



July 12, 2021

Jennifer Tucker  
Deputy Administrator, National Organic Program  
USDA-AMS-NOP  
1400 Independence Ave. SW, Room 2642-S, Ag Stop 0268  
Washington, DC 20250-0268

Re: Docket No. AMS-NOP-11-0009, NOP-21-04PR, RIN 0581-AD89 for “National Organic Program; Origin of Livestock; Reopening of Comment Period”

Dear Dr. Tucker,

On behalf of the nearly 200,000 family farmers and ranchers of National Farmers Union (NFU), I am pleased to submit comments for the reopening of the comment period on the Origin of Livestock proposed rule first promulgated in 2015. NFU continues to strongly support the 2015 proposed rule, which would clarify that organic dairy farms cannot continuously transition in replacement animals and are only allowed a one-time transition of a conventional herd. Implementation of this rule will help level the playing field for all organic dairies and strengthen the integrity of the organic label.

As USDA works to finalize this rule, we ask the Department to take a pragmatic approach in addressing the “movement of transitioned animals” and “operation versus producer” issues. We also urge USDA to finalize and implement this long overdue rule expeditiously.

**I. Maintain prohibition on continuous transition**

NFU’s grassroots, member-driven policy states that we support “Requiring that all replacement animals on certified organic farms be organic in origin, without exception.” Furthermore, it states that “Replacement animals organic in origin” should be “defined as animals that have been raised

as organic at least from the last third of gestation.” Additionally, NFU supports “Strictly prohibiting transitioning certified animals in and out of organic production.”<sup>1</sup>

NFU is concerned that a small but significant number of USDA-accredited certifiers are allowing certain farms to misapply the one-time transition allowance. Some farms, year after year, are sourcing replacement heifers that were raised conventionally. This practice, which is not in keeping with the letter and spirit of the organic standards, results in a lower cost of production, putting other organic dairy farmers at a competitive disadvantage. Uneven enforcement and application of the organic standards also erodes consumer confidence in the organic label, making it difficult for organic farmers and ranchers to succeed over the long-term.

The proposed rule takes the important step of narrowing the allowance for transitioning dairy animals to organic milk production, while still allowing a one-time transition of a conventional herd. This central aspect of the proposed rule must be maintained to address the inconsistent interpretation and enforcement of current regulations.

## **II. Movement of transitioned animals and description of regulated entity**

In this reopened comment period on Origin of Livestock, AMS notes that it is soliciting views with respect to several issues, including “movement of transitioned animals” and what constitutes the regulated entity under the rule. These are important issues, and NFU asks USDA to take a pragmatic approach to resolving these matters. The regulations USDA establishes regarding these topics should be consistent with the central requirement of the proposed rule to prohibit the continuous transition of replacement animals.

## **III. Implementation Timeline**

We urge USDA to implement the proposed rule immediately, as soon as it is finalized. The need for a final rule on Origin of Livestock is overdue.

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<sup>1</sup> National Farmers Union, *Policy of the National Farmers Union*, (March 2021).

#### IV. Conclusion

NFU stands with the majority of the organic community in viewing the continuous transition of replacement animals as a breach of the organic standards, a misinterpretation and misapplication of the one-time transition allowance, and a practice that puts farmers who follow the standards at a competitive disadvantage. We urge USDA to clarify this issue by finalizing the proposed rule without delay.

Thank you again for the opportunity to submit comments. If you have any questions or would like to further discuss NFU's position, please contact Aaron Shier, NFU Senior Government Relations Representative, via e-mail at [ashier@nfudc.org](mailto:ashier@nfudc.org) or by phone at 202-554-1600. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Larew". The signature is fluid and cursive, with the first name "Rob" being more prominent than the last name "Larew".

Rob Larew  
President