved under their organic system plan by a certifying agent. However, as of the effective date, producers who are certified would be required to source or raise any new animals from the last third of gestation or source animals already transitioned under another producer's one-time exception.*
- *As of the effective date, producers who are new applicants for organic certification (i.e., startup organic dairies or nonorganic dairies transitioning to organic production) would be allowed to use the transition exception once when first applying for organic certification.*

In our 2015 comments, we advocated for an implementation date no less than one to two years after publication. However, since the rule has taken so long to publish, we'd now like to see it be immediately effective, though we do continue to support farmers being able to complete transitions that are already underway. While there would be some impact to MOSA's policies, changes are not significant enough to

warrant further delay to implementation. We are already working to align MOSA policies with the intention of the rule.

Thank you again for the opportunity to provide comments. In summary, MOSA continues to be in support of the proposed changes to the origin of livestock rule. Our 2015 rule edits and comments reflect suggestions to strengthen and clarify the standards proposed for change. We and our stakeholders will greatly appreciate seeing a final rule published.

Please direct any questions to Jackie DeMinter, Certification Policy Manager.

Sincerely,

MOSA Certification Team