

# NODPA News

## Northeast Organic Dairy Producers Alliance

September 2024

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Dry cows with the portable shade on a misty spring morning at Roaming Valley Farm.

### FEATURED FARM: ROAMING VALLEY FARM

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## Canadian Dairy Goes Organic

By Tamara Scully, NODPA News Contributing Writer

**T**he financial aspect of making money in the Canadian milk market differs from that in the United States. And the Canadian government's requirements for organic certification and rules governing organic production differ from those in the United States, too. But cows are cows and crops are crops, and the basics of successful organic dairy production don't change much across the Canadian border. Here's a look at one former conventional family Canadian dairy farm that transitioned to organic in 2015, providing insight into the

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## 24<sup>th</sup> Annual NODPA Field Days Program September 26 & 27, 2024

Nichols Volunteer Fire Department Hall, 106 W. River Rd, Nichols, NY 13812

By Nora Owens, NODPA Field Days Coordinator

**T**he 24th Annual NODPA Field Days returns to Nichols, NY, the site of the 5th Annual NODPA Field Days. A lot has changed since 2005. The meeting site was the closed Creamery, which has been transformed into the Engelbert's Farm Store, managed by Lisa

Engelbert, and the Engelbert's farm is now managed by Lisa and Kevin's sons, Joe and John. Come to the NODPA Field Days and see all these positive changes yourself. This location is particularly appropriate because the educational

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## ORGANIC INDUSTRY NEWS

## Message from NODPA Co-Presidents

### Are you ready for a farm transfer?

How do you get ready for a farm transfer? How do you motivate the next generation? How do you let go? All these and more questions will be discussed at the NODPA Field Days in September. Hopefully you will come away with some real good ideas on how to begin the process of thinking about passing on what we stewarded so long.

Let's hit some basics that will be covered at the meeting:

1. Sit down with the people you want to transfer your Farm to and talk it over. Ask what their vision is for their future and explain to them your vision for retiring and the farm's future without you.
2. All this needs to be reiterated to those who help you work on the details.
3. Then find another project to keep you motivated for life. This can be a daunting task. Finding something that suits your

easier schedule and the abilities that you still have left is not easy. Getting old, like they say, is not for the faint of heart.

4. Remember that the most important part of a farm transfer is having something to transfer--meaning a profitable farm. Keep that in mind as you make decisions for your farm. Even if your transfer is ten years away, it's not too early to start planning.
5. Listen to the good line-up of speakers sharing useful information on this important topic at the upcoming NODPA Field Days (see more information about it in the middle section of this newsletter or online at <https://nodpa.com/p/132/2024-NODPA-Field-Days>).

If you love your farm, your family, and your soil, you'll be concerned as to who will steward it in the future. You have one shot at this so educate yourself on how to give it your best shot.

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## ORGANIC PRODUCTION



## Ask the Vet

Dayna Locitzer, DVM

*Meloxicam may soon be allowed for use in organic dairy. What is it, and how do I use it?*



It is a very exciting prospect that meloxicam might soon be allowed for use in organic dairy! This is an important pain medication that will expand the medical toolbox we have for treating organic cows. Meloxicam is a non-steroidal anti-inflammatory drug (NSAID) that is used in a variety of different ways on conventional dairies to improve animal welfare by helping to manage pain. Currently, the only other NSAID allowed for use in organic dairy is flunixin meglumine (more commonly known as Banamine), but because of slight differences in chemical composition they have different uses. Approving meloxicam will provide more options and, I think, better care for our dairy cows.

Currently, the only form of meloxicam that we can use in dairy cattle in the United States is an oral tablet obtained through a veterinary prescription. The medication typically comes in 15mg tablets. The dose for a cow is 1mg/kg, so that means a 1,200lb (545kg) Jersey would need 545mg, or 36 pills. While that might seem like a lot, I have easily administered this many pills to cows in a variety of different ways. I have sandwiched them between a bagel, I have cored out an apple and filled the center with pills, but most conveniently I have filled empty cow bolus gel capsules and used a balling gun to administer.

Meloxicam is used on conventional dairies for pain management after diagnosis of a known painful condition. It is most commonly used for pain associated with disbudding calves. When using cautery to remove horn buds on calves, 45mg of meloxicam can be administered to provide pain relief after the lidocaine nerve block has worn off. Additionally, it is becoming more common to use meloxicam in lactating animals since there has been a researched milk withhold established. Meloxicam has become the pain medication of choice for difficult calvings (for the cow and the calf) and for musculoskeletal injury.

There are important reasons why meloxicam is used over flunixin in the aforementioned situations. While they are both good at pain management, their different properties lend these two drugs to different uses. Meloxicam is what is known as a COX-2 inhibitor, meaning the inflammation that it inhibits is

more specific and targeted. This means that meloxicam does not have the unwanted side effects of stomach upset, uterine malfunction, and kidney damage that flunixin has. For example, a difficult calving can be very painful for a cow, and it would be beneficial to treat her pain. Flunixin has proven to cause increased risk of retained placenta and delayed time to uterine involution. Meloxicam has none of those side effects, making it a useful drug in that situation. Meloxicam also has a longer duration of action, so one dose can last up to 4 days versus an injection of flunixin, which is effective for no more than 24 hours. Flunixin also must be administered intravenously. This is in contrast to the oral administration of meloxicam, a potentially more convenient route.

While there is exciting potential if meloxicam were to be approved, it is also important to understand the limitations of this medication. On conventional dairies, the milk withhold for meloxicam is 5 days and the meat withhold is 21 days. The current proposal for organic milk and meat withhold is 10 days and 42 days respectively. This is in contrast to flunixin, which has a milk withhold of 72 hours and meat withhold of 8 days on organic farms. Flunixin is also a better medication for conditions such as fever, colic and toxic mastitis. This is because flunixin is an effective fever reducer, can calm GI spasms, and has powerful anti-endotoxic properties. And it is important to note that meloxicam does not have a label for food animals and any use of it would be “extra-label”. This means that it is very important that the use of this drug needs to occur in close concert with veterinary direction.

Good animal welfare is a central tenet of organic dairy, as is the exclusion of harmful chemicals, hormones, pesticides and antibiotics. The inclusion of meloxicam among the products approved for organic dairy will enhance animal welfare without violating these important standards. Should meloxicam receive the green light for organic, this change would be welcomed by the veterinary community, so please let your practitioner know when it happens! ♦

*Do you have a question for Dr. Locitzer, or an area you'd like her to focus on in future issue? Please send them to the NODPA News editor, [noraowens@comcast.net](mailto:noraowens@comcast.net) who will share them with her.*



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## ORGANIC INDUSTRY NEWS

## How Does Meloxicam Get Approved by the National Organic Program (NOP) and the National Organic Standard Board (NOSB)

By Ed Maltby, NODPA Executive Director

On February 6th, 2024, four employees of organic dairy buyers/brands/manufacturers petitioned the NOP to add Meloxicam (a non-steroidal pain reliever) to the National List, as a synthetic substance allowed for use in organic livestock production. This drug would be listed under the Organic Foods Production Act, (OFPA) category *Livestock parasiticides and medicines*. In the petition, the use of Meloxicam was centered on dehorning of calves and the need to improve the products available to minimize and relieve the pain of the animal during the process. This petition started the NOP process of consideration that is given to every request to be added to the National List. NOP states that this process will usually take at least a year; it usually takes longer. The subject of many media stories, and questions from the media to NODPA, about whether organic products are free of chemicals, is the questioning of the many chemical additives allowed in certified organic production and the transparency of the process that permits those drugs. The integrity of the Organic Seal is tied

to the transparency of its process, especially in rule making and use of products in production.

The National List outlines what non-organic substances may be used in organic production and handling. It is organized according to three scopes: crop (§§ 205.601 - 205.602), livestock (§§ 205.603 - 205.604), and handling (§§ 205.605 - 205.606) (processing). In general, nonsynthetic (natural) substances are allowed unless specifically prohibited and synthetic substances are prohibited unless specifically allowed. In organic production, nonagricultural synthetic, nonagricultural non-synthetic (natural), and non-organic agricultural substances are only allowed if included on the National List. Some substances on the National List include annotations which restrict how the substance is used.

On receiving the Meloxicam petition, the NOP reviewed it to determine whether the petition was complete. NOP determined Meloxicam is eligible for petition under the OFPA and its implementing regulations and the proposed use is approved



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## ORGANIC PRODUCTION

## How Does Meloxicam Get Approved

- continued from page 1

under the statutory and regulatory authority of the Environmental Protection Agency (EPA), the Food and Drug Administration (FDA), or another applicable appropriate federal agency. NOP completed their review and determined the petition was complete.


They passed it to the NOSB Livestock Subcommittee (LS) Chair for the next stage of the process. At their meeting on 3/19/2024, the LS assigned two members to lead the committee in discussion as to the petition's sufficiency and the need for a Technical Review (TR) by independent experts. A TR is not required for each petition or sunset review, but the subcommittee must follow certain steps in deciding the need for a third-party expert. The steps include determining whether the subcommittee has the expertise needed

to address the questions related to the petition, the impact on the environment, human health, and sustainability plus compatibility with organic principles. Two advantages of a TR are, first, it takes a work burden away from the NOSB members who volunteer their time and allows them to concentrate on other NOSB work, and second, the TR provides transparency and independence in a report that can be referred to in future years. At their subcommittee meeting on 6/4/2024 the committee determined they would not need a TR. The petition was not discussed at either of the next two Livestock sub-committee meetings on 6/18 and 7/16/2024. On 8/6/2024 the committee made a recommendation to approve the petition

At the time of writing this article (8/30/2024), the NOP has today published more subcommittee notes and their final recommendation. The sub-committee plans to make a proposal to the full NOSB committee at the upcoming NOSB meeting in October in Oregon to approve the use of the drug for all livestock. Comments must be submitted to the NOP by September 30. Depending on that vote, the recommendation will be passed to the NOP for further action on rule making.

### Questions on the Petition

Most organic dairy producers welcome the addition of Meloxicam to the basket of products they can use, especially its reputation for providing longer lasting pain relief at times of stress for livestock and the ease of application. There are many requirements under the NOP regulations on animal welfare. Meloxicam will greatly assist producers in reaching the high standards



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## ORGANIC INDUSTRY NEWS

required by organic certification and by their own commitment to their animals.

Producers and other stakeholders are concerned about organic integrity and the confidence of consumers in the NOP and third-party certification. In a marketplace that is full of imitations, the organic seal must remain the gold standard to ensure the retail premium that can fund a sustainable pay price for producers and their families.

Having read all 501 pages of the petition (some of which made me wish that I had paid better attention during my science classes at school), and the 5 pages of the Livestock Subcommittee review and recommendation, there are many questions that the petition and the LS do not answer satisfactorily. This is not a criticism of the petition presenters or NOSB members but more their choice to include the use for all livestock. What might have been relatively simple to annotate its use for organic dairy livestock under one year of age (as the petition's proposed use suggested), it becomes very complicated by its inclusion as a multi-species proposal that would include sheep, goats, swine, lactating and mature cattle, and pregnant livestock.

- The LS chose not to ask for a Technical Review. With such a wide-ranging recommendation for the use of the drug and consumer perception of the NOP process, this was a mistake. The report by the LS highlighted the lack of qualification of the LS in making a recommendation. The LS used the research provided by the petitioners as the basis of the reply to the petition and recommendation. There were many parts of the recommendation copied from the petition as justification of the LS recommendation.
- There is limited research on the effect of the drug's use on livestock rather than humans and pets, even though conventional veterinarians widely use it. The withdrawal time for milk has only recently been researched and determined. There is no recommendation from the LS for withdrawal times for use in lactating livestock.
- The lack of research of the drug is emphasized by the fact that it is not recommended for use in livestock and needs a veterinarian prescription to purchase the drug for off-label use. A veterinarian prescription does nothing to safeguard the use of drugs. Veterinary drugs requiring prescriptions can be purchased from websites the same as human drugs can. While this is common in the treatment of livestock, it does not

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## ORGANIC INDUSTRY NEWS

guarantee responsible use of the drug. The petition showed examples of The FDA National Residue Program (NRP) reporting positive Meloxicam residue samples in domestic livestock (1 bull and 3 dairy cows) tested at slaughter in the US at least as early as 2016. The petition cited an example of its use in calves by a farm employee as a regular procedure for scours, which caused a positive test for the drug in the kidney of the carcass when the calf was slaughtered rather than kept for further production by the farm.

- The recommended withdrawal time for meat from organic livestock is based on common practice rather than science specific to the drug. The recommendation is for double the established withdrawal times used in conventional production. Dosage of Meloxicam is based on the weight of the animal which becomes more difficult with multiple species. A long withdrawal time is exceedingly difficult to monitor and enforce, especially as the cost of maintaining the animal during that time under organic production may be prohibitive.
- The petition lists its side-effects in humans, “Side-effects can include abdominal pain, dizziness, swelling, headache, rash,

heart disease, stroke, kidney problems and stomach ulcers. It is not recommended for use in the last trimester of pregnancy. The oral form is not recommended for cats.” Should use in livestock have the same restriction for the last trimester of pregnancy? Is the withdrawal time sufficient to protect humans who drink certified organic milk and eat certified organic meat?

Sometimes less is more and we must “think critically so that productivity and urgency, does not lead us to barreling ahead with the risk of making irreversible damage” (National Organic Coalition draft community agreement). There is an identified and researched need for the use of Meloxicam to prevent pain and suffering during de-horning of young calves who are not close to entering the food system. There is a good case for the use of Meloxicam in other species of livestock, but we are currently lacking the research that there is no harm to humans or other species. In fact, we have proof that in conventional use, traces are found in consumer products and that there are side-effects for humans. The NOSB subcommittee decided not to ask for an independent assessment with a Technical Review of this increasingly complicated, unlimited use of the drug in all livestock, no matter age or species.

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## ORGANIC INDUSTRY NEWS

The NOSB would better serve all of the organic community with a recommendation that Meloxicam is listed on the National List with a annotation (restriction) that it is just for use in dairy and beef cattle under the age of one year with a withdrawal time of 3 months. This does not stop the NOSB or the petitioners from recommending increasing the parameters of its use in the future. In fact, it has been done many times for different products as we accumulate more knowledge and research.

**Timeline of review of the petition by the NOP and NOSB from NOSB published notes** (notes are not edited except to remove initials of names).

**2/6/2024 USDA NOP receives petition** from Meggan Hain, Animal Care Specialist and Managing Veterinarian, CROPP Cooperative/Organic Valley/Organic Prairie; Megan Sutton, Associate Manager-Regulatory, Horizon Organic Dairy; Britt Lundgren, Senior Director of Sustainability and Government Affairs, Lactalis/Stonyfield Farms; and Dr. Juan Velez, Chief Agricultural Officer at Aurora Organic Dairy.

NOP determines the petition is complete.

**3/19/2024 Meloxicam petition -assign lead/discuss.** The NOSB received a petition for meloxicam. The petition came from a group of veterinarians, not a manufacturer.

**4/2/2024 Meloxicam -Petition sufficiency and Technical Review (TR) determination.** The Livestock Subcommittee (LS) members briefly discussed the petition for meloxicam, noting that it is FDA approved, and has no known side effects.

**4/16/2024 Meloxicam -TR determination.**

The lead reached out for feedback from a veterinarian about possible excluded methods used in the manufacture process. The leads do not think there is a need for a TR, but would revisit if there was space for an additional TR. The petition was thorough and Board member background and expertise, combined with feedback from stakeholders and veterinarians; they are going to move forward with a proposal. A member emphasized the need to justify why they would not request a TR for a new petitioned material.

**5/21/2024 Not on their agenda**

**6/4/2024 Meloxicam:** The leads compiled a review of the petition using the evaluation criteria as a guide, to assist the LS in its

determination about requesting a new TR. Members view the petition as thorough and comprehensive, providing all the appropriate information they needed to make a decision. However, they will confirm materials used in manufacturing do not raise concerns about excluded methods. The Subcommittee will proceed to a proposal and will discuss and vote at a future call.

**6/18/2024 Meloxicam:** Not on the agenda

**7/16/2024 Meloxicam.** Not on the agenda

**8/6/2024 Meloxicam.** The lead summarized the petition which was submitted by a cohort of veterinarians. Meloxicam is used as a pain management tool. It is a chemical formulation and does not involve the potential use of excluded methods, has no environmental concerns based on manufacturing, and appears to be needed by the industry. In lieu of requesting a TR, the leads included additional information gleaned from personal research and the petition, and felt they had all the information they needed. The co-lead highlighted the language about the use of this material under the order of a veterinarian. The LS moved to a vote.

Motion to classify meloxicam as synthetic Motion by: NPP  
Seconded by: KH Yes: 5 No: 0 Abstain: 0 Recuse: 0 Absent: 0

Motion to add meloxicam to the National List at § 205.603(a)  
Motion by: KH Seconded by: NPP Yes: 5 No: 0 Abstain: 0 Recuse: 0 Absent: 0 ♦



## ORGANIC INDUSTRY NEWS



## The Summer the Supreme Court Tore Up the Rules: What it Means for the Future of Our Food and Planet, and Why Public Interest Advocacy is All the More Vital

By George Kimbrell, Co-Executive Director & Legal Director, Center for Food Safety

*Blog article, 8/12/24, reprinted with permission.*

The Supreme Court's current conservative supermajority is not shy about overturning long-established settled law using extremist approaches to constitutional interpretation. This Court has upended substantial societal interests, endangering civil liberties and public protections. You're probably aware of some of the more seismic changes in recent years: Overturning *Roe v. Wade*, eliminating a half a century of legal precedent and the constitutional protection of women's bodily autonomy; repeatedly gutting protections for voting rights and preventing election gerrymandering; radically expanding gun rights; weaponizing the First Amendment to discriminate against same-sex couples and LGBTQ+ protections; upending equal protection law to end affirmative action in college admissions; and making it harder for the government to address climate change and protect wetlands, to name a few. Most recently, creating sweeping new presidential immunity from criminal prosecution.

What you might not know is that last month an end-of-term flurry of Supreme Court opinions you might not have heard of

caused an equal earthquake, shifting bedrock U.S. law, in yet another area: administrative and regulatory law. These decisions, lumped together in a matter of days, involved important albeit dry—and less media-friendly—topics, but nonetheless will work a sea change in how the governments regulates all manner of important subjects, including the food system, everything from environmental and public health protections to food safety and ingredient labeling.

### The End of the Chevron Doctrine

First is the Court's overturning of the Chevron deference doctrine in the *Loper Bright* decision. Chevron was a cornerstone of administrative law and procedure for forty years, covering thousands of cases. An easy way to think of it is that, in litigation that involved government rules and regulations, under the Chevron framework, the legal scales were tipped towards the government agency, or that a "tie" went to the agency. Now think of any definitional inquiry: what counts as an environmental "pollutant"? Or what qualifies as a food ingredient that is "generally recognized as safe"? Is a factory farm manure lagoon's



## ORGANIC INDUSTRY NEWS

runoff into groundwater creating industrial or hazardous “waste”? If the court thought the law’s wording and instruction to the agency clear on its face, that was the end of the inquiry. However, if the particular wording was ambiguous, then a judicial thumb was placed on the scale in the agency’s favor and its view deferred to if reasonable. No longer: on June 28th, the Supreme Court ruled that federal courts may not defer to an agency’s interpretation of an ambiguous law.[1] Now, rather than the agencies Congress empowered to implement the law, it will be the federal courts that have the final say on the best meaning in such cases.

The result is a dramatic redistribution of power from the executive branch (the agencies) to the judiciary. Agency decisions applying federal law will come down to the courts’ views on the disputed question, no matter how big or small, or how policy, scientific, subject matter, or expertise-laden these issues are, from decisions on workplace health by the Occupational Safety and Health Administration to student loans from the Department of Education. The list of food and agriculture regulation issues implicated is long, but could include everything from: food safety, ingredient labeling, and dietary supplements at FDA; to meat and poultry safety, organic food standards, and GMO labeling at USDA; to pesticides, PFAS, and slaughterhouse pollution at EPA; and many more.

### Ending the Statue of Limitations

While Loper Bright got the most press, the Supreme Court decision with arguably broader ramifications was issued just one business day later in Corner Post. This decision also incinerated a foundational pillar of administrative law: the deadline to bring a court challenge to an agency decision. Most administrative law cases—the cases dealing with rules and regulations for the protections for consumers, workers, food, drugs, the environment—must be filed within six years of the rule’s issuance (there are exceptions that require a challenge be brought sooner in some cases). After those first six years, any stakeholder who wanted to challenge a regulation was out of time and out of luck.

But in Corner Post, the Supreme Court changed the rules: the clock no longer starts when a rule is issued – instead, it doesn’t “accrue,” or start, until an entity is first affected by the regulation. So, a company incorporated in 2025 would have until 2031 to challenge any existing regulation of its operations, even if the rule had been on the books for decades. Instead of having one statute of limitations for a rule with a clear deadline running from the rule’s publication, we now have an indefinite time to challenge agency actions. And it’s easy to form a new corporation, and skirt even this new “deadline.”[2]



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## ORGANIC INDUSTRY NEWS

The blast radius from Corner Post is expansive: there is effectively no longer any limitations period to challenge agency regulations, and litigants can create new entities or find new plaintiffs whenever they miss a statutory deadline. This creates considerable uncertainty for agencies, interested parties, and society, where any rule in the federal code can perpetually be challenged by new plaintiffs.

But that's not all. Two other new decisions warrant mention. The June 27th decision in *Jarkesy*, one day before *Loper Bright*, held unconstitutional the Securities and Exchange Commission's (SEC) internal enforcement mechanisms for securities fraud. These are often handled using an administrative law judge in agency proceedings, instead of full-blown federal court trials. Such agency hearings are used because they are more efficient than taking all disputes to federal courts, which move more slowly, among other benefits. Now, enforcement proceedings seeking civil penalties will have to be undertaken in federal court instead. While the facts of the case were limited to the SEC, its reasoning and fallout will topple all similar agency enforcement proceedings utilized by many other agencies. As Justice Sotomayor noted in her dissent, there are over two dozen federal agencies and over 200 statutes that currently utilize similar proceedings, including those that enforce against health, environment, and worker safety violations.

Finally, also on June 27th the Court stopped the EPA's plan to address air pollution that drifts across state lines under the Clean Air Act, known as the "good neighbor" plan. *Ohio v. EPA* is noteworthy not just for its unfortunate pollution consequences but also because of its reasoning: it issued the extraordinary relief of halting the plan pending further lower court review simply because EPA had not properly responded to commenters' questions during the process and thus the plan was not "reasonably explained." Reversal of agency action is normally judged by whether it is "arbitrary and capricious," a standard of review that some courts have interpreted as a high bar, which the decision in *Ohio* lowers.

In conclusion, combining *Loper Bright* and *Corner Post*: deference to agency interpretations concerning their authority was one limitation on challenges to agency decisions; a fixed statute of limitations tied to the agency action's publication was another. The Supreme Court just detonated them both. The doors now are open to future challenges, leaving the courts to unilaterally decide the fate of agency decisions. *Ohio* is a new example of courts halting government action for failure to follow proper processes. And the government's ability to itself watchdog and enforce violations of laws protecting health and the environment in its usual manner is now crippled by *Jarkesy*, again moving what had been executive authority to the judiciary.



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## ORGANIC INDUSTRY NEWS

Unsurprisingly, each of these decisions was decided on ideological lines 6-3, with Justices Kagan, Sotomayor, and Jackson writing apoplectic dissents. As these dissents make clear, these decisions will undoubtedly make it harder for the federal government to promulgate, implement, and enforce rules and regulations needed to govern in the 21st century, to protect workers, the environment, and our food. Indeed, that's the point: to dismantle the modern administrative state and shrink the federal government.


### The Path Ahead

The overarching solution naturally centers around winning elections and officials with the political will to make the changes necessary. Congress could overturn Loper Bright and Corner Post, as well as fix Jarkesy. More generally, agencies have been squeezing blood from statutory stones for decades, applying environmental protection laws passed in the 1970s to try and address 21st century challenges. We are far overdue for a new wave of legislation such as the Green New Deal to address climate change, industrial agriculture, and other challenges requiring fundamental paradigm shifts. Perhaps this new cutting back on agencies' flexibility to address problems through rulemaking will create new pressure and break the legislative logjam. Further, whoever is president the next 8 years will likely replace 2-4 justices, which could swing

the Supreme Court dramatically, as well as populate lower court appointments, with resulting progressive shifts in the law.

In the meantime, the Court's tearing up of the administrative law rulebook creates significant opportunities for and the increased necessity of public interest advocacy and litigation. We must make lemonade out of lemons and use the opportunities presented to advance the public interest.

First, while Loper Bright makes it harder for agencies to defend doing good things, it should also make it easier to challenge when they do bad things. And we know that in many areas the problem of "regulatory capture" at agencies is so bad that even in Democratic administrations, the agencies do not prioritize protection of health and the environment. Pesticide and GMO regulation would be easy examples. Agriculture exceptionalism makes it such that—for all of Industrial Agriculture—you could say this agency capture is the default. Now, bad rules that cause environmental and health risks from industrial agriculture based on an agency's interpretation will no longer get deference from the courts. What "costs" to farmers and the environment can agencies ignore when they register pesticides? No deference, court decides. Can a new aquaculture industry be put in the ocean without new congressional authorization? No deference, court decides. Can




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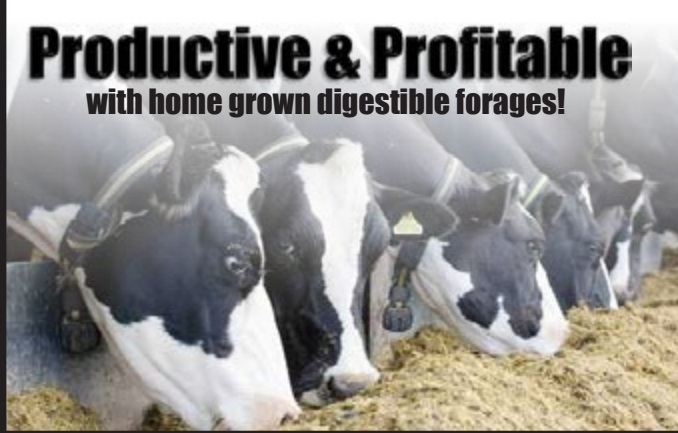
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## ORGANIC INDUSTRY NEWS

USDA exempt GMO foods from labeling because they are “highly processed”? No deference, court decides. Can a factory farm cause pollution to rivers simply because the pollutant travels through the air? No deference, court decides. And so on.


Second, after Ohio, what we submit to agencies in rulemaking can no longer be ignored, making detailed legal and scientific administrative filings, as well as broad public “take action” campaigns, even more important.

Third, Corner Post provides unprecedented opportunities to challenge dusty agency decisions previously unassailable. There are many bad agency decisions from past decades causing harm to the environment, risks to health, and engraining industrial agriculture, that are newly vulnerable to being litigated and corrected.

Finally, Jarkesy will make it harder for agencies to police violators, making outside enforcement by third parties more vital. Many core environmental and health laws have “citizen suit” provisions that allow for exactly this type of substitute enforcement action, and they are one of the main tools of the public interest community. This includes enforcing water pollution from factory farms and slaughterhouses, and harm to endangered species from pesticides



and monocultures. Those watchdog efforts will now become all the more important.

- [1] Loper Bright itself was about an ocean fisheries management decision by the National Marine Fisheries Service regarding the Atlantic herring fishery vessel fees, but the facts of the case are secondary to the new legal principle it enshrines for all agency actions and all federal agencies.
- [2] As with Loper Bright, what matters in Corner Post is the new legal principle set forth not the specific facts, but its own facts illustrate the hypothetical above is anything but unforeseeable. The case was about the regulation of debit-card transaction fees by the Federal Reserve Board. A 2011 regulation capped such fees charged by businesses, and several large trade groups sued. When it became clear that the trade associations were time-barred by filing ten years after the regulation was passed, they added a small convenience store, Corner Post, that opened in 2018, but otherwise made identical claims as before. As the dissent explained the case is the “poster child” of the type of gamesmanship now invited. ♦



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## ORGANIC INDUSTRY NEWS

**What's the Deal with Measure J in Sonoma County, CA?**

By Ed Maltby, NODPA Executive Director

Supporters and opponents of the measure are gearing up for a fight that will determine the future of agriculture in Sonoma County, CA (and maybe the world).

The ballot question named Measure J is: *"Sonoma County prohibition on concentrated animal feeding operations. Should the County Code be amended to prohibit, outside of the Coastal Zone, farms and other animal production operations that meet the definition of 'Concentrated Animal Feeding Operations' (CAFOs), as defined by federal regulations, require phase out of existing CAFOs over three years, authorize daily financial penalties for violations and require, among other things, the Agricultural Commissioner to create a job retraining program for CAFO workers?"*

The measure has the 19,746 signatures needed to reach the ballot. Passing the ballot would force a dozen or more major organic and conventional dairy, meat and egg operations to reduce the size of their operations, forfeit millions of dollars in revenue or shut down entirely. Measure J would make illegal all large and medium-sized Concentrated Animal Feeding Operations (CAFOs). Measure J uses the Environmental Protection Agency's definition of a CAFO, which is determined by how many animals are confined

for at least 45 days over a 12-month period. Considering winter storms and high summer temperatures, many substantial livestock businesses—even smaller operations—in the county, and country, fit these criteria. Farms with 1,000 or more cattle or cow/calf pairs are designated as a Large CAFO and a medium CAFO is 300-999. Farms with 700 or more mature dairy cattle are a Large CAFO and those with 200-699 are a medium CAFO.

Organic and conventional farmers in the area are concerned that, if successful, this could be replicated nationally. The proponents of the measure are trying to create a double regulation using EPA rules based on CAFO and AFO (AFO are EPA designated Animal Feeding Operations) standards. Passage of the measure would mean anybody can sue a farm because of their perceived violation(s) of the Clean Water Act. Farms are already regulated by the California Department of Water Resources, and this would double the regulation and encourage wasteful lawsuits.

For more information, please go to: <https://www.noonmeasurej.com/> or contact the Sonoma County Family Farmers Alliance, 3589 Westwind Boulevard, Santa Rosa, California 95403. ♦

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# 2024 NODPA Field Days

## DEMYSTIFYING SUCCESSION PLANNING FOR ORGANIC DAIRY

September 26<sup>th</sup> & 27<sup>th</sup>, 2024

- Guest Speakers
- Farm Tours

### 2024 NODPA FIELD DAYS

*continued from page 1*

program is all about transitions, especially about farm transitions and transfers. Whether you are anticipating retiring, looking to take on the family farm, or seeking creative ideas about transferring your farm outside of the family, there will be important information and resources for you. Best of all, there will be farm families that will be sharing their first-hand experiences and offering solid advice. There's still time to register, so please visit <https://nodpa.com/p/132/2024-NODPA-Field-Days> for more information and to register. See you in Nichols!

- More information on page 18



Our meeting will be held at Nichols Volunteer Fire Department Hall, 106 W. River Rd. Nichols, NY 13812

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## 2024 NODPA Field Days

### SCHEDULE Thursday, September 26, 2024

8:30-11:30

## Farm Tour

**Madeline and Bruce Poole**  
**MK Dairy LLC**

**5932 Waits Road, Owego, NY 13827**

Madeline, Bruce and their three young children farm MK Dairy in Owego, NY, an organic dairy farm that Madeline's grandparents started in 1943. Since 2017, Madeline and Bruce have been in the process of acquiring the farm from her parents. The generational transfer process has included purchasing, over time, the land from her parents, and by 2026, they will own over 500 acres with 230 additional rented land. Come visit the farm and learn about the complex process of this generational transfer and learn of their farming practices.

3:30- 4:30

***Building Your Team: the nuts and bolts of assembling a team of professionals. Who to include, when and why, and the costs to expect; plus where to look for financial assistance.***

Presenters: Ted LeBow, Kitchen Table Consulting, Jen Miller, NOFA-VT Farmer Services Director, and Chris Anderson, Nordic Geo Solutions.

4:30- 5:30 **Trade Show and Social Hour**

5:30 - 7:00 **NODPA Annual Meeting and Banquet**

7:00 - 8:30 ***Sharing our Succession Experiences: a facilitated discussion with farmers and families at all stages of the succession process.***

Presenters: Klaas Marten and Zach Pizzenti (invited), Marten Organic Dairy, Penn Yan, NY, Dave Johnson, Provident Farm, Liberty, PA, Henry Perkins, Bison Ridge Farm, Albion, ME and Jacki Perkins, MOFGA Organic Dairy and Livestock Specialist, Unity, ME, and Roman Stoltzfoos, Spring Wood Organic Farm, Kinzers, PA.

8:30 p.m. **Program ends**

Noon - 1:00 p.m. **NODPA Field Days Registration and Lunch**

Nichols Volunteer Fire Hall, 106 West River Road, Nichols, NY 13812

1:00 - 1:30

***The State of the Organic Dairy Industry in the Northeast and the importance of succession planning now.***

Presenter: Ed Maltby,  
NODPA Executive Director

1:30 - 2:30

***Where to Start? The most important questions to be answered to get started, and why this is a critical time to begin.***

Presenter: Ted LeBow, CEO, Kitchen Table Consultants, Bala Cnwyd, PA

2:30 - 3:30

***What Does the Succession Planning Structure and Process Look Like?***

Presenters: Christopher Anderson, Nordic Geo Solutions, Southern Tier, NY, Madeline Poole, MK Dairy, LLC, Owego, NY, and Liz Bawden, Bawden Family Farms, Hammond, NY

Visit the NODPA Field Days webpage at

<https://nodpa.com/p/132/2024-NODPA-Field-Days>

to read more and register today,  
or, scan the QR Code below.





## 2024 NODPA Field Days

### SCHEDULE Friday, September 27, 2024

6:30 – 9:00 am	<b>Continental Breakfast:</b> Nichols Volunteer Fire Hall	1:15	<b>Travel to Engelbert Farms, 182 Sunnyside Road, Nichols, NY 13812</b>
7:00 – 9:00	<i><b>Producer-only Meeting: A meeting in which producers can speak freely about all things related to the organic dairy industry</b></i>	1:30	
9:00 – 10:30	<i><b>Setting up Your Farm Business for a Successful Transfer: financial planning, analysis, and management for generational profitability.</b></i> Presenters: Jen Miller, NOFA-VT Farmer Services Director and Sarah Flack, Sarah Flack Consulting, Northern Vermont		
10:30 – 11:30	<i><b>The Plain Community Succession Planning and Farm Transfer: within families and farm transfers from outside the community.</b></i> Presenters: Nathan Weaver, Windhover Farm and Alex Weaver, Grunen Aue Farm, Canastota, NY, George Wright, Wright Dairy, Hermon, NY, and Sarah Flack, facilitator.		
11:30 – Noon	<i><b>NODPA Field Days Farm Tour: Engelbert Farms Nichols, NY 13812. An introduction to the Engelbert's and their family farm. Joe and John Engelbert</b></i>		
Noon – 1:00 p.m.	<b>Lunch;</b> door prize drawing, final announcements		

## Farm Tour

**John and Joe Engelbert**  
**Engelbert Farms**  
**182 Sunnyside Road,**  
**Nichols, NY 13812**

Engelbert Farms, LLC is a certified organic dairy farm and a true family farm, farming in the same location since 1911. Kevin, Lisa and their sons, Joe and John, all actively work on the farm, with Joe and John managing all aspects of the farm these days, following their successful generational transfer.

The Engelbert's were the first certified organic dairy farm in the United States and have been farming organically since 1981, and have been certified organic since 1984. They joined CROPP Cooperative and started shipping milk to Organic Valley in August 2001. The Engelberts own over 600 acres and rent over 550 additional acres for crops. The Engelberts will be on hand to lead this tour and describe their farming practices and share their generational transfer story.

### NODPA FIELD DAYS SUPPORTERS





## 2024 NODPA Field Days

### SPEAKER SPOTLIGHT

#### TED LEBOW

Ted LeBow is a serial entrepreneur. His first business venture (in 1980) was a farm in Idaho where he bought his first tractor, signed his first loan with the Production Credit Association and started waking up in the middle of the night worrying about the rain ruining his hay crop. He graduated in 1989 from Cornell University School of Agriculture with a Business Management Degree. He's run eleven small businesses, six of which he owned all or part of. Since 2008, he's grown two small business management consulting firms. As of 2017, JRI Consulting and Kitchen Table Consultants have served over 200 small businesses. Ted is currently focused on building Kitchen Table Consultants (which he co-founded)—a practice that serves sustainable food and farm related companies. He and his team are an Entrepreneur's Best Nightmare. Ted has worked with farm families who are in the midst of succession planning, many of whom admit they couldn't have made the transition without him.



**Ted LeBow**

#### CHRISTOPHER ANDERSON

Christopher Anderson is the owner of Nordic GeoSolutions, LLC, and is an Accredited Rural Appraiser with the American Society of Farm Managers and Rural Appraisers, a New York State Certified General Appraiser, and farm business consultant. He began his agricultural career as a herdsman on a small dairy in the Southern Tier of New York in 1994, worked as a feed salesman in Northeast Pennsylvania from 1995 to 1997, then started with the Farm Credit system. He has been appraising farm, agribusiness, commercial, and industrial properties since 1997, and began working with farm families on tax, estate, and succession issues in 2002. Chris had multiple roles within Farm Credit, including senior appraiser, business consultant, tax specialist, team leader, and loan officer. He also became an FAA-licensed commercial remote pilot for small unmanned aircraft systems (i.e., drones), and worked with geolocated 3D imagery, photogrammetry, aerial photography, and multi-spectral crop analysis. Chris began his own business in 2021, offering appraisal, estate and succession consulting, and geospatial services. In working with farm families on estate, succession, and retirement planning, he believes firmly that the estate and succession planning process can be one of bringing families together. Chris is pursuing his PhD in Geographic Information Science at Texas State University. He lives in Marathon, NY.



**Christopher Anderson**

#### JEN MILLER

Jen Miller is the Farm Business Development Program Director at NOFA-Vermont and provides in-depth business and transfer planning services to farmers, supporting them in reaching their financial, production and quality of life goals. Jen also implements the Vermont Organic Dairy Cost of Production project which aggregates financial and labor efficiency benchmark data for organic dairies on an annual basis.



**Jen Miller**

#### SARAH FLACK

Sarah is an author, consultant, and speaker specializing in grass-based livestock farming systems. She is passionate about helping farmers find ways to be financially viable while caring for both their land and livestock. She lives on the farm she grew up on in Northern Vermont where she is surrounded by pastures, wetlands, forests, livestock and wildlife.



**Sarah Flack**

#### NATHAN AND ALEX WEAVER

Nathan Weaver's and Alex Weaver's farms are located in Madison County, NY. Both farms are producing 100% grassfed organic milk. They milk 40-60 crossbred cows on each farm.

Alex and his wife, Rita, have recently purchased the family farm, Grunen Aue Farm, from his parents, Nathan and Kristine, along with the rest of their family still living at home, moved five miles away to start up their new dairy farm, Windhover Farm.



**Nathan Weaver**

**MADELINE POOLE** and her husband Bruce are the owner operators of MK Dairy LLC, Owego, NY. They took over the farm from her parents and have been working on a successful transition process for a number of years (MK Dairy was the featured farm in the May, 2024 NODPA News issue.). NODPA Field Days Thursday morning farm tour will take place at MK Dairy.



**Madeline Poole and her children**





## 2024 NODPA Field Days

### SPEAKER SPOTLIGHT

#### LIZ BAWDEN

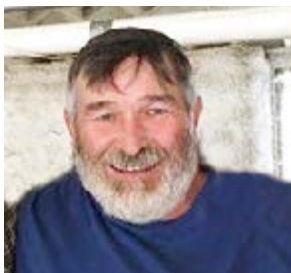
farms with her husband Brian and son and daughter-in-law Nathan and Courtney Bawden at Bawden Family Farms, Hammond, NY. The whole family is in the midst of succession planning.



Liz Bawden

#### GEORGE WRIGHT

of Wright Dairy, Hermon, NY sold his farm to a Plain Community farmer and has worked with him for a successful transfer.



George Wright

#### JOE AND JOHN ENGELBERT

Engelbert Farms, Nichols, NY John and Joe Engelbert have assumed management of the Engelbert Farms from their parents Kevin and Lisa Engelbert. They will share their experiences of that process, and their farm will be the site of the Friday afternoon NODPA Field Days farm tour.



Joe and John Engelbert

#### THURSDAY EVENING PANEL:

- Roman Stoltzfoos, Spring Wood Organic Farm, Kinzers, PA
- Klaas Martens, Lakeview Organic Grain and Zach Pizzenti, Penn Yan, NY
- Henry Perkins, Bison Ridge Farm, Albion, ME and Jacki Perkins, MOFGA Organic Dairy and Livestock Specialist, Unity, ME
- Dave Johnson, Provident Farms, Liberty, PA



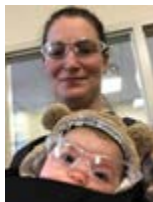
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**September 26 & 27, 2024**

**Nichols Volunteer Fire Department Hall  
106 W. River Rd, Nichols, NY 13812**

## FEATURED FARM



David Glover, his daughter Laura Easter, and his son James Glover outside of their parlour, new in 2008.

## ROAMING VALLEY FARM WARKWORTH, ONTARIO, CANADA

*continued from page 1*

*dynamics of milking cows - conventionally and organically - across our northern border.*

Located in Warkworth, Ontario, Roaming Valley Farm is owned and operated by the Glover family - father David, who farms alongside his son, James, and daughter Laura. They are longtime dairy farmers, but newer converts to organic dairy farming. David has been farming for half of a century, while his children have been doing so for about twenty years. They currently farm as a partnership, but are in the process of incorporating.

The partners divide their daily work, with David making the total mixed ration daily, and doing the field work - including selecting crops and calculating acreage for each. James is in charge of breeding the cows, along with the daily barn chores of scrapping the alley and cultivating the bedding pack. He also performs field work, corn scuffling and bale wrapping duties. Laura works on the daily milking along with the employees, keeps the books and industry-related paperwork, is responsible for treating any animal

health concerns, and is in charge of all the grazing decisions, pasture set-ups and animal moves.

Laura's husband, Troy Easter, helps out with maintenance and as a summer driver. Two milkers - a neighbor and a part-time high school student - plus two other part-time drivers during hay season round out the farm's workforce.

"It takes three hours for two people to milk, scrape alleys, cultivate the pack and feed calves," Laura said, which doesn't include the manpower and hours to grow the feed crops, feed the cows, breed the cows, manage the books and oversee the daily operations.

With 600 owned acres, and 300 rented ones, the herd of 150 milking head grazes approximately 120 pasture acres, and is fed a homegrown TMR of alfalfa baleage, corn silage and high moisture corn. Additional corn - both grain and silage - above what the herd will need is sold to the market. The land is very hilly, and an additional 30 pasture acres are just a bit too far for the milking herd. Dry cows and heifers graze these pastures in two separate groups, being moved once per day, while the milking herd travels up to 15 minutes from the barn to access their furthest pasture. Most of the rented acreage is leased from newcomers to the area, who are seeking to have their land managed without chemical inputs.

## FEATURED FARM

The cows in this herd are mixed breeds, consisting of Holstein, Jersey, Fleckvieh, Montbeliard and Aryshire genetics. They breed with purchased full-bred bulls, but do also use some artificial insemination, selecting primarily for legs and feet. James manages the AI breeding, used on the milk cows, which are also bred by bull.

“We have always run pure bred bulls, so each cross is at least 50 percent pure,” Laura said. “We are an open herd, buying in the bulls, but we haven’t bought any cows since 2019. We have never found purchased animals have the vigor required to keep up with the intense grazing schedule we keep.”

### Farm Basics

The milking herd grazes fresh pasture twice per day during the spring and summer months. The grazing season here typically begins in May and ends in September. Milking is at 5 a.m. and 4 p.m. in the swing 12 Dairymaster pit parlor, which was installed in 2008 while still milking conventionally. The cows are turned out immediately following milking, and return to the barn at noon. Once the evening milking is complete, the cows are then put back onto fresh pasture.

Pastures on the farm all have single strand perimeter fencing, and they move the cows using portable reels to cross fence grazing paddocks, both in front of and behind the cows. They run one-inch water lines to a water trough, which is moved along with the cows. They are concerned about extra wear around the trough, and have been seeking to remedy this.

“We talk about large holding tanks to feed water troughs instead of pipeline,” Laura said. They’ve also considered trying water tanker trucks to haul it out, or possibly a tractor and a trailer. “I worry about mud when it’s wet - getting large heavy equipment like that into some of the pastures. Filling water tanks would also take water pressure away from the cows in the barn. It’s all logistics and the land and how to balance it. When I don’t know what to do or am unsure if the new idea is better than the old, we just keep doing the same thing.”

The pasture forages are a mix of things, which have changed over the year as they’ve experimented. They do reseed pastures regularly, and plan on trying a solid field of perennial rye when one of the wetter pastures is next ready for renovation.

They’ve tried annual rye, as a cover crop planted in the fall, Laura said, but “often we aren’t able to get on the land in time to graze it while it’s most desirable for the cows in the spring. We also plant sorghum and have had much better luck with the cattle cleaning it off because it is grazed later in the summer when the land is drier. We have re-seeded with alfalfa as a part of the mix because the production is fantastic on it, and on some of our dry hills it’s the only thing getting any moisture. However, grazing it has to be managed very well. When on alfalfa we always make sure they are full going into it and the stand is dry.”

No matter the forage, the pastures receive 20 - 40 days of rest following grazing, depending on rainfall and regrowth rates. Laura uses her phone to keep notes on when the cows enter and leave each pasture. She moves the cows after “eyeballing” the forages, and taking into account the number of cows grazing, and leaving one-third to one-half of the forage height in the pasture for regrowth.

The dry cows and heifers receive 100 percent of their dry matter intake from pasture during the grazing season, while the milk cows range between 30 and 50 percent DMI, varying with the season. They are fed, year-round, a total mix ration of alfalfa baleage, corn silage, and some high moisture corn in a TMR mixer. Depending on pasture forage, they sometimes take the grain out of the mix. The same ingredients are part of the non-grazing season TMR. All the animals additionally receive Redmond Natural Trace Mineral Salt, and dry cows and the milking herd get a custom mineral mix, formulated based on the feed samples they take every year. They grow all their own feed.

“We don’t use a nutritionist,” Laura said. “When you only have three ingredients it doesn’t seem necessary. Getting better quality feed is the most important thing and that is managed in the field, not on paper!”

They do often take a first cutting of hay off some of the pastures if they can’t graze fast enough, leaving the second growth for grazing. Aside from hay ground, the farm grows about 200 acres of corn, for grain and for silage. Extra of both are sold as a cash crop.

“We still have some corn in storage from last year at an organic elevator. We held on to it hoping for a better price this summer. It’s not. The elevator owner told us the price has dropped because so many organic chicken barns in the United States have had to cull for avian flu, so the demand for organic corn is down,” Laura said.

Their feed did change when converting to organic. The ingredients they’d used conventionally are too expensive to purchase organically. They have tried to feed organic soy, with poor health results for the herd. They are therefore limited to the feed that they can grow on the farm. While milk production has been reduced from their prior conventional production, the cows are much healthier, with increased longevity.

“Before we went organic, we fed distillers grain, soybean meal, and might have fed palm fat. There are all kinds of additives conventional farmers (can) feed to enhance milk production,” Laura said. “The organic version of this is financially out of our league so we only feed what we grow. Except for those times we tried buying in organic soy, and it only broke even.”

Average milk production per cow is 15 - 25 kilograms - or approximately 33 - 55 pounds - per day. Components, on a 12-month average, are: butterfat 4.46 percent; protein 3.38 percent; and other solids 5.81 percent.



## FEATURED FARM

A bedded pack barn with a scrape alley and a feed alley in the middle serves as home to the cows. The barn was pre-existing, and they have not had the option to start new, but to use what they have, and add on to it. The design isn't optimal for their operation for several reasons, Laura said. The cows always all choose to be together on the same side of the alley, and this likely contributes to their higher somatic cell counts.

The bedded pack is cultivated once a day when the cows are on pasture, and twice per day in the winter. The alley is scraped twice per day, and - along with the wash waster from the parlor and the milk house - gets gravity fed into the manure pit. They'd require a second manure pit if they put in stalls instead of the bedded pack, and there are environmental concerns near the site of the barn, making approval questionable and the process daunting.

Calves are housed in small individual hutches, and are moved to group pens of six, with a milk bar, by one month of age. Calves are fed bulk tank milk, the odd high somatic cell count cow milk, and left-over colostrum. Laura adds a bit of organic apple cider vinegar and homeopathic scour nosodes into the milk. Calves also get free choice hay and some grain.

Calving is year-round, due to the quota system which requires that production be kept consistent. Their target is to have 10 -15 cows calving each month, keeping between two and four calves per month as replacements.

When calves are four months old, they move to open-faced loafing style wood huts, and are trained to the electric fence. By six months of age, the heifers are on pasture during the grazing season. In the non-grazing months, heifers are housed in open front loafing

sheds, which have open access to their fenced yard. They are fed free choice baleage, salt and mineral.

The dry cows are housed separately, and separated into two groups.

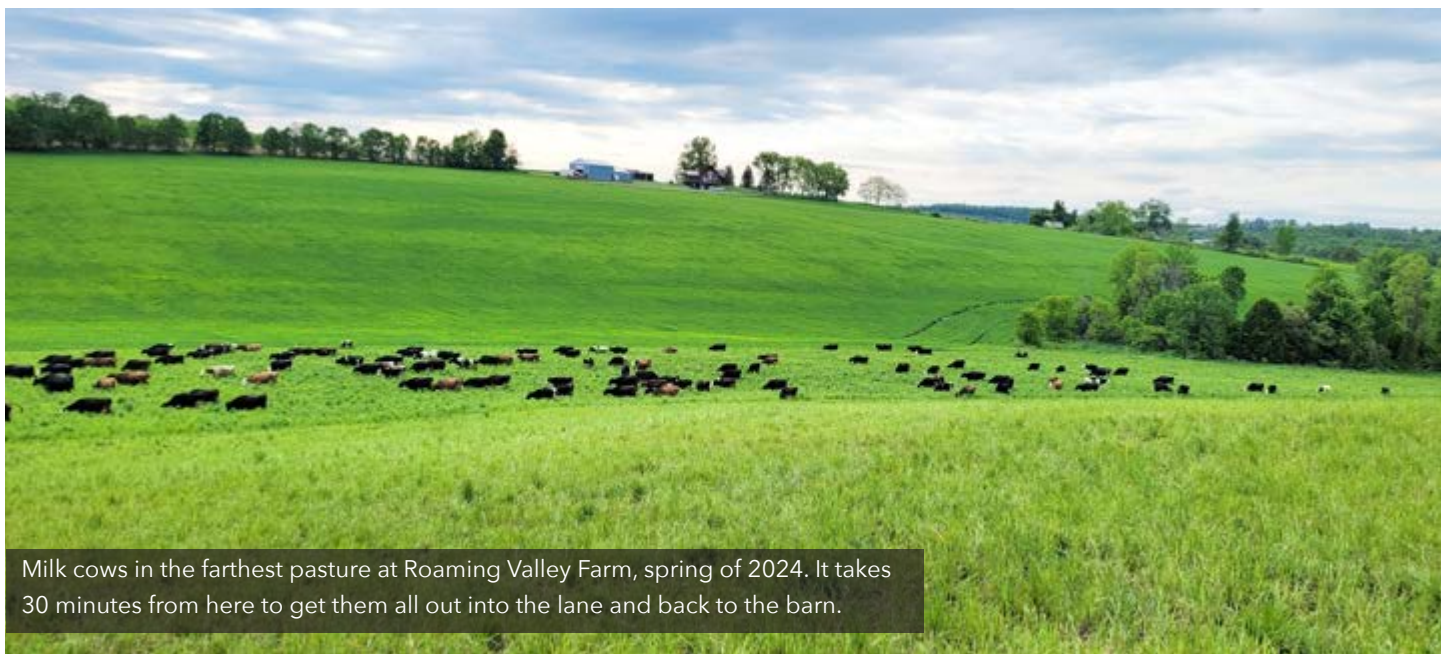
"During non-grazing seasons, we house far-off dry cows in a coverall down the road at my house. They are fed free choice baleage, salt and mineral. They have open access to this at all the times," Laura said. "Close-up dry cows are in an older barn adjacent to the milk cows. They get fed dry hay and left over TMR, salt and mineral."

### Organic Dynamics

The decision to transition wasn't an abrupt one. After David traveled to New Zealand in 2006, the farm began grazing their cows. By 2011, the Glovers realized that they needed to drastically change the way they were grazing. After touring Kornel Schneider's farm, which was then a grass-based dairy and chicken farm in Eastern Ontario, they opted to begin to make changes, increasing pasture to include all ages.

"We decided to go all in and expand our grazing land so we could keep going all summer. At this time, we also expanded all our pastures, so we had all dry cows and heifers over six months of age on rotational pasture," Laura said. "Only a year later we decided we would start the transition to organic."

At that time, the premium for organic milk was stronger than it is now, Laura said. Along with the premium, which was \$0.40 per liter at the time, there were incentive days from Dairy Farmers of Ontario for organic milk over and above farm quota. In 2024, they are receiving \$0.25 per liter premium on top of their base price.



Milk cows in the farthest pasture at Roaming Valley Farm, spring of 2024. It takes 30 minutes from here to get them all out into the lane and back to the barn.

## FEATURED FARM

The farm required four years to transition to organic production. Three years were needed to transition the land from conventional management practices, while the fourth year was needed to transition the herd, which was required to have one year of being fed exclusively on certified organic pasture and feed.

The Canadian organic food system leaves much to be desired, in Laura's opinion. The organic certification process, along with government support of organic farming, isn't optimal either. Some of the issues of concern involve the lack of an organic market, poor promotion of organic foods, inadequate organic veterinary training, and lack of access to homeopathic remedies.

"There isn't a strong organic market for anything in Canada including meat. Only the big guys get their meat sold in grocery stores. If you want to buy local organic meat, you have to source the farm or producer and learn their practices and buy direct," Laura explained. "We sold meat and eggs for eight years and the biggest roadblock is that there aren't any certified abattoirs, and it can't be marketed organic unless it was killed in an organic certified abattoir."

Bob calves are sold into the conventional market, which currently is high, after being quite low.

"Right now, the bob calf market is at an all-time high, compared to a couple years ago where you might only get \$25 (Canadian) for a 100-pound calf. Now we average \$1,000.00 per calf. Some really hearty 120-pound calves have sold for \$1,500.00 (Canadian)" she said.

During the Covid-19 pandemic, organic sales were robust, as the government provided subsidies that many people used to purchase organic dairy. Today, that pandemic relief money is long gone, and organic milk sales are down. Processors do not advertise organic dairy. Dairy Farmers of Ontario, a government body, will not do so, and farmers are not in control of how milk is - or isn't - promoted. This ties into the quota system, and the lack of industry competition.

The milk market in Canada is on a quota system, so there is very little competition. But that philosophy extends to other systems as well, and isn't always advantageous.

"We have enjoyed a steady system without too much variability. It is the Canadian way: not much competition, and safe," Laura said. "The lack of competition in Canada is seen across the business world from cell phone companies to the quota system and organic certifying bodies."

While currently certified with Pro-Cert, there is only one other certifier for the Eastern region of Canada. Laura has filed an official complaint against some of the practices of Pro-Cert, but has yet to find out if the other certifier also requires the same administrative fees.

"The biggest drawback is that the people looking over papers and doing inspections...have no practical experience," Laura said. "The latest thing they have implemented is an administrative fee of \$50 if you have over 10 inputs listed for your farm. "Anyone that manages a farm with animals knows the 'just in case' items are what save lives on the weekend or the middle of the night. They aren't saying we can't have stuff on hand: we just have to pay a fee to do it,"

Those inputs include the iodine teat dips, salt, minerals, and detergents for washing. Apparently, the limit of 10 items is meant to discourage organic farmers from treating these items as routine practices.

"The outrageous restrictions with Pro-cert is off the charts," Laura said. "I feel like it's the kind of stuff to make farmers lie and I don't want that."

### Veterinary Care and Organics

The rules for the use of antibiotics in animals are different in Canada. Animals can be treated twice per year with antibiotics, and afterwards the milk can go back into the bulk tank, as long as a withdrawal period of 10 times that on the label has been observed.

While that option exists, Laura has much more trust in homeopathy. She has taken it upon herself to learn homeopathy, and is astounded by the results they've had. Some of the issues which Laura has successfully treated via homeopathic remedies and treatments include mastitis, retained placentas, pneumonia and scours.

"I have cured clinical mastitis and chronic mastitis both with different remedies. In March of 2022, I made a basic remedy for all the cows and dosed them once per week for a month. Our somatic cell count dropped from 450,000 to 250,000 in that time period," she said. "If a cow is really bad and I have done everything with homeopathy we will use antibiotics, but that cow is usually on a cull list by this point. Antibiotics are a last resort, and don't always work anyway."

The only vaccine used on the cows is for calf scours. If a calf is on the ground, it gets homeopathic nosodes for many other scour related diseases. Laura has found pneumonia to be the most difficult illness to treat organically, especially when it isn't detected early. Coccidiosis has been a challenge during the last couple of years, and she's had to resort to using Baycox™ as a prevention and Amprol for those that get really ill.

"I know there is a homeopathic nosode for this in the United Kingdom, but the pharmacies won't ship it into Canada," she said. "In 2021 I did an online workshop put on by HAWL (*Homeopathy At Wellie Level is a non-profit organization run by veterinary surgeons and homeopaths, who teach the responsible use of farm homeopathy*) in the United Kingdom on animal homeopathy on the farm, and found it to have been tremendous in treating all the



## FEATURED FARM

ailments. We jokingly call it voodoo because it's hard to believe a few little pellets can turn a cow from near death to full recovery in a matter of hours or days!"

Laura recently sent fecal samples for worms into the laboratory. She wants to log the numbers to compare the results before and after using homeopathy, and hopefully will have these available to share at the NODPA Field Days in September.

"There is zero training or direction from any governing body or institution in Canada for organic animal veterinary care. There is a real lack of knowledge and sharing of resources for organic health care for animals in Canada," Laura said. "The powers that be complain about the antibiotic resistant bugs in hospitals and blame it on the overuse of antibiotics in animals. Homeopathy is a very useful tool in lowering the use of antibiotics on farms - but they don't want to hear it or even consider that. The big pharma machine makes too much money off it so it doesn't change."

One of the biggest changes in animal management has been in cow reproduction. Long before going organic, they had stopped injecting hormones for estrus synchronization every two weeks, and switched to a veterinarian that wasn't promoting such contrived and controlled breeding.

"I know lots of farms that manage that way because it's easy. The breeder follows the vet and they have it set up like a well-

choreographed dance. The farmer doesn't have to look after anything," Laura said. But, "there is homeopathy for that and I wish conventional farmers could know this information. I could talk about homeopathy on the farm all day."

They do use a veterinarian, but not for much, and much less often than when conventional. Their veterinarian bills are significantly lower, and cow health is exponentially better. They pregnancy check only once a month now, not twice as with conventional management. The vet visits only for that, plus any emergency health situations.

Longevity has increased, and hoof trims are now only needed once per year. They've eliminated a chronic strawberry foot problem since going organic. It rears up only if they feed soy, and between the cost of organic soy - which they can't grow on their own farm - and the foot issues it causes, they are better off without it.

Laura is an avid supporter of homeopathy, and hopes to educate others and focus on this aspect of animal health in the future. "I find it a very rewarding practice and daydream about getting a diploma and practicing it extensively for animals when I retire from daily farm work," she said. ♦

*Laura and Troy Easter can be reached at 138 Honey Line, Warkworth, Ontario, Canada K0K 3K0*

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Laura's son Ivan, nephew Elijah and Laura in the milking parlour. The boys are starting to get interested, even at 5 a.m..



## ORGANIC INDUSTRY NEWS

## National Organic Standards Board

## Fall 2024 Meeting

Comment period open through September 30, 2024

The National Organic Standards Board (NOSB) generally meets twice each year in a public forum to discuss and vote on recommendations to the USDA. These recommendations help the Department develop and refine the organic standards.

The NOSB will meet in Portland, Oregon in October 2024. The in-person meeting will be webcast live for those who cannot travel. Should circumstances not permit an in-person meeting, the meeting will be held virtually. Updates will be posted to the meeting webpage at the link below.

### NOSB Meeting Details

**Online Comment Webinars:**

October 15 & 17, 2024, 12:00 p.m. - 5:00 p.m. Eastern

**In-Person Public Meeting:**

October 22-24, 2024, 8:30 am - 6:00 p.m. Pacific

**Public Meeting Location:**

Hilton Portland Downtown  
21 SW Sixth Avenue  
Portland, Oregon 97204  
(503) 226-1611

[Portland Hilton Downtown](#)

**Lodging Location:**

The Duniway Hotel  
Rate: \$180.00/night  
Reservation cutoff date:  
September 24, 2024

[Portland Hilton Duniway](#)

Zoom information to access the webinars and live meeting webcast will be posted to the NOSB Fall 2024 Meeting web page (<https://www.ams.usda.gov/event/national-organic-standards-board-nosb-meeting-portland-or>) in October prior to their start.

### Stakeholder Engagement Encouraged

The NOSB invites oral and written public comment on its Fall 2024 agenda topics. Registration for oral comment speaking slots is now open. Written comments may be submitted via Regulations.gov. Interested parties are encouraged to review the online meeting materials and provide feedback on topics included on the agenda.

**Meeting materials are now available online.** Meeting materials, including the tentative agenda, proposals, and discussion documents are available on the NOSB Fall 2024 meeting webpage, (<https://www.ams.usda.gov/event/national-organic-standards-board-nosb-meeting-portland-or>).

**Deadlines:** To be considered during the Fall 2024 Meeting, written comments and requests to provide oral comments must be received by 11:59 p.m. ET on Monday, September 30, 2024. This time frame gives the Board time to review the comments before the meeting.

### USDA Renews Charter for National Organic Standards Board

The National Organic Standards Board (NOSB) plays a critical role in advising USDA on the implementation of the Organic Foods Production Act. To facilitate this work, the USDA reviews and renews the NOSB Charter every two years. The NOSB Charter update process is now complete, and the new version is available on the AMS website. The revised Charter will expire on July 5, 2026.

View the NOSB Charter <https://www.ams.usda.gov/sites/default/files/media/NOSBCharter.pdf>



## ORGANIC INDUSTRY NEWS

## Pay and Feed Prices September 2024

By Ed Maltby, NODPA Executive Director

The USDA Agricultural Marketing Service (AMS) has published estimated national organic fluid product sales, for May and June 2024, compiled with data from the Federal Milk Marketing Order. In May, the data shows a continued increase in the sales of organic Whole Milk packaged fluid products of 20.2% percent over May 2023 and, less dramatically and more in line with the time of year, the June data shows sales at 4.6% over June 2023. There was no percentage increase in organic Fat Reduced Milk in May 2024 over May 2023, but a 4% increase in June 2024 over June 2023. Year to date, June 2024, organic fluid milk sales are 6% higher than the same period in 2023.

Total US sales of organic fluid milk products were 263 million pounds in May 2024, with organic Whole Milk sales at 139 million pounds, and sales of organic Fat Reduced Milk at 123 million pounds. In June 2024, total sales of organic packaged milk were 234 million pounds, with sales of organic packaged Whole Milk at 117 million pounds, and sales of organic Fat Reduce Milk at 115 million pounds. The continued increase in sales of organic packaged milk by 6.0% year to date, led by sales of Whole Milk, are counter to sales of non-organic packaged milk which is statistically level year-to-date from June 2024 data. Industry reports that there is a shortage of conventional fluid milk in the Northeast in August 2024, with processors sourcing milk from Virginia for their school and institutional accounts. Reports from producers are that organic milk is still short in the Northeast, with fluid milk retail sales increasing.

The average retail price for organic milk has ranged from \$3.81 per half gallon in 2008 to \$4.81 year-to-date in 2024. In July 2024, the average national retail price was \$4.86, and in August it was \$4.84. In July and August 2024, the highest retail price was in Pittsburgh PA at \$6.59 per ½ gallon, and the lowest in 9 separate cities was \$3.99 per ½ gallon. The retail prices in other Northeast cities were \$5.01 in Boston, MA; \$5.13 in Hartford, CT; \$5.24 in New York, NY and \$4.28 in Syracuse, NY.

Federal Milk Market Order 1, in the Northeast, reports utilization of types of organic milk reported by pool plants for packaged products sold and packaged in the FMMO 1. Data on organic milk in the other classes is not published separated by production practice, neither is milk that comes into the order already packaged to be sold in the order. FMMO 1 reported that in June 2024, fluid organic Whole Milk utilization totaled 15.81 million pounds, 14% lower than the previous year of 17.62 million pounds. In June 2024, the utilization of fluid organic Fat Reduced Milk, 15.70 million pounds, was down from 16.97 million pounds in June 2023. Total organic packaged milk utilization of 31.51 million pounds in June 2024 was down from 34.59 million pounds in June 2023. In July 2024, organic Whole Milk utilization was 19.57 million pounds, an increase of approximately 15% on July 2023 which was 16.63 million pounds. In July 2024 organic Fat Reduced Milk utilization was 15.97 million pounds, higher than the 14.511 in July 2023. Total organic packaged milk in July 2024 of 35.54 million pounds was up from 30.75 million pounds in July 2023. Year to date,

- continued on page 30

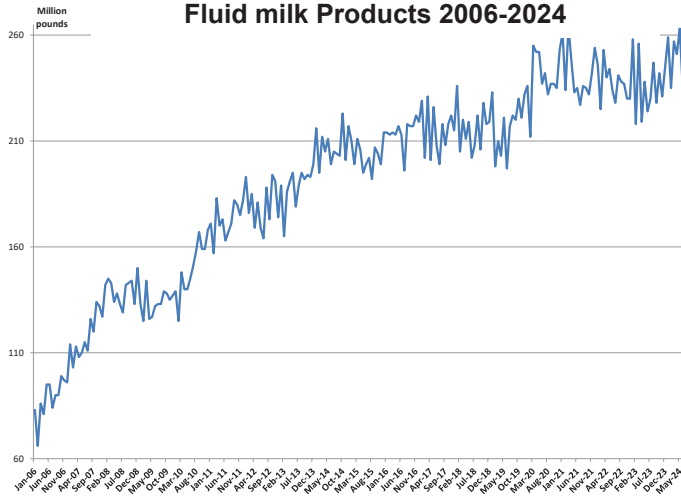
Product Name	Sales of Organic Fluid Milk		Change from	
	May-24	2024 Year to date	May-23	Year to date
	Million pounds		Percent	
Organic Whole Milk	139	661	20.2%	14.2%
Flavored Whole milk	1	4	31.1%	11.5%
Organic Reduced-Fat Milk (2%)	84	400	4.9%	3.4%
Organic Low-Fat Milk (1%)	21	107	-11.4%	-9.8%
Organic Fat-Free Milk Skim	11	57	-6.0%	-13.4%
Organic Flavored Fat-Reduced Milk	7	33	1.1%	-306.0%
Other Fluid Organic Milk Products	0	2	71.9%	42.4%
Total Fat Reduced Milk	123	597	0.5%	-1.4%
<b>Total Organic Milk Products</b>	<b>263</b>	<b>1,264</b>	<b>10.2%</b>	<b>6.3%</b>

Product Name	Sales of Organic Fluid Milk		Change from	
	Jun-24	2024 Year to date	Jun-23	Year to date
	Million pounds		Percent	
Organic Whole Milk	117	778	4.6%	12.7%
Flavored Whole milk	1	5	19.1%	12.4%
Organic Reduced-Fat Milk (2%)	78	478	7.6%	4.0%
Organic Low-Fat Milk (1%)	20	127	-10.0%	-9.8%
Organic Fat-Free Milk Skim	10	67	-6.4%	-12.3%
Organic Flavored Fat-Reduced Milk	7	41	47.2%	2.9%
Other Fluid Organic Milk Products	0	2	-77.8%	6.8%
Total Fat Reduced Milk	115	712	4.5%	-0.5%
<b>Total Organic Milk Products</b>	<b>234</b>	<b>1,497</b>	<b>4.40%</b>	<b>6.0%</b>

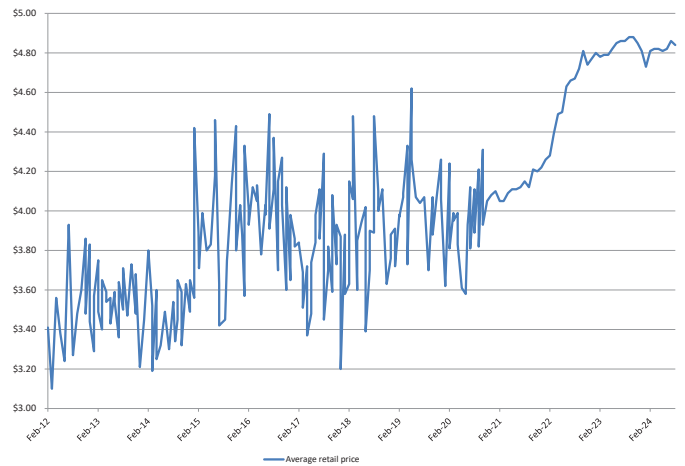
Data may not add due to rounding to the nearest million pounds

## ORGANIC INDUSTRY NEWS

**Estimated Total U.S. Sales of Organic  
Fluid milk Products 2006-2024**



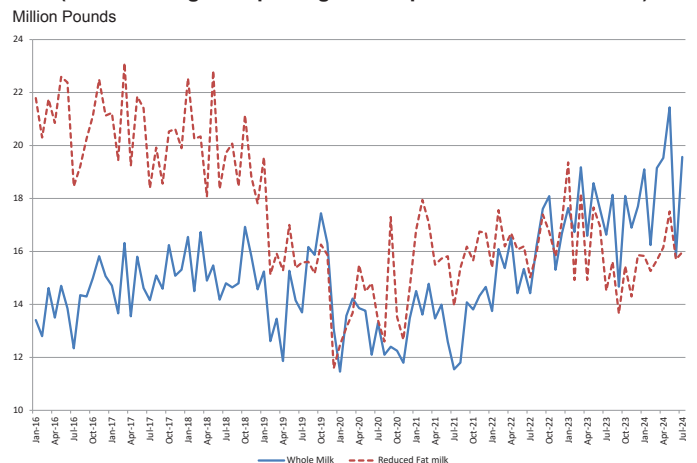
**Average Organic Retail price for 1/2 gallons  
as reported by USDA AMS 2012-2024**



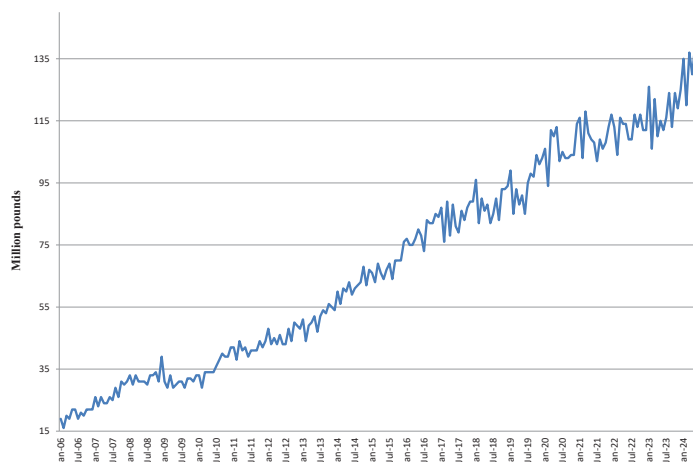
**Average retail price, average farm share and  
percentage for half gallon of organic milk**



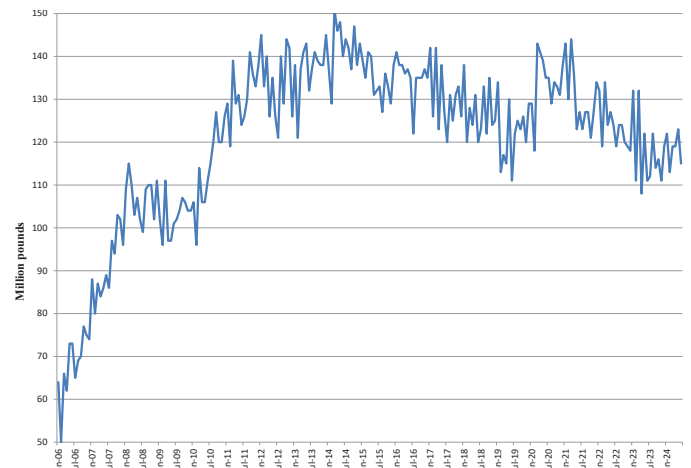
**Utilization of Organic Fluid milk in FMMO 1 2016-2024  
(not including fluid packaged milk processed out of order)**



**Organic Whole Milk Retail Sales 2006-2024**



**Organic Reduced-Fat retail sales 2006-2024**





## ORGANIC INDUSTRY NEWS

### Pay and Feed Prices

*continued from page 28*

January to July 2024, there was a total of 242.93 million pounds of packaged organic fluid milk sold in FMMO 1, an increase of 1.41% over the same period in 2023. In June 2024, there was 122.66 million pounds of milk marketed as Class 1 in FMMO 1 from outside the FMMO 1 marketing area, and in July 2024 there was 132.595 million pounds in the same category, approximately 19% of total Class 1 utilization in the Order.

Central Federal Order (FO) 32, Mideast FO 33, and California FO 51, have also started publishing reports of the utilization of organic milk separately by month and year. FO 5, Appalachian, has organic under “Restricted data due to less than 3 handlers. Data is included in the buttermilk packaged disposition.” FO 32 and FO 51 publish volumes of organic fluid milk sales on routes inside the order and those sold in other orders. The Southwest FO 126, (Texas and New Mexico), the Pacific Northwest (Oregon and Washington) FO124, Arizona, FO 131, Southeast, FO 7, Florida, FO 6 and the Upper Midwest, FO 30, do not publish separate data of their fluid packaging of organic milk from conventional milk, but they do report to the AMS Market Information Branch to compile the National Estimated Fluid Milk Product Sales Report on a monthly basis. Nonorganic milk has only a national average of 25% utilization as Class 1 but an estimated 60-65% of organic milk is classified as Class 1.

In July the highest volume of organic milk reported as Class 1 was in the Central FO 32, with 52.68 million pounds. Aurora’s two processing plants and 25,000 milking cows are in that FO. The next highest published report on organic packaged sales is California FO with 39.53 million pounds followed by the Northeast FO 1 with 35.54 million pounds.

UTILIZATION OF ORGANIC FLUID MILK PRODUCTS AND CREAM BY POOL PLANTS  
(Million pounds) in FMMO 1 (Northeast) not including packaged out of order

Month	Fluid retail Organic Milk 2024	Fluid retail Organic Milk 2023	Fluid retail Organic Milk 2022	Fluid retail Organic Milk 2021	Fluid retail Organic Milk 2020
JANUARY	34.93	37.00	29.14	31.32	23.93
FEBRUARY	31.50	31.65	33.65	31.56	26.69
MARCH	34.82	37.37	31.56	31.87	27.90
APRIL	35.68	31.51	33.23	28.97	29.35
MAY	38.95	36.24	30.49	29.72	28.25
JUNE	31.51	34.59	31.53	28.41	26.90
JULY	35.54	30.75	29.44	25.50	26.70
AUGUST		33.75	32.12	27.18	24.70
SEPTEMBER		28.32	35.00	30.26	29.70
OCTOBER		33.54	34.83	29.47	25.78
NOVEMBER		31.19	31.13	31.07	24.47
DECEMBER		33.56	33.78	31.36	28.13
ANNUAL		399.47	385.90	356.68	322.50

UTILIZATION OF ORGANIC FLUID MILK PRODUCTS AND CREAM BY POOL PLANTS (Million  
pounds) in FMMO 32 (Central)

Month	2024	2024 in order	2024 out of order	2023	2023 in order	2023 out of order	2022
January	56.23	6.41	49.82	55.21	6.51	48.70	
February	51.88	5.77	46.12	49.11	5.49	43.63	
March	53.96	5.93	46.29	52.73	5.59	45.44	
April	54.13	6.04	48.09	49.18	5.64	43.53	51.93
May	51.32	5.81	45.51	48.21	5.40	42.78	51.13
June	52.56	5.51	47.04	45.20	5.57	39.63	51.58
July	52.68	5.63	47.04	48.45	5.70	42.75	49.67
August				48.47	5.63	42.85	52.16
September				48.76	5.58	43.18	51.04
October				49.73	5.65	42.48	52.06
November				49.60	5.48	44.12	52.31
December				54.17	6.08	48.10	55.94
Total				598.82	68.31	527.18	

The chart above shows a consistent volume of organic packaged milk marketed out of Order FO 32, more than is packaged in either FO 1 or FO 51. Sales of packaged organic fluid milk are increasing nationally. Handlers in the Central FO sold 523 million pounds of organic packaged milk outside of their order in 2023. We can only guesstimate the final destination of that organic packaged milk, assumed to be almost exclusively ESL packaged, as the FMMO currently does not publish reports that separate organic from conventional milk coming into the orders. This makes it impossible to independently gauge regional demand for increased supply.

In recent reports from a NOFA-NY-certified livestock auction in New Berlin, New York, organic cull cows consistently sold above conventional cows in July and August 2024. The average price for

## ORGANIC INDUSTRY NEWS

conventional cull cows ranged from a low of \$100/cwt to a high of \$117 /cwt. The average price for organic cull cows ranged from a low of \$97/cwt at one out of 9 auctions to a high of \$125/cwt, with most auction prices over \$115 per cwt. Calf prices are still strong but no premium for organic. Organic milking cows were selling well at an average of \$1,386-\$2,700 each in July and August 2024. USDA AMS reported from a Pacific Northwest livestock auction that the top 10 organic cull cows traded higher than conventional cull cows, and the overall average for organic cull cow prices traded higher than the overall average for conventional cull cows. The average price for the top 10 organic cows auctioned was \$198.90 per hundredweight, compared to an average price of \$143.42 per hundredweight for auctioned top 10 conventional cows. The average weight for the top 10 conventional cows was 1655.5 pounds compared to 1,493.5 pounds for the top 10 organic cows. The overall price for organic cows auctioned was \$160.22 per hundredweight with an average weight of 1,255.75 pounds, while the overall price for conventional cows auctioned was \$114.67 per hundred-weight and had an average weight of 1,311.08 pounds.

### Organic Dairy News

Producers report that there is movement to different buyers. There are reports from Vermont that Upstate Cooperative is looking to pick up some producers in the Vermont/New York border area.

Maple Hill reports that they continue to increase the signing of producers in Pennsylvania and New York, with their unique incentive plan as they expand their supply in that region. Maple Hill are also proposing that from 10/1/24 they will change the way they charge producers for their milk hauling from farm to processor. Currently it is a 75/25 split between the producer and Maple Hill. It will change to a 50/50 split, so half of the cost of hauling instead of 75%. For many producers this will be a significant saving.

CROPP Cooperative announced the addition of 14 new farms to their routes in central Pennsylvania, with an average herd size of around 50 cows per farm. They plan to expand to more farms in the area.

There's news of another vertically integrated organic dairy and processing project in Idaho that is following the successful example of Aurora Dairy packaging ESL Class 1 and 2 organic dairy products. The new, vertically integrated 190,000-square-foot facility on 23 acres in Burley known as Suntando opened in June 2024. It began processing milk from the two owners, Dirk Hurtado and Jesus Reitsma, who, respectively, own 30,000 conventional dairy cows and 6,000 organic dairy cows within 20 miles of the facility. The plant processes milk, cream and dairy-based beverages into shelf-stable and extended shelf-life packages ranging in size from half gallon to single-serve 8-ounce containers. The company doesn't have its own brand. Instead, it works with retailers and national brands to create private-label beverage products.

The Vermont Monthly Organic Dairy Report is part of a new pilot program in partnership with the USDA Agricultural Marketing Service Market News to collect organic market data for the 2023/2024 growing seasons. The pilot programs are mostly concentrated in Pennsylvania at farmers markets, and are part of the Organic Data Initiative sponsored by the 2018 Farm Bill. The Vermont project's first report was in April 2024, reporting on the last few months of 2023 and January 2024 with just 9 farms reporting. With admirable transparency, they reported that the number of farms reporting has varied due to staff changes and the most recent report published in August 2024 does not disclose how many farms are reporting but shows important data (see the chart below). There is a disclaimer that the data has not been collected or verified by the USDA, and its accuracy is the responsibility of the partnering institution. Thanks to VT Department of Agriculture for partnering with USDA. For more details be in touch with Josh Knight at [Josh.Knight@vermont.gov](mailto:Josh.Knight@vermont.gov), (802) 636-7793.

### Update on DMC and ODMAP Programs

There were no Dairy Margin Coverage (DMC) Program Tier 1 payments in June, July and August, with no payments forecast for the rest of the year. The All-Milk price for June 2024 was \$22.80/cwt and 22.73/cwt in July; corn was at \$4.48/bushel in June and

#### Vermont Monthly Organic Dairy Report

Month	Volume(lbs.)	Ave. daily production per cow (lbs.)	Min Price	Max Price	Weighted Av Price	Ave. Butterfat	Ave. Protein
Nov-23	1,155,583	39.6	\$ 27.92	\$ 43.60	\$ 37.01		
Dec-23	1,227,212	39.3	\$ 27.92	\$ 47.13	\$ 39.70		
Jan-24	1,224,497	40.2	\$ 35.00	\$ 47.38	\$ 39.97	4.27	3.03%
Feb-24	1,073,895	41.9	\$ 36.04	\$ 46.74	\$ 39.99	4.82	3.43%
Mar-24	1,088,144	46.4	\$ 33.68	\$ 42.87	\$ 36.59	4.64	3.38%
Apr-24	958,104	44.5	\$ 33.08	\$ 41.85	\$ 36.10	4.59	3.34%
May-24	1,105,985	51	\$ 32.10	\$ 39.11	\$ 34.77	4.38	3.32%

Some reporting affected by staff changes

## ORGANIC INDUSTRY NEWS

\$4.29/bushel in July; Alfalfa was at \$256/ton in June and \$222/ton in July with soy meal at \$384/ton in June and \$364 in July. The margin in June 2024 was \$11.14 and in July \$10.32.

There are no further official updates on any next payment from the Organic Dairy Marketing Assistance Program (ODMAP) from the funds that were not used from the \$105 million allocated to the program in January 2023. Approximately \$84 million is remaining. In meetings with USDA FSA, they report that they have researched how to better reflect the difference in marketing costs between organic and conventional dairies. In the absence of any recent organic data to accurately reflect 2024 expenses, they have used the 2021 organic survey data to make some changes to the amount per cwt allocated. Unfortunately, it will not reach the actual marketing costs of producers who report a cost of \$2.50-\$2.80/cwt in the Midwest. FSA hopes that the next round of payment will be made in the next few months using 100% of their estimate of marketing costs and it will be based on 2023 milk production. The expectation is that the cap will be increased to correspond to USDA payment limitation cap per producer under the Payment Limitation Program. NODPA continues to advocate with other organizations for a rapid disbursement of all the funds allocated to the program so essential to support organic dairies across the country, with a possible third round to finish this specific program in the absence of any Farm Bill to provide much needed changes. This support for organic dairies is critical this year as there is no payment to subsidize low pay price from the conventional based Dairy Margin Program that many organic dairies enrolled in.

### H5N1 Avian Flu

Public health teams tested workers at two Colorado egg farms and found 19 H5N1 infections in poultry, as well as nine workers with mild cases of H5N1 avian flu. All nine patients reported conjunctivitis, seven reported eye tearing, and six reported subjective fever or chills. All patients reporting subjective fever or chills worked at the facility. Respiratory symptoms such as sore throat, cough, and shortness of breath were less frequently reported.

Vaccine manufacturers can now test their avian flu vaccines in field. USDA is going to allow field safety trials of manufacturers' H5N1 vaccines for dairy cattle. USDA's Center of Veterinary Biologics is now accepting field trial applications for H5N1 vaccines that may be conducted outside of containment without terminal disposal of milk and other commodities. The most recent dairy to test positive for H5N1 is in Michigan. While vaccines are not seen as a remedy for the H5N1 flu for poultry because of flock size and repercussions from other countries, they are regarded as a viable solution for the virus in dairy herds.

### USDA Announces Improved Scrutiny of Animal Raising or Environmental Claims

USDA announced on 8/28/2024 updated guidelines that make recommendations to strengthen the documentation that supports animal-raising or environment-related claims on meat or poultry product labeling. While this guidance falls short of farm-to-table third part requirements for all claims, the document does include the following: "As discussed below, FSIS strongly encourages the use of third-party certification to substantiate animal-raising or environment-related claims, given the limits of FSIS jurisdiction. Third-party certification of animal-raising or environment-related claims helps ensure that such claims are truthful and not misleading by having an independent organization verify that standards are being met on the farm for the raising of animals and the use of environmentally supportive practices." Some hope that the market for organic meat may improve against unsubstantiated and outright false claims of other brands.

### Organic Milk Exports

The Foreign Agricultural Service (FAS) releases monthly export data which includes export volumes and values for organic milk categorized as HS-10 code 0401201000. May 2024 organic milk exports were 352,263 lbs. (3,522 cwt.), up 13.7 percent from the month prior, and up 10.3 percent from 2023. In June 2024 organic milk ex-ports were 636,924 lbs. (6,369 cwt.), up 80.8 percent from the month prior, and up 6.5 percent from 2023. Exports of organic milk from the start of the year through June are up 10.7 percent, compared to the same period a year ago.

### Feed

National data from USDA and Argus has organic feed corn delivered to the elevator averaging \$7.30 per bushel on the east coast in August 2024, down approximately \$3/bu. from 12

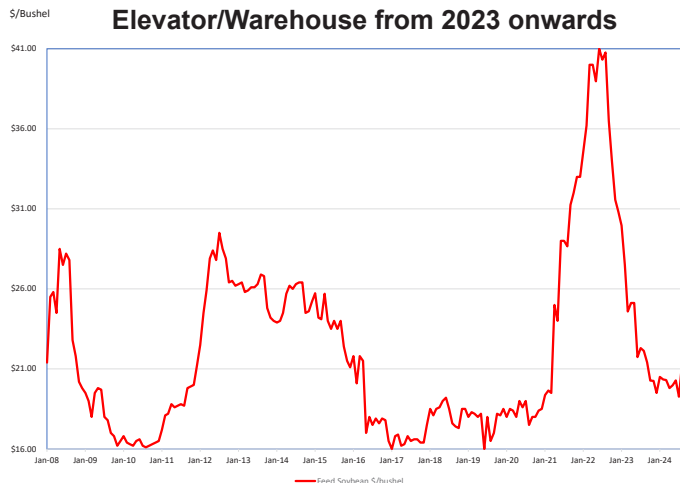
**Organic Corn Price \$/bushel 2008-2024 supplied by USDA AMS FOB the Farm and FOB Elevator/Warehouse from 2023 onwards**



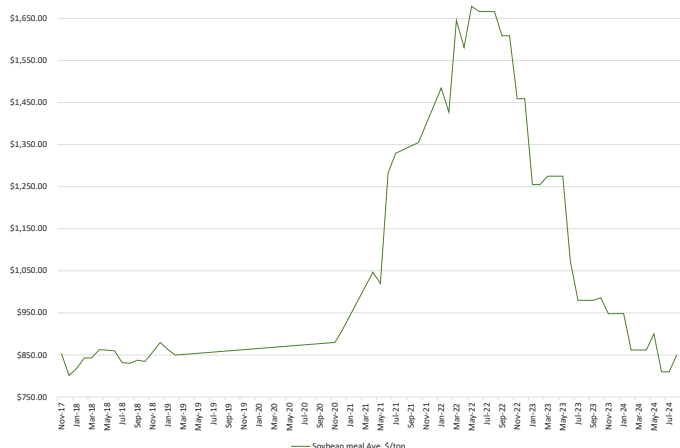


## ORGANIC INDUSTRY NEWS

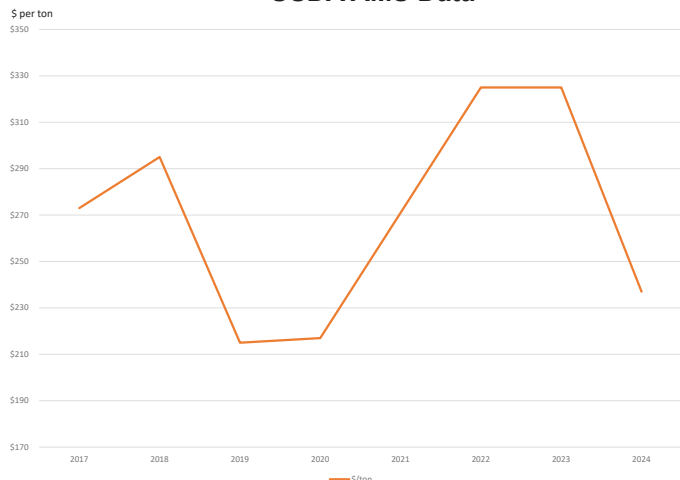
**Organic Feed Soybean \$/bushel 2008-2024 -  
USDA Market News Data - FOB Farm and FOB  
Elevator/Warehouse from 2023 onwards**



**2017-2024 Soybean meal Ave. \$/ton delivered  
FOB dealer/warehouse - USDA AMS Data**



**Organic Hay Dollars per ton (Average/year) -  
USDA AMS Data**



months prior. Organic feed soybean delivered to the elevator averaged \$19.55/bu. in August 2024, down approximately \$2.30/bu. from 12 months prior. Soybean meal is currently trading at \$869/ton, about \$110/cwt. lower than 2023 and is in high demand, with the price projected by Argus to increase. Costs of organic Alfalfa are about the same as conventional at \$175 per ton which is down nearly \$150 from August 2023 as reported by USDA.

Argus reports that the domestic organic corn crop looks promising except for the Southeast and parts of the Dakotas. US Department of Agriculture (USDA) crop condition data supports a strong crop in major growing states. The top five states for organic corn production in 2024, which are Iowa, Illinois, Michigan, Minnesota, and Nebraska according to Argus estimates, all show the proportion of the corn crop rated good to excellent above the five-year average as of 18 August 2024. The top three states each have a good to excellent percentage more than ten percentage points above the five-year average.

Wisconsin and Ohio are the only states in the Corn Belt to show the percentage of the corn crop good to excellent below the five-year average. Wisconsin is six percentage points below the five-year average, while Ohio is only two percentage points. North Carolina and South Carolina have 9% and 11% of the corn crop at good or excellent quality, which traders report is a result of high heat during the growing season.

Cool temperatures in the Dakotas could affect the organic corn crop development as temperatures in the area have remained below normal throughout much of the growing region. While the moisture profile is reported as being good, farmers would like to see higher temperatures for the crop to improve final development before harvest. In North Dakota the pace of corn development is especially delayed, with only 33% of corn acres in the dough stage of production according to USDA data, 12 points behind the five-year average. ♦

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# Calendar

**Thursday, September 12<sup>th</sup> – 1:00 p.m. to 3:30 p.m.**

**TIOGA COUNTY SUMMER PASTURE WALK #3**

*Michael Troyer's farm, 696 Honeypot Rd, Candor, NY 13316*

Topics: parasite management w/ grazing small ruminants, record keeping, pasture rejuvenation, winter management, stockpiling. Presenters: Jess Waltemyer, Cornell University Small Ruminant Specialist; Troy Bishopp, USC, Madison County SWCD, Janice Degni & Betsy Hicks, CCE Dairy & Field Crops Team. To register visit: [https://scnydfc.cce.cornell.edu/event\\_preregistration\\_new.php?id=2444](https://scnydfc.cce.cornell.edu/event_preregistration_new.php?id=2444)

**Tuesday, September 17<sup>th</sup> – 10:00 am to 12:00 p.m.**

**READING YOUR PASTURES TO HELP MAKE MANAGEMENT DECISIONS**

*Kiss the Cow, 2248 Royalton Turnpike, Barnard, VT*

Carrissa Stein and Thomas Griggs will walk us through pastures and hayland. We'll talk about the lifecycles of pasture/hay plants, dig into the roots, and discuss what management actions can be done in the fall to help you make improvements in your 2025 grazing season. The workshop is geared towards farmers. The discussion will be relevant for beef, sheep, and dairy producers. The event is free, but registration is required – limited to 30 attendees - <https://pastureplants.eventbrite.com>. Sponsored by VT Grass Farmers Association and UVM Extension.

**Tuesday, September 24<sup>th</sup> - 10:00 am to 3:30 p.m.**

**NY SOIL HEALTH AND CLIMATE RESILIENCY FIELD DAY ON PASTURE AND SILVOPASTURE SOIL HEALTH**

*Backbone Farm, 5835 Goldenrod Hill, Trumansburg, NY (stop #1) and Ramble On Farm, 3383 Colegrove Rd, Trumansburg, NY (stop #2)*

Join the New York Soil Health team and partner organizations at a soil health field day looking at pasture and Silvopasture soil health! More details and registration links here: [https://www.newyorksoilhealth.org/calendar\\_event/9-24-pasture-and-silvopasture-health-in-trumansburg-ny/](https://www.newyorksoilhealth.org/calendar_event/9-24-pasture-and-silvopasture-health-in-trumansburg-ny/)

**Tuesday, September 24<sup>th</sup> - 10:00 am to 3:30 p.m.**

**ADVANCED GRAZING DAIRY – ENHANCING PROFITS & PRODUCTION**

*Springwood Organic Dairy, Kinzers, PA*

Through hands-on training from the world's leading experts, Soil Health Academy participants learn how to increase profitability, build resiliency into the land, decrease input costs and improve nutrient density of food and agricultural products. No matter where you farm or what you grow, Soil Health Academy will teach you how to improve soil health through practical regenerative agricultural

principles. Secure your spot today and gain access to Regen Ag 101 upon payment of the deposit. Tuition of \$1,375 includes: Regen Ag 101 course (\$499.00 value), which we would like you to complete prior to the first day of class; In-person attendance at the SHA school, as well as digital course materials and lunch each day; Lunch, snacks, and water; Access to future scheduled conference calls with the instructors. For more information and to register: <https://soilhealthacademy.regfox.com/sha-pennsylvania-2024>

**Wednesdays – September 25<sup>th</sup> to October 30<sup>th</sup> – 6:30 p.m. to 8:00 p.m.**

**BF233: BEEF CATTLE MANAGEMENT – WEBINAR**

Getting Set up for Success with Cattle - Having a successful cattle business is about much more than just buying a few head and putting them in a field. If you want to turn a profit, you need to think carefully about your goals, marketing strategy, appropriate breeds, and many more details. Over the six weeks of this course you'll get a much clearer idea of what is involved, whether it's the right fit for you, and if it is, what steps you need to take to get started. The bulk of the course happens on your own time, with discussions, readings, and assignments here in Teachable, our virtual classroom. To add to the experience, live webinars will be woven into the online interface for 6 weeks each Fall to allow you to meet on a weekly basis to learn from presenters and ask questions in real time. If you miss one, they are always recorded and posted for later viewing. For more information and to register, visit <https://smallfarmcourses.com/p/bf-233-beef-cattle-management>. Sponsored by the Cornell Small Farms Program.

**September 26 & 27, 2024**

**SAVE THE DATES!**

**THE 24<sup>th</sup> ANNUAL NODPA FIELD DAYS:**

**Demistifying Succession Planning for Organic Dairy Farms**

*Nichols Volunteer Fire Department Hall*

*106 W. River Road, Nichols, NY 13812*

More information is available at the NODPA website, [www.nodpa.com](http://www.nodpa.com) and in this issue of the NODPA News.

**Thursday, October 10<sup>th</sup> – 10:30 am to 1:30 p.m.**

**LARGER HERD, LOW-OVERHEAD GRAZING FIELD DAY**

*Graceland Dairies, 5301 Everman Road, Dansville (Livingston County)*

Join us at Graceland Dairies, the farm of Holly Burley Moore, for a discussion on how she keeps her overhead costs low on her grazing dairy. Holly milks a closed herd of 550 medium-framed cows on pasture. She uses seasonal calving and outwintering to

- continued on page 36

## Classified Ads

### ANIMALS

**FOR SALE: Dairy Cows - Certified Organic. Mixed herd- Jerseys, Ayrshires, Holsteins and crosses.** 60 milkers, 18 dry cows and bred heifers. Calves available. Contact: Breezy Valley Farm for more information. Wendy Burkewitz, [burkewitz14@comcast.net](mailto:burkewitz14@comcast.net), 802-744-4055

**Location: Westfield, VT**

**FOR SALE: Three open, breeding age heifers,** certified organic, dual purpose breeds. Best offers, Phillip Cutting, [neros75@comcast.net](mailto:neros75@comcast.net), 802-380-4783.

**Location: Guilford, Vermont**

**WANTED: Looking to buy 80 to 100 organic milk cows.** Please call or email Matt Mills at: [Millsfarmsupply@hotmail.com](mailto:Millsfarmsupply@hotmail.com), 607-656-4186.

**Location: Cortland County, NY**

### FEED, GRAIN, HAY

**FOR SALE: Certified Organic Hay, 2024 4/4** baleage, May harvested, \$45.00. Phillip Cutting, [neros75@comcast.net](mailto:neros75@comcast.net), 802-254-6982 or 802-380-4783

**Location: Guilford, VT**

**FOR SALE: Certified Organic Hay/Baleage for 2024:**

- **Small square bales:** 1st cutting \$5 per bale; Small square bales: 2nd cutting \$6 per bale; small square bale bedding or mulch hay at \$3 per bale or \$4 per bale (no weeds)
- **Large square bales** 3' x 3' x 7' 1st cutting grass hay at \$75 per bale; large square bales 3' x 3' x 7' 2nd cutting grass hay at \$90 per bale
- **Baleage bales** 4' x 4' 1st cutting \$60 per bale. Round bales 4' x 5' twine wrapped 1st cutting dry grass hay at \$50. All hay is stored under cover or wrapped. Forage tests available. Tractor trailer load quantity discounts for small bales. We ship throughout the east coast and have multiple delivery quantities or pickup at the farm. Samples available. Call/text 315-378-5180

**Location: Berkshire NY (NY Southern Tier between Binghamton and Ithaca in Tioga County)**

### EQUIPMENT

**FOR SALE: Hesston 2000-150 Chopper** with 3 row corn head and hay head. John Deere 15' swather with conditioner. Both stored undercover and in excellent condition. Contact Alcuin and Cathy Marthaler at 320-859-4141.

**Location: Osakis, MN**

**FOR SALE: 400-gallon vat pasteurizer.** In good condition, but needs thermometers. \$6,000. Francis Thicke, 641-919-8554.

**Location: Fairfield, IA**

## Website & E-Newsletter Advertising

NODPA is pleased to provide additional advertising opportunities for our organic dairy supporters and resource individuals through our Website and our monthly E-Newsletter.

### Website Advertising

Three banner ads are located at the top of the home page and at least 10 other pages on NODPA's website. NODPA.com receives over 2500 visits each month navigating to an average of 3 pages per visit.

**Ad Design:** Display-ready ads should be 275 pixels wide by 100 pixels tall. Your ad can link to a page on your website.

**Cost:** Display-ready ads are \$150 per month.

### E-Newsletter Advertising

Two banner ads are located at the top of each E-Newsletter, going out monthly to over 2,000 individuals through our E-Newsletter, the NODPA-ODairy discussion forum, and NODPA's Facebook page.

**Ad Design:** Display-ready ads should be 300 pixels wide by 125 pixels tall. Your ad can link to a page on your website.

**Cost:** Display-ready ads are \$125 per month.

### Discounted rates for commitments of 6 months or more.

Interested in one or both of these opportunities? For more information, contact Nora Owens at:

**Email:** [noraowens@comcast.net](mailto:noraowens@comcast.net)

**Phone:** 413-772-0444

Go to the following web page for more information:

[www.nodpa.com/web\\_ads.shtml](http://www.nodpa.com/web_ads.shtml)



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## Calendar - *continued from page 34*

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reduce labor demands and overhead costs. A tour of the farm will focus on the grazing and feeding system, group raising calves, the milking system, and outwintering. Other experts will be on hand to discuss supplemental feeding, lanes and drainage, and the economics of low-overhead dairy grazing. Lunch will be provided – please register by October 3rd so we have a count for lunch at <https://nwnyteam.cce.cornell.edu/event.php?id=2427>.

**Friday, October 25<sup>th</sup> (3:00 p.m. to 8:00 p.m.) &  
Saturday, October 26<sup>th</sup> (8:00 am to 4:00 p.m.)**

### **STOCKMANSHIP & STEWARDSHIP**

*Agriculture Discovery Center on the Fairgrounds, 5600  
McKinley Parkway, Hamburg (Erie County)*

Join us for a dynamic event tailored for beef and dairy producers in New York and surrounding states. Explore a range of informative topics such as grazing management with Sarah Flack, consumer insights, cattle handling demos, safe cattle transport and more, all designed to elevate your operations and boost profitability. For more information and to register: <https://www.stockmanshipandstewardship.org/events/hamburg-ny>.