

National Organic Program Final Rule – Access to Pasture:

A side-by-side comparison between the original, proposed and final rule *

7 CFR Part 205	Proposed Rule – Access to Pasture, 73 FR 63584	Final Rule – Access to Pasture
§205.2 Terms defined.	205.2 Terms defined.	205.2 Terms defined.
<i>Crop.</i> A plant or part of a plant intended to be marketed as an agricultural product or fed to livestock. <i>Pasture.</i> Land used for livestock grazing that is managed to provide feed value and maintain or improve soil, water, and vegetative resources. <i>[The existing regulations do not define dry matter, dry lot, feedlot, graze, grazing, growing season, inclement weather, killing frost, residual forage, sacrificial pasture, shelter, stage of life, temporary and temporarily or yards/feeding pad.]</i>	<i>Crop.</i> Pastures, soed, cover crops, green manure crops, catch crops, and any plant or part of a plant intended to be marketed as an agricultural product, fed to livestock, or used in the field to manage nutrients and soil fertility. <i>[In the proposed rule, pasture is included within the definition of crop; the definition of pasture is unchanged].</i> <i>Dry matter.</i> The amount of a feedstuff remaining after all the free moisture is evaporated out. <i>[The proposed rule did not define dry matter demand or dry matter intake.]</i> <i>Dry lot.</i> A confined area that may be covered with concrete, but that has no vegetative cover.	<i><u>Class of animal.</u></i> A group of livestock that shares a similar stage of life or production. The classes of animals are those that are commonly listed on feed labels. <i>Crop.</i> Pastures, cover crops, green manure crops, catch crops, or any plant or part of a plant intended to be marketed as an agricultural product, fed to livestock, or used in the field to manage nutrients and soil fertility. <i>[In the final rule, pasture is included within the definition of crop; the definition of pasture is unchanged].</i> <i>Dry matter.</i> The amount of a feedstuff remaining after all the free moisture is evaporated out. <i><u>Dry matter demand.</u></i> The expected dry matter intake for a class of animal. <i><u>Dry matter intake.</u></i> Total pounds of all feed, devoid of all moisture, consumed by a class of animals over a given period of time. <i>Dry lot.</i> A fenced area that may be covered with concrete, but that has little or no vegetative

	<u>Feedlot.</u> A confined area for the controlled feeding of ruminants. <u>Graze.</u> (1) The consumption of standing forage by livestock. (2) To put livestock to feed on standing forage. <u>Grazing.</u> To graze. <u>Growing season.</u> The period of time between the average date of the last killing frost in the spring to the average date of the first killing frost in the fall or early winter in the local area of production. This represents a temperature threshold of 28 degrees Fahrenheit (-3.9 degrees Celsius) or lower at a frequency of 5 years in 10. Growing season may range from 121 days to 365 days. <u>Inclement weather.</u> Weather that is violent, or characterized by temperatures (high or low), that can kill or cause permanent physical harm to a given species of livestock.	cover. <u>Feedlot.</u> A dry lot for the controlled feeding of livestock. <u>Graze.</u> (1) The consumption of standing or residual forage by livestock. (2) To put livestock to feed on standing or residual forage. <u>Grazing.</u> To graze. <i>[The proposed definition of growing season was deleted and replaced with grazing season in the final rule.]</i> <u>Grazing season.</u> The period of time when pasture is available for grazing, due to natural precipitation or irrigation. Grazing season dates may vary because of mid-summer heat/humidity, significant precipitation events, floods, hurricanes, droughts or winter weather events. Grazing season may be extended by the grazing of residual forage as agreed in the operation's organic system plan. Due to weather, season, or climate, the grazing season may or may not be continuous. Grazing season may range from 120 days to 365 days, but not less than 120 days per year. <u>Inclement weather.</u> Weather that is violent, or characterized by temperatures (high or low), or characterized by excessive precipitation that can cause physical harm to a given species of livestock. Production yields or growth rates of livestock
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<i>Livestock.</i> Any cattle, sheep, goat, swine, poultry, or equine animals used for food or in the production of food, fiber, feed, or other agricultural-based consumer products; wild or domesticated game; or other nonplant life, except such term shall not include aquatic animals or bees for the production of food, fiber, feed, or other agricultural-based consumer products.	<u>Killing frost.</u> A frost that takes place at temperatures between 25 degrees and 28 degrees Fahrenheit (-2.2 and -3.9 degrees Celsius) for a period sufficiently severe to end the growing season or delay its beginning. <u>Livestock.</u> Any bee, cattle, sheep, goats, swine, poultry, equine animals used for food or in the production of food, fiber, feed, or other agricultural-based consumer products; fish used for food; wild or domesticated game; or other nonplant life. <i>[The proposed rule did not define residual forage.]</i> <u>Sacrificial pasture.</u> A pasture or pastures within the pasture system, of sufficient size to accommodate all animals in the herd without crowding, where animals are kept for short periods during saturated soil conditions to confine pasture damage to an area where potential environmental impacts can be controlled. This pasture is then deferred from grazing until it has been restored through active pasture management. Sacrificial pastures are located where soils have good trafficability, are well-drained, have low risk of soil erosion, have low or no potential of	lower than the maximum achievable do not qualify as physical harm. <i>[The proposed definition of killing frost was deleted from the final rule.]</i> <u>Livestock.</u> Any cattle, sheep, goats, swine, poultry, or equine animals used for food or in the production of food, fiber, feed, or other agricultural-based consumer products; wild or domesticated game; or other nonplant life, except such term shall not include aquatic animals for the production of food, fiber, feed, or other agricultural-based consumer products. <u>Residual forage.</u> Forage cut and left to lie, or windrowed and left to lie, in place in the pasture. <i>[The proposed definition of sacrificial pasture was deleted in the final rule.]</i>
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	manure runoff, are surrounded by vegetated areas, and are easily restored. A sacrificial pasture is land used for livestock grazing that is managed to provide feed value and maintain or improve soil, water, and vegetative resources; it is not a dry lot or feedlot. <i>[The proposed rule did not define shelter or stage of life.]</i> <u>Temporary and Temporarily.</u> Occurring for a limited time only (e.g., overnight, throughout a storm, during a period of illness, the period of time specified by the Administrator when granting a temporary variance), not permanent or lasting. <i>[The proposed rule did not define yards/feeding pad.]</i>	<u>Shelter.</u> Structures such as barns, sheds, or windbreaks; or natural areas such as woods, tree lines, large hedge rows, or geographic land features, that are designed or selected to provide physical protection or housing to all animals. <u>Stage of life.</u> A discrete time period in an animal's life which requires specific management practices different than during other periods (e.g., poultry during feathering). Breeding, freshening, lactation and other recurring events are not a stage of life. <u>Temporary and Temporarily.</u> Occurring for a limited time only (e.g., overnight, throughout a storm, during a period of illness, the period of time specified by the Administrator when granting a temporary variance), not permanent or lasting. <u>Yards/Feeding pad.</u> An area for feeding, exercising, and outdoor access for livestock during the non-grazing season and a high traffic area where animals may receive supplemental feeding during the grazing season.
§205.236 Origin of Livestock	§205.236 Origin of Livestock	
(a) Livestock products that are to		

be sold, labeled, or represented as organic must be from livestock under continuous organic management from the last third of gestation or hatching: <i>Except, That: . . .</i> (2) <i>Dairy animals.</i> Milk or milk products must be from animals that have been under continuous organic management beginning no later than 1 year prior to the production of the milk or milk products that are to be sold, labeled, or represented as organic, <i>Except,</i> (i) That, crops and forage from land, included in the organic system plan of a dairy farm, that is in the third year of organic management may be consumed by the dairy animals of the farm during the 12-month period immediately prior to the sale of organic milk and milk products; and (ii) That, when an entire, distinct herd is converted to organic production, the producer may, <i>provided</i> no milk produced under this subparagraph enters the stream of commerce labeled as organic after June 9, 2007: (a) For the first 9 months of the year, provide a minimum of 80-percent feed that is either organic or raised from land included in the organic system plan and managed in compliance with organic crop requirements; and (b) Provide feed in compliance with § 205.237 for the final 3 months. (iii) Once an entire, distinct herd has been converted to organic production, all dairy animals shall be under organic management from the last third of gestation.	(iii) Once an operation has been certified for organic production using the exception in paragraph (a)(2)(i) or (ii) of this section, all dairy animals brought onto the operation shall be under organic management from the last third of gestation.	<i>[There proposed amendment to 236(a)(2)(iii) was deleted in the final rule. The issues pertaining to this section will be addressed in a separate rulemaking].</i>
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§205.237 Livestock Feed.	§205.237 Livestock Feed.	
(a) The producer of an organic livestock operation must provide livestock with a total feed ration composed of agricultural products, including pasture and forage, that are organically produced and, if applicable, organically handled: <i>Except</i> , That, nonsynthetic substances and synthetic substances allowed under § 205.603 may be used as feed additives and supplements.	(a) The producer of an organic livestock operation must provide livestock with a total feed ration composed of agricultural products, including pasture and forage, that are organically produced by operations certified to the NOP, except as provided in § 205.236(a)(i)), and, if applicable, organically handled by operations certified to the NOP: <i>Except</i> , That, synthetic substances allowed under § 205.603 and nonsynthetic substances may be used as feed additives and supplements, <i>Provided</i> , That, all agricultural ingredients in such additives and supplements shall have been produced and handled organically.	(a) The producer of an organic livestock operation must provide livestock with a total feed ration composed of agricultural products, including pasture and forage, that are organically produced and handled by operations certified to the NOP, except as provided in § 205.236(a)(2)(i), <i>Except</i> , That, synthetic substances allowed under § 205.603 and nonsynthetic substances not prohibited under § 205.604 may be used as feed additives and feed supplements, <i>Provided</i> , That, all agricultural ingredients included in the ingredients list, for such additives and supplements , shall have been produced and handled organically.
(b) The producer of an organic operation must not: (1) Use animal drugs, including hormones, to promote growth; (2) Provide feed supplements or additives in amounts above those needed for adequate nutrition and health maintenance for the species at its specific stage of life; (3) Feed plastic pellets for roughage; (4) Feed formulas containing urea or manure; (5) Feed mammalian or poultry slaughter by-products to mammals or poultry; or (6) Use feed, feed additives, and feed supplements in violation of the Federal Food, Drug, and Cosmetic Act.	(7) Provide feed or forage to which anyone, at any time , has added an antibiotic; or (8) Prevent, withhold, restrain, or otherwise restrict ruminant animals from actively obtaining feed grazed from pasture during the growing season, except for conditions as described under § 205.239(c).	<i>[§205.237(b)(1)-(6) are retained without revision from the original regulation].</i> (7) Provide feed or forage to which any antibiotic including ionophores has been added; or (8) Prevent, withhold, restrain, or otherwise restrict ruminant animals from actively obtaining feed grazed from pasture during the grazing season, except for conditions as described under §§ 205.239 (b) and (c).

<i>[Original regulations do not contain provisions which specify the minimum dry matter intake from pasture for ruminants and how to document compliance with that minimum as in Proposed Rule 205.237(c)].</i>	(c) During the growing season, producers shall provide not more than an average of 70 percent of a ruminant's dry matter demand from dry matter fed (dry matter fed does not include dry matter grazed from vegetation rooted in pasture). Producers shall, once a month, on a monthly basis:	(c) During the grazing season, producers shall: (1) Provide not more than an average of 70 percent of a ruminant's dry matter demand from dry matter fed (dry matter fed does not include dry matter grazed from residual forage or vegetation rooted in pasture). This shall be calculated as an average over the entire grazing season for each type and class of animal. Ruminant animals must be grazed throughout the entire grazing season for the geographical region, which shall be not less than 120 days per calendar year. Due to weather, season, and/or climate, the grazing season may or may not be continuous. (2) Provide pasture of a sufficient quality and quantity to graze throughout the grazing season and to provide all ruminants under the organic system plan with an average of not less than 30 percent of their dry matter intake from grazing throughout the grazing season: <u>Except</u>, That, (i) Ruminant animals denied pasture in accordance with § 205.239(b)(1) through (8), and § 205.239(c)(1) through (3), shall be provided with an average of not less than 30 percent of their dry matter intake from grazing throughout the periods that they are on pasture during the grazing season; (ii) Breeding bulls shall be exempt from the 30 percent dry matter intake from grazing requirement of this section and management on pasture requirement of § 205.239(c)(2); <u>Provided</u>, That, any animal
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	(1) Document each feed ration (i.e., for each type of animal, each class of animal's intended daily diet showing all ingredients, daily pounds of each ingredient per animal, each ingredient's percentage of the total ration, the dry matter percentage for each ingredient, and the dry matter pounds for each ingredient); (2) Document the daily dry matter demand of each class of animal using the formula: $\frac{\text{Average Weight/Animal (lbs)} \times .03 = \text{lbs DM/Head/Day} \times \text{Number of Animals} = \text{Total DM Demand in lbs/Day};$ (3) Document how much dry matter is fed daily to each class of animal; and (4) Document the percentage of dry matter fed daily to each class of animal using the formula: (DM Fed ÷ DM Demand in lbs/day) × 100 = % DM Fed.	maintained under this exemption shall not be sold, labeled, used, or represented as organic slaughter stock. <i>[In the final rule, the feed documentation requirements are less prescriptive than those of the proposed rule in terms of frequency of documentation and mandating specific formulas for dry matter demand and dry matter intake. Also, the documentation requirements are moved to paragraph (d) in final rule.]</i> (d) Ruminant livestock producers shall: (1) Describe the total feed ration for each type and class of animal. The description must include: (i) All feed produced on-farm; (ii) All feed purchased from off-farm sources; (iii) The percentage of each feed type, including pasture, in the total ration; and (iv) A list of all feed supplements and additives. (2) Document the amount of each type of feed actually fed to each type and class of animal. (3) Document changes that are made to all rations throughout the year in response to seasonal grazing changes. (4) Provide the method for calculating dry matter demand and dry matter intake.
§205.239 Livestock living conditions		
(a) The producer of an organic livestock operation must establish and maintain livestock living	(a) The producer of an organic livestock operation must establish and maintain year-round livestock	(a) The producer of an organic livestock operation must establish and maintain year-

conditions which accommodate the health and natural behavior of animals, including: (1) Access to the outdoors, shade, shelter, exercise areas, fresh air, and direct sunlight suitable to the species, its stage of production, the climate, and the environment; (2) Access to pasture for ruminants; (3) Appropriate clean, dry bedding.	living conditions which accommodate the health and natural behavior of animals, including those listed in paragraphs (a)(1) through (a)(3) of this section. Further, producers shall not prevent, withhold, restrain, or otherwise restrict animals from being outdoors, except as otherwise provided in paragraph (b) and (c) of this section. <i>[This last sentence is moved to 205.237(b)(8) in final rule]</i>. Producers shall also provide: (1) Year-round access for all animals to the outdoors, shade, shelter, exercise areas, fresh air, water for drinking (indoors and outdoors), and direct sunlight, suitable to the species, its stage of life, the climate, and the environment. (2) For all ruminants, continuous year-round management on pasture, except as otherwise provided in paragraph (c) of this section, for: (i) Grazing throughout the growing season; and (ii) Access to the outdoors throughout the year, including during the non-growing season. Dry lots and feedlots are prohibited. (3) Appropriate clean, dry	round livestock living conditions which accommodate the health and natural behavior of animals, including: (1) Year-round access for all animals to the outdoors, shade, shelter, exercise areas, fresh air, clean water for drinking, and direct sunlight, suitable to the species, its stage of life, the climate, and the environment: <u>Except</u>, that, animals may be temporarily denied access to the outdoors in accordance with §§ 205.239(b) and (c). Yards, feeding pads, and feedlots may be used to provide ruminants with access to the outdoors during the non-grazing season and supplemental feeding during the grazing season. Yards, feeding pads, and feedlots shall be large enough to allow all ruminant livestock occupying the yard, feeding pad, or feedlot to feed simultaneously without crowding and without competition for food. Continuous total confinement of any animal indoors is prohibited. Continuous total confinement of ruminants in yards, feeding pads, and feedlots is prohibited. (2) For all ruminants, management on pasture and daily grazing throughout the grazing season(s) to meet the requirements of § 205.237, except as provided for in paragraphs (b), (c), and (d) of this section. (3) Appropriate clean, dry
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If the bedding is typically consumed by the animal species, it must comply with the feed requirements of § 205.237; <i>[Subparagraph (a)(3) of the original rule is amended in this final rule.]</i> (4) Shelter designed to allow for: (i) Natural maintenance, comfort behaviors, and opportunity to exercise; (ii) Temperature level, ventilation, and air circulation suitable to the species; - and (iii) Reduction of potential for livestock injury;	bedding. When hay, straw, ground cobs, or other crop matter typically fed to the animal species is used as bedding, it must comply with the feed requirements of § 205.237.	bedding. When roughages are used as bedding, they shall have been organically produced in accordance with this part by an operation certified under this part, except as provided in § 205.236(a)(2)(i), and, if applicable, organically handled by operations certified to the NOP. <i>[206.239(a)(4) of the original regulation is retained in this final rule].</i> (5) The use of yards, feeding pads, feedlots and laneways that shall be well-drained, kept in good condition (including frequent removal of wastes), and managed to prevent runoff of wastes and contaminated waters to adjoining or nearby surface water and across property boundaries.
(b) The producer of an organic livestock operation may provide temporary confinement for an animal because of: . . . (2) The animal's stage of production; (3) Conditions under which the health, safety, or wellbeing of the animal could be jeopardized; or (4) Risk to soil or water quality.	(b) The producer of an organic livestock operation may temporarily deny a non-ruminant animal access to the outdoors because of: (1) * * * (2) The animal's stage of life; <i>[Subparagraphs (3) and (4) of the original regulation are retained in the proposed and final rule. Subparagraphs (5)-(8) were added in the final rule.]</i>	(b) The producer of an organic livestock operation may provide temporary confinement or shelter for an animal because of: (1) *** (2) The animal's stage of life: <u>Except</u>, That lactation is not a stage of life that would exempt ruminants from any of the mandates set forth in this regulation; (3) Conditions under which the health, safety, or wellbeing of the animal could be jeopardized; (4) Risk to soil or water quality; (5) Preventive healthcare procedures or for the treatment of illness or injury (neither the various life stages nor lactation is an illness or injury);

		(6) Sorting or shipping animals and livestock sales: <u>Provided</u>, That, the animals shall be maintained under continuous organic management, including organic feed, throughout the extent of their allowed confinement; (7) Breeding: <u>Except</u>, That, bred animals shall not be denied access to the outdoors and, once bred, ruminants shall not be denied access to pasture during the grazing season; or (8) 4-H, Future Farmers of America and other youth projects, for no more than one week prior to a fair or other demonstration, through the event and up to 24 hours after the animals have arrived home at the conclusion of the event. These animals must have been maintained under continuous organic management, including organic feed, during the extent of their allowed confinement for the event.
<i>[This provision, 205.239(c), is retained and amended as 205.239(e) in the final rule – see below].</i>	(c) The producer of an organic livestock operation may temporarily deny a ruminant animal pasture under the following conditions: (1) When the animal is segregated for treatment of illness or injury (the various life stages, such as lactation, are not an illness or injury); <i>[This exception in this subparagraph is included under (b)(5) in the final rule.]</i> (2) One week prior to parturition (birthing), parturition, and up to one week after parturition; (3) In the case of newborns for up to six months, after which they must be on pasture and may no	(c) The producer of an organic livestock operation may, in addition to the times permitted under § 205.239(b), temporarily deny a ruminant animal pasture or outdoor access under the following conditions: (1) One week at the end of a lactation for dry off (for denial of access to pasture only), three weeks prior to parturition (birthing), parturition, and up to one week after parturition; (2) In the case of newborn dairy cattle for up to six months, after which they must be on pasture during the

	longer be individually housed; (4) In the case of goats, during periods of inclement weather; (5) In the case of sheep, for short periods for shearing; and (6) In the case of dairy animals, for short periods daily for milking. Milking must be scheduled in a manner to ensure sufficient grazing time to provide each animal with an average dry matter intake from grazing of not less than 30 percent throughout the growing season. Milking frequencies or duration practices cannot be used to deny dairy animals pasture.	grazing season and may no longer be individually housed: <u>Provided</u>, That, an animal shall not be confined or tethered in a way that prevents the animal from lying down, standing up, fully extending its limbs, and moving about freely; (3) In the case of fiber bearing animals, for short periods for shearing; and (4) In the case of dairy animals, for short periods daily for milking. Milking must be scheduled in a manner to ensure sufficient grazing time to provide each animal with an average of at least 30 percent DMI from grazing throughout the grazing season. Milking frequencies or duration practices cannot be used to deny dairy animals pasture.
<i>[Original regulations do not contain provisions for finish feeding].</i>	(d) Ruminants must be provided with: (1) A lying area with well-maintained clean, dry bedding, which complies with paragraph (a)(3) of this section, during periods of temporary housing, provided due to temporary denial of pasture during conditions listed in paragraphs (c)(1) through (c)(5) of this section; (2) Yards and passageways kept in good condition and well drained; (3) Shade and in the case of goats, shelter open on at least one side; (4) Water at all times except during short periods for milking or sheering--such water must be protected from fouling; (5) Feeding and watering equipment that are designed, constructed, and placed to protect from fouling--such equipment must be cleaned weekly; and	<i>[Proposed paragraph (d) was deleted because all of the requirements are found elsewhere in the final rule; except that (d)(6) was eliminated in the final rule.]</i> (d) Ruminant slaughter stock, typically grain finished, shall be maintained on pasture for each day that the finishing period corresponds with the grazing season for the geographical location: <u>Except</u>, That, yards, feeding pads, or feedlots may be used to provide finish feeding rations. During the finishing period, ruminant slaughter stock shall be exempt from the minimum 30 percent DMI requirement from grazing. Yards, feeding pads, or feedlots used to provide finish feeding rations shall be large enough to

	(6) In the case of newborns, hay in a rack off the ground, beginning 7 days after birth, unless on pasture, and pasture for grazing in compliance with § 205.240(a) not later than six months after birth.	allow all ruminant slaughter stock occupying the yard, feeding pad, or feed lot to feed simultaneously without crowding and without competition for food. The finishing period shall not exceed one fifth (1/5) of the animal's total life or 120 days, whichever is shorter.
(c) The producer of an organic livestock operation must manage manure in a manner that does not contribute to contamination of crops, soil, or water by plant nutrients, heavy metals, or pathogenic organisms and optimizes recycling of nutrients.	(e) The producer of an organic livestock operation must manage manure in a manner that does not contribute to contamination of crops, soil, or water by plant nutrients, heavy metals, or pathogenic organisms and optimizes recycling of nutrients.	(e) The producer of an organic livestock operation must manage manure in a manner that does not contribute to contamination of crops, soil, or water by plant nutrients, heavy metals, or pathogenic organisms and optimizes recycling of nutrients and must manage pastures and other outdoor access areas in a manner that does not put soil or water quality at risk. <i>[This provision is amends and moves paragraph 205.239(c) of the original regulation].</i>
<i>[Original regulations do not contain a provision comparable to Proposed Rule 205.239(f)].</i>	(f) The producer of an organic livestock operation must manage outdoor access areas, including pastures, in a manner that does not put soil or water quality at risk; this includes the use of fences and buffer zones to prevent ruminants and their waste products from entering ponds, streams, and other bodies of water. Buffer zone size shall be extensive enough, in full consideration of the physical features of the site, to prevent the waste products of ruminants from entering ponds, streams, and other bodies of water.	<i>[The first part of this proposed paragraph was moved to paragraph (e) in the final rule. The remainder of paragraph (f) was deleted in the final rule.]</i>
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<i>[Existing regulations do not contain a Pasture Practice Standard].</i>	The producer of an organic livestock operation must, for all ruminant livestock on the operation, demonstrate through auditable records in the organic system plan, a functioning management plan for pasture that meets all requirements of §§ 205.200 – 205.240. (a) Pasture must be managed as a crop in full compliance with §§ 205.200 through 205.206.	The producer of an organic livestock operation must, for all ruminant livestock on the operation, demonstrate through auditable records in the organic system plan, a functioning management plan for pasture. (a) Pasture must be managed as a crop in full compliance with §§ 205.202, 205.203(d) and (e), 205.204, and 205.206(b) through (f). Land used for the production of annual crops for ruminant grazing must be managed in full compliance with §§ 205.202 through 205.206. Irrigation shall be used, as needed, to promote pasture growth when the operation has irrigation available for use on pasture. (b) Producers must provide pasture in compliance with § 205.239(a)(2) and manage pasture to comply with the requirements of: § 205.237(c)(2), to annually provide a minimum of 30 percent of a ruminant’s dry matter intake (DMI), on average, over the course of the grazing season(s); § 205.238(a)(3), to minimize the occurrence and spread of diseases and parasites; and § 205.239(e) to refrain from putting soil or water quality at risk. <i>[Paragraph (b) in the final rule is an amended version of proposed paragraph 240(e).]</i>
	(b) The producer must develop and annually update a comprehensive pasture plan for inclusion in the producer’s organic system plan.	(c) A pasture plan must be included in the producer’s organic system plan, and be updated annually in accordance

	When there is no change to the previous year's comprehensive pasture plan the certified operation may resubmit the previous year's comprehensive pasture plan. (c) The comprehensive pasture plan must include a detailed description of: (1) Crops to be grown in the pasture and haymaking system; (2) Cultural practices, including but not limited to varying the crops and their maturity dates in the pasture system, to be used to ensure pasture of a sufficient quality and quantity is available to graze throughout the growing season and to provide all ruminants under the organic systems plan with an average of not less than 30 percent of their dry matter intake from grazing throughout the growing season; (3) The haymaking system; (4) The location of pasture and haymaking fields, including maps showing the pasture and haymaking system and giving each field its own identity;	with § 205.406(a). The producer may resubmit the previous year's pasture plan when no change has occurred in the plan. The pasture plan may consist of a pasture/rangeland plan developed in cooperation with a Federal, State, or local conservation office: <u>Provided</u>, That, the submitted plan addresses all of the requirements of § 205.240(c)(1) through (8). When a change to an approved pasture plan is contemplated, which may affect the operation's compliance with the Act or the regulations in this part, the producer shall seek the certifying agent's agreement on the change prior to implementation. The pasture plan shall include a description of the: (1) Types of pasture provided to ensure that the feed requirements of § 205.237 are being met. (2) Cultural and management practices to be used to ensure pasture of a sufficient quality and quantity is available to graze throughout the grazing season and to provide all ruminants under the organic system plan, except exempted classes identified in § 205.239(c)(1) through (3), with an average of not less than 30 percent of their dry matter intake from grazing throughout the grazing season. (3) Grazing season for the livestock operation's regional location. (4) Location and size of pastures, including maps giving each pasture its own identification.
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	(5) The types of grazing methods to be used in the pasture system; (6) The location and types of fences and the location and source of shade and water; (7) The soil fertility, seeding, and crop rotation systems; (8) The pest, weed, and disease control practices; (9) The erosion control and protection of natural wetlands, riparian areas, and soil and water quality practices; (10) Pasture and soil sustainability practices; and (11) Restoration of pastures practices. <i>[Proposed subparagraphs (7)-(9) were amended/deleted in the final rule to prevent duplication of reporting requirements.]</i> <i>[Proposed subparagraph (10) was deemed unnecessary and deleted in the final rule.]</i> (d) The pasture system must include a sacrificial pasture, for grazing, to protect the other pastures from excessive damage during periods when saturated soil conditions render the pasture(s) too wet for animals to graze. The sacrificial pasture must be: (1) Sufficient in size to accommodate all animals in the herd without crowding; (2) Located where: (i) Soils have good trafficability; (ii) Well-drained; (iii) There is a low risk of soil erosion; (iv) There is low or no	(5) The types of grazing methods to be used in the pasture system. (6) Location and types of fences, except for temporary fences, and the location and source of shade and water. (7) Soil fertility and seeding systems. (8) Erosion control and protection of natural wetlands and riparian areas practices. <i>[Proposed sacrificial pasture requirements were deleted in the final rule.]</i>
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	potential of manure runoff; (v) Surrounded by vegetated areas; and (vi) Easily restored. (3) Managed to: (i) Provide feed value; and (ii) Maintain or improve soil, water, and vegetative resources. ———— (4) Restored through active pasture management. (e) In addition to the above, producers must manage pasture to comply with all applicable requirements of §§ 205.236 - 205.239. <i>[This paragraph is retained in 205.240(b) of the final rule.]</i>	
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