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ture and discussions on field management and future plans. **Mark Bradley** (USDA NOP program), **Hubert Karreman** (well know vet and member of the NOSB), **Gary Zimmer** (Midwestern Bio-Ag) and many others will make presentations and lead workshops on Friday and Saturday. There will also be many opportunities for farmers to visit the trade show, network with one another, learn about trends in the industry, and meet resource people in person.

Save the date and watch the mail for a brochure on the event; remember to check out the August newsletter and occasionally check out the NODPA website for further details as they develop.

This year, NODPA's Field Days Event is being sponsored by **Horizon Organic Dairy, Stonyfield Farm Inc., Organic Valley Family of Farms and OCPP/Pro-Cert Canada Inc. (OC/PRO Canada)**. Other contributors and trade show vendors include Upstate Farms Cooperative, King's Agriseeds and H.P. Hood. If you are interested in sponsoring this event, or making a donation to support it and NODPA's great work please contact Ed Maltby by the end of May in order to be included in the 3,000 brochures that will be mailed out. If you want to be an exhibitor and promote your product at the tradeshow, contact Ed Maltby quickly before the limited space disappears.

For more information contact Ed Maltby by phone: 413-772-0444 or email:

## NOP Issues Draft Rewrite on Dairy Replacement and Transition Rules

*By Kathie Arnold*

While a requirement for dairy replacement animals being under organic management from the last third of gestation was retained in proposed National Organic Program rules, it seems that provision will not apply to all farms, thus continuing the current double standard for dairy replacement animals unless the wording is revised. The NOP published the proposed rule in the *Federal Register* April 27 in response to the final court order in the Harvey v. Johanns lawsuit and to implement the 2005 amendments to the Organic Foods Production Act of 1990.

The Federal Register notice does confirm that if dairy producers now transitioning their farms start their one year herd transition prior to June 9<sup>th</sup>, 2006, they can use the 80-20 feed exemption. Any operations transitioning their herds after June 8<sup>th</sup> will be required to feed either certified / certifiable organic foodstuffs or 3<sup>rd</sup> year transition crops produced from land included in the organic system plan of their farm for an entire year.

The proposed rule wording specifies that "Once an entire, distinct herd has been converted to organic production, all dairy animals shall be under organic management from the last third of gestation." This leaves the door wide open for any operation that does not "convert" an "entire, distinct herd"-- appearing to still allow 'heifer ranches' to buy or raise conventional youngstock, raise them under organic management for a year and then sell them as certified organic dairy animals; allowing split operations or those who claim to have not converted an "entire, distinct herd" to not fall under the last third requirement; and not covering operations who have not "converted" animals but rather started with already transitioned or certified organic animals.

In order to level the playing field for all operations and to reflect the clearly stated intent in the 2002 rule preamble, NODPA, along with many others in the organic community, submitted comments to the NOP suggesting wording that would be unambiguous in requiring all operations to be subject to the last third requirement once certified for organic dairy production:

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## Results of NODPA Survey on Organic Dairy Replacements Mar/Apr '06

By Ed Maltby

Summary of Survey	
Number of respondents	86
Number of farmer respondents	68
Total number of cows from respondents	4,025
Highest number of cows in herd	350
Lowest number of cows in herd	20
Average number of cows in herd	59

**1. Do you think all organic dairy replacements should be organic from the last third of gestation** (the last three month's of the mother's pregnancy)? Mark one of the below.

**88%** Yes, with no exceptions or allowances (NODPA's current position)

**7%** Yes, but possibly with allowances

**4%** Yes, but definitely with allowances

**1%** No, I think organically certified dairy producers should be able to buy youngstock from non-organic sources up to 12 months prior to milk production.

**0%** No, I think organically certified dairy farms should be able to raise their own youngstock on the farm using non-organic feeds, antibiotics, and other non-organic practices and buy youngstock from non-organic sources up to 12 months prior to milk production.

**2. Rate each of the following allowances with:**

**1** if you absolutely **do not agree**

**2** if you could **maybe** accept it

**3** if you **definitely want** to see it

**Average score:**

**2.88** **Keep medical care as it currently stands**, allow only medications that are either natural or petitioned and appear on the National List, **with antibiotics prohibited** for any use.

**1.35** Allow the use of an NOSB approved **limited list of extra medications, including antibiotics**, for use on organic dairy calves and heifers up to **12 months** of age.

**1.18** Allow the use of **any medication, including antibiotics**, on organic dairy calves and heifers up to **12 months** of age.

**1.18** Allow the purchase of non-organic animals up to one year before organic milk production if suitable organic replacements can't be found (commercially available clause).

**1.19** Allow the purchase of non-organic animals up to one year before organic milk production if suitable organic replacements can't be found, **but** this provision would expire (sunset) in 3 years—i.e. in 2009, after which all replacements would have to be organic from

the last third of gestation.

**1.07** Allow all replacements on organic dairy farms to be raised non-organically (non-organic feed, antibiotics, etc) up to one year prior to milk production **and** allow unlimited purchase of non-organic animals up to one year prior to milk production. ♦

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*(3) Dairy animals - replacement stock. Once an operation has been certified for organic dairy production, all dairy animals, including all young stock whether subsequently born on or brought onto the operation, shall be under organic management from the last third of gestation.*

Given the experience of the past that shows that any holes in the wording will be exploited by those looking to follow the letter but not the spirit of the law, it is imperative that the wording be totally clear and loophole proof.

Although only 15 days were allowed for public comment, a number of entities, including NODPA, are submitting and encouraging comment on this very important issue for organic dairy. There have also been pleas to USDA to extend the very short comment period which has come at the busy spring planting season for the farm community. The proposed rule and background information can be found at [http://www.ams.usda.gov/nop/Newsroom/HarveyvJohnns4\\_06.pdf](http://www.ams.usda.gov/nop/Newsroom/HarveyvJohnns4_06.pdf)

Without a consistent standard requiring last third of gestation for all dairy replacements, allowing conventional animals to be continuously brought onto some operations puts all the organic dairy farms that are raising all of their youngstock organically at a severe economic disadvantage. The allowance for continual conversion of conventional animals damages the market for organic youngstock through reduced market demand and lower prices for organic dairy animals.

Conventional youngstock being brought onto operations also belies the trust of organic dairy consumers who expect that organic milk is coming from animals that have not been treated with antibiotics or other prohibited substances nor fed genetically modified or other prohibited feeds. 'No antibiotics' was the top concern of organic dairy consumers in the Natural Marketing Institute survey reported at the recent NOP Pasture Symposium and organic dairy products were noted as being keystone products for consumer confidence and a major steppingstone to additional purchases in other organic categories.

*Kathie Arnold farms in partnership with her husband and brother-in-law on their central NY organic dairy farm. She is policy committee chair for NODPA.*