

July 31, 2012

Secretary Tom Vilsack
Deputy Secretary Kathleen Merrigan
US Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250

Dear Secretary Vilsack and Deputy Secretary Merrigan:

I realize the demands that both of you have on your time, and will try to be concise with my letter. I would not write if I did not think that the subject matter was of grave importance. Nor would I write if I thought my letter would be ignored or given a token response.

The organic agriculture that I envisioned, and I'm sure you envisioned while writing the OFPA Deputy Sec. Merrigan, does not exist, at least with regard to the organic dairy sector. The organic dairy production model that I thought would develop continues to be a fleeting dream. Small family dairy farms, truly sustainable forever, face a bleak future. Given the role of organic dairy products as an entrance level commodity for new organic consumers, the impacts of the current situation are far-reaching.

What's the reason for the calamity? The failure of the USDA, through the NOP, to uphold the law. Family farmers fought for years to clarify the language in the National Rule regarding access to pasture for ruminant animals. Politics resulted in continual delays, to the point that a Pasture Symposium was held even though there was no doubt about the intent of the Rule.

With your appointments to the positions of Secretary and Deputy Secretary of Agriculture, a wave of optimism engulfed the organic community. When I was on the NOSB, Deputy Sec. Merrigan addressed the Board shortly after her appointment and stated that we were now entering the 'age of enforcement'. That continued to be the battle cry of the NOP, and a large share of the huge additions to the department budget was targeted for the Compliance Division, along with a good portion of the newly hired staff.

And yet, the organic community is repeatedly told that the NOP does not have the manpower or the financial resources to ensure that the new Pasture Rule is actually being followed. We're told that we must simply trust that the certifiers are doing their job properly. (These are the same certifiers who allowed operations that violated the law to begin with.) Secretary Vilsack and Deputy Secretary Merrigan, surely you realize the organic community can read between the lines.

What am I referring to? The fact that the age of enforcement may still exist, but once again politics has reared its ugly head. What does baffle me though is how the politicians in all the states where family farmers are being forced out of business could possibly not have as much political clout as the few whose states host the massive confinement operations.

I'm publically asking you to step in to override the influence that politicians are having on the NOP. Do the right thing. Order the NOP staff to ignore the directives from the corrupt politicians by sending qualified personnel out in the field to determine who still do not follow the law with regard to pasturing ruminant animals. Come down hard on the certifiers and the operations who continue to ignore not just the intent of the law, but now the irrefutable language of the law. Do not let politics interfere with the proper action by the NOP again.

I would also ask that the NOP be ordered to fast-track the clarification to the 'origin of livestock' section of the National Rule. Factory "organic" dairy operations continue to purchase replacement animals that are raised conventionally for the 1st year of their life, and then transitioned to organic – a clear violation of the law even though some certifiers allow the practice to continue.

Lastly, I ask that the appointment of qualified people to the National Organic Standards Board once again becomes an open process. As you know, the intent of specifying the makeup of the Board was to protect the integrity of organic agriculture. Corporations, whose sole reason for existence is to make money for their shareholders (not that there's anything wrong with that, but that objective is generally the only basis for their decision-making), do not need and should not have representation on the NOSB.

While a member of the NOSB I was constantly reminded that the law must be scale neutral. I agree Secretary Vilsack and Deputy Sec. Merrigan, but by the same token, enforcement must be scale neutral as well. The future of the USDA organic seal rests on your decision to allow the NOP to do their job, namely, to fulfill their mandate by enforcing the law. I hope you have the political courage to do what your others in your position have not. Please take my requests serious, and please act promptly.

Sincerely, and with all due respect,

Kevin K. Engelbert

Former NOSB member
Certified Organic Dairy & Crop Farmer