

**Congress of the United States**  
**Washington, DC 20515**

December 2, 2019

The Honorable Sonny Perdue  
Secretary  
United States Department of Agriculture  
1400 Independence Ave, SW  
Washington, DC 20250

Dear Secretary Perdue:

We write in support of the National Organic Program's Origin of Livestock proposed rule and ask that you issue a final rule that is immediately effective. On April 28, 2015 (80 FR 23455) the U.S. Department of Agriculture (USDA) published a proposed rule clarifying the requirements that organic dairy farmers must meet in order to become certified organic when transitioning dairy animals from conventional to organic production.

The existing organic regulations allow for a conventional herd of dairy animals to be raised organically during a one-year transition period where all the animals in the herd must be converted to organic at the same time and the transition can only occur as a *one-time occurrence*. After this one-time transition to organic compliance, all animals born, raised and brought onto the farm must be raised organically from birth in order for the operation to maintain its organic certification and the milk from that operation to be labelled and marketed as organic.

Despite this unambiguous mandate, a report on organic dairy compliance issued by USDA's Office of Inspector General found that some federally accredited certifying agencies were disregarding the regulations and allowing operations to *continuously transition* conventionally raised animals into organic dairy production as well as remove dairy animals born on certified operations to organic mothers and raise them conventionally and then "retransition" them into organic production after one year.

Due to the OIG's findings of the misapplication of the organic regulations, USDA issued the 2015 proposed rule on Origin of Livestock to clarify the regulations to ensure the regulations were being consistently and correctly applied. USDA received more than 1,500 comments during the public comment period and over 99% of the comments received were in support of the proposed regulations that clarified and strengthened the requirements surrounding the allowance of a one-time transition. Despite the overwhelming support by the organic dairy industry and stakeholders, a final rule was not published.

Since then, a handful of producers have exploited the lack of clarity in the regulations causing direct economic harm to the majority of the nation's organic dairy farmers that adhere to the intent of the organic regulations. The Organic Trade Association estimates that organic dairy farmers who raise their calves according to the organic standard from birth spend an average of \$600-1,000 more per calf than farmers who raise calves conventionally and transition them to

organic at one year of age. This cost differential is one of the many reasons why transition was meant to be limited as a one-time event.

As you know, U.S. dairy farmers have experienced extreme hardship over the last few years as milk prices have plummeted due to a variety of market factors. As the organic industry experienced double-digit growth over the last decade, many dairy farmers transitioned to organic as an economically viable alternative in order to save their farm. Unfortunately, the overall market conditions for dairy have affected the organic market as well. The lack of enforcement on the origin of livestock standards is one of many factors that is disrupting the marketplace for organic dairy farmers. This is why Congress took the unusual step of including the following language in the House and Senate versions of the Fiscal Year 2020 Appropriations legislation for the U.S. Department of Agriculture:

*“Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall issue a final rule based on the proposed rule entitled "National Organic Program; Origin of Livestock," in the Federal Register on April 28, 2015 (80 Fed. Reg. 23455): Provided, That the final rule shall incorporate public comments submitted in response to the proposed rule.”*

On October 1, 2019, the USDA reopened the comment period on the 2015 proposed rule for 60 days. While we are encouraged to see that the Department is taking steps to move forward on this rule, it was our clear intent that a final rule be issued and become effective as soon as possible without further delay. Additionally, any final rule must be reflective of the policies in the proposed rule that the organic industry widely supported by limiting the allowance for transitioning dairy animals to organic milk production as a one-time event.

We look forward to the issuance of a final rule on the Origin of Livestock standards. Thank you for your attention to this issue that is critical for thousands of organic dairy farmers around the country.

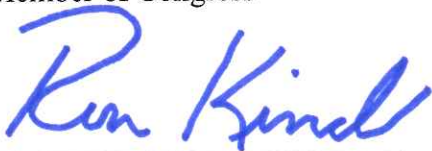
Sincerely,



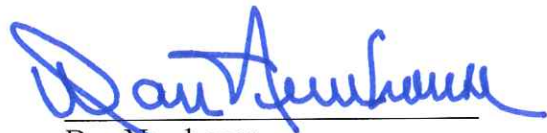
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