



Washington, D.C. July 12th, 2021

Jennifer Tucker,  
Deputy Administrator, National Organic Program,  
USDA-AMS-NOP,  
1400 Independence Ave. SW, Room 2642-S,  
Ag Stop 0268, Washington, DC 20250-0268.

Re: AMS-NOP-11-0009; NOP-21-04PR, (RIN) 0581-AD89

Dear Jennifer Tucker,

Thank you for the opportunity to comment on proposed rule to amend the origin of livestock requirements for dairy animals under the USDA organic regulations.

The National Family Farm Coalition (NFFC), representing thousands of independent family farmers, ranchers, and fishermen throughout the United States and as previously written in our comments in 2019 (AMS-NOP 11-0009-2145), we support the proposed Origin of Livestock Rule. Rulemaking is critical to bring consistent enforcement, maintain a level playing field to all organic dairy producers, and uphold strong organic integrity for all organic farmers.

We specifically request that organic dairy animals must be raised organically from the last third of gestation or be raised organically for one year if transitioning a conventional herd to organic, which is allowed only once. Once a distinct herd is transitioned to organic, all animals must be raised organically from the last third of gestation. Cycling dairy animals in and out of organic production must be prohibited.

Organic dairy farmers have made a long-term commitment to the environment and to their consumers' health. It is unfair that the delay in issuing a final Rule has resulted in economic harm for organic dairy farmers receiving low milk prices caused by an oversupply of organic milk that was enabled and encouraged by loopholes in the current rule.

In addition to the previous comments, USDA requested new comments on the following topics:

- 1. Implementation timeframe.* We requested a quick implementation of rules back in 2015. Six years of waiting to solve this issue is more than enough. The final rule should be the date of implementation.



2. *Accuracy of the estimates in the Regulatory Impact Analysis (RIA)/Regulatory Flexibility Analysis.* We support USDA data analysis efforts and shared results.

“The immediate crisis for those individual farms was perhaps averted, but the larger, structural issue was still looming: Farmers were producing more milk than the processors and marketers could move. This was a main cause of the low prices paid to farmers, plaguing the industry and accelerating dairy farmers exiting the business, or worse yet, declaring bankruptcy. The vicious cycle of too much milk, leading to low prices, where only bigger and bigger farms can survive, which then leads to more milk produced, continues to speed up. It is important to note, that this trend towards fewer but larger farms, also has ecological implications. Concentrating more and more animals in fewer places also concentrates the ecological risk. The manure management and nutrient loading, when not properly managed poses increased risks to water quality, both groundwater and surface water” (Lloyd, 2021).

3. *Exceptions to the one-time allowance requirement.* There should be no exceptions to the one-time allowance requirement. In order to safeguard the true meaning of organic production only one transition per ownership of operation should be permitted; otherwise, the exception becomes a norm, opening the door for corruption.

Organic producers welcome the idea of transforming our food chain system into a process that improves our environment, promotes farmer-led supply management, and protects consumers and farmworkers.

Finally, we want to stress that any production regulatory change and enforcement, as well as planned investment to help the transition of conventional dairy to organic dairy will only benefit family farmers if we move away from consolidated agricultural markets. In the words of President Biden:

“Consolidation in the agricultural industry is making it too hard for small family farms to survive. Farmers are squeezed between concentrated market power in the agricultural input industries -- seed, fertilizer, feed, and equipment suppliers - - and concentrated market power in the channels for selling agricultural products. As a result, farmers' share of the value of their agricultural products has decreased, and poultry farmers, hog farmers, cattle ranchers, and other agricultural workers struggle to retain autonomy and to make sustainable returns.” (Biden, 2021)

The full implementation of proposed rules is a step in the right direction. “A nationwide supply management and parity pricing program” (Anderson, 2021), should complement the rule for a more equal, sustain, and healthy agricultural system.



## Bibliography

AMS-NOP. 11-0009-2145. National Organic Coalition, National Family Farm Coalition and 76 additional organizations, (2019), Comments Origin of Livestock <https://www.regulations.gov/comment/AMS-NOP-11-0009-2145> Last visited 6/14/2021.

Anderson, K, (2021), Supply Management, Parity Price, and Ecological Thinking as the Foundation for a Practical Agricultural System <https://disparitytoparity.org/supply-management-parity-prices-and-ecological-thinking-as-the-foundation-for-a-practical-agriculture-system/> Last visited 7/12/2021.

Biden, J. (2021), Executive Order on Promoting Competition in the American Economy, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/07/09/executive-order-on-promoting-competition-in-the-american-economy/> Last Visited 7/12/2021.

Lloyd, S. (2021) Dairy Together: Building a Farmer-Led Movement for Supply Management. Dairy Together: Building a Farmer-Led Movement for Supply Management <https://disparitytoparity.org/dairy-together-building-a-farmer-led-movement-for-supply-management/> Last visited 6/14/2021.