



CHELLIE PINGREE  
CONGRESS OF THE UNITED STATES  
1<sup>ST</sup> DISTRICT, MAINE

May 2, 2019

COMMITTEE ON APPROPRIATIONS  
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HOUSE AGRICULTURE COMMITTEE  
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BIOTECHNOLOGY, HORTICULTURE, AND  
RESEARCH  
CONSERVATION AND FORESTRY

The Honorable Sonny Perdue  
Secretary  
U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
Washington, D.C. 20250

Dear Secretary Perdue:

I am writing to follow up on our exchange during the House Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies hearing on April 9, 2019. I expressed concern about the lack of a consistent origin of organic livestock standard and asked why the U.S. Department of Agriculture (USDA) has not finalized the National Organic Program's (NOP) origin of livestock rulemaking. You responded that USDA has found that "there's a good bit of division in the industry over the organic standards in dairy and doing that."

It is my understanding that:

- Between 1994 and 2006, the National Organic Standards Board (NOSB) made six recommendations related to the origin of livestock standards.<sup>1</sup> In 2006, USDA received over 12,700 public comments in response to an advanced notice of proposed rulemaking as well as a proposed rule related to organic livestock standards.
- In July 2013, USDA's Office of Inspector General released an audit report on organic dairy operations, which found that certifiers were interpreting the origin of livestock requirements differently and NOP needed to clarify the origin of livestock rule.<sup>2</sup>
- In April 2015, USDA released a proposed rule that would amend the origin of livestock requirements for organic dairy animals.<sup>3</sup> The proposed rule stated the Agricultural Marketing Service (AMS) has "determined that the current regulations regarding the transition of dairy animals and the management of breeder stock on organic operations need additional specificity and clarity to improve AMS' ability to efficiently administer the National Organic Program." The proposed rule would "create greater consistency in

<sup>1</sup> National Organic Program Origin of Livestock Proposed Rule, Federal Register, AMS-NOP-11-0009; NOP-11-04PR (April 28, 2015), <https://www.federalregister.gov/documents/2015/04/28/2015-09851/national-organic-program-origin-of-livestock>.

<sup>2</sup> Agricultural Market Service: National Organic Program – Organic Milk Operations, USDA Office of Inspector General (July 2013), <https://www.usda.gov/oig/webdocs/01601-0002-32.pdf>.

<sup>3</sup> National Organic Program Origin of Livestock Proposed Rule, Federal Register, AMS-NOP-11-0009; NOP-11-04PR (April 28, 2015), <https://www.federalregister.gov/documents/2015/04/28/2015-09851/national-organic-program-origin-of-livestock>.

the implementation of the origin of livestock requirements for organic dairy animals,” “facilitate and improve compliance with and enforcement of the USDA organic regulations,” and “satisfy consumer expectations that organic livestock meet a consistent and uniform standard.” USDA received 1,570 public comments, nearly all of which were supportive of the proposed rule.

- In 2017, the origin of livestock rulemaking was removed from the Unified Agenda of Regulatory and Deregulatory Actions.<sup>4</sup>
- In October 2018, the NOSB urged the Secretary to issue an origin of livestock final rule that incorporates public comments submitted in response to the 2015 proposed rule.<sup>5</sup>

Furthermore, at the NOSB meeting last month in Seattle, Washington, farmers overwhelmingly spoke in favor of NOP finalizing the origin of livestock rule. As you know, dairy farmers, including organic dairy farmers, are facing extremely tough times. Maine lost 130 dairy farms between 2012 and 2017, which unfortunately mimics the national trend.<sup>6</sup> We should be doing everything we can to make sure our dairy farmers are able to continue farming. For organic dairy farmers, this means ensuring they have a level playing field in the organic market.

There is widespread consensus among the organic community that the origin of livestock rule is absolutely critical to maintaining integrity in the organic label. The organic community wants fair and consistent organic standards. It is unnecessary for USDA to collect additional public comments or delay the rule any longer. In the Subcommittee hearing last month, you suggested that there is opposition to finalizing the rule. Please provide information on what opposition USDA has received to the origin of livestock rulemaking and the source of any opposition.

In closing, I urge you to finalize the origin of livestock rule immediately so that organic farmers and consumers remain confident in the organic label. Thank you for your attention, and I look forward to hearing from you.

Sincerely,



Chellie Pingree

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<sup>4</sup> The origin of livestock rulemaking was included on the Unified Agenda prior to 2017. *See* Semiannual Regulatory Agenda, U.S. Department of Agriculture (Spring 2016), <https://www.govinfo.gov/content/pkg/FR-2016-06-09/pdf/2016-12899.pdf>.

<sup>5</sup> NOSB Resolution on Origin of Livestock Rulemaking (October 26, 2018), <https://www.ams.usda.gov/sites/default/files/media/OOLResolution.pdf>.

<sup>6</sup> Census of Agriculture, U.S. Department of Agriculture (2017).