

## **National Organic Program (NOP) – Organic Origin of Livestock: Dairy Clarification**

### **Issue**

The U.S. Department of Agriculture's Agricultural Marketing Service (USDA AMS) proposes to amend the origin of livestock requirements for dairy animals under the USDA organic regulations. This proposed action would specify that a producer can transition dairy animals into organic production once. This proposed action would clarify that, after completion of this one-time transition, any new dairy animals that a producer adds to a dairy farm would need to be managed organically from the last third of gestation or sourced from dairy animals that already completed their transition into organic production.

### **Background**

The Organic Foods Production Act (OFPA) authorizes the National Organic Program (NOP) to regulate organic claims on livestock used for dairy production. The USDA organic regulations regarding the origin of livestock require that all livestock products (e.g., meat, fiber) sold, labeled, or represented as being organic must be from livestock under continuous organic management from the last third of gestation onward. For dairy animals, the USDA organic regulations provide an exception at that allows for the transition of a dairy herd into organic production as long as they are under continuous organic management for the one-year period prior to production of organic milk or milk products. During this one-year period, dairy animals may consume crops and forage from land which is in the third year of organic management and included in the organic system plan, but has not yet been certified organic

An Office of Inspector General (OIG) audit identified that certifiers were interpreting the exception provisions differently, creating an uneven regulatory environment. In response to the audit, NOP responded that this proposed rule, based on National Organic Standards Board recommendations would be promulgated. This proposed rule clarifies that each dairy producer may use a one-time exception to transition conventional dairy animals to organic milk production. After the one time transition occurs, the dairy producer must source replacement dairy animals from animals which were raised organically since the last third of gestation or which were transitioned by another organic producer using their one time allowance.

Overall, AMS expects consumer groups, certifying agents, and most organic dairy producers to support a rule to clarify and narrow the allowance to transition dairy animals into organic production. Broadly, This action would address would promote fair and equitable conditions for the certification of organic dairy farms, strengthen compliance and organic integrity in the dairy sector, and potentially improve the market for organic heifers. The cost of implementing the proposed rule would fall primarily on the less than 5% of organic dairy operations that currently purchase transitional heifers and heifer development operations that routinely manage and convert conventional animals for larger farms in the organic dairy industry.

### **Possible Benefits/Costs to Tribes**

AMS expects that any benefits or costs to Tribes would be as described above.

**Contact:** Scott Updike; National Organic Program; Washington, DC; (202) 2620-9293