



WODPA Announces 12th Annual Conference and Trade Show *See Page 6*

When: Wednesday and Thursday
November 15th & 16th, 2017

Location: Nugget Casino Resort, 1100 Nugget Ave
Sparks, NV 89431

Presidents Message

Greetings, and Good Day to You.



Most importantly, I hope this newsletter finds you and your family happy and healthy.

We want to thank all organic dairy farms and associate members who have contributed to WODPA this year for your new or continued financial support. This year, it's important to note, that even with the downward pressure on farm gate prices, WODPA's financial

support is ahead of 2016. We view this as a vote of confidence that, as an organization, we are on the right path forward to address the present organic dairy challenges. Those challenges and some important solutions are presented in this newsletter. Deeper discussion on the issues will occur during our Fall Conference in November. Please plan on attending, and adding your voice to the discussion and being part of the solution.

I understand that many organic dairy families are struggling right now, and facing some difficult decisions about the

future of their farms. The impacts of reduced farm prices affect more than the families that the farm supports, the impacts also ripple through communities. In the U.S., a dollar generated at a dairy farm has an economic multiplier of an average of four. This means that every dollar generated at your dairy from milk and beef income, gets spent in your community through your operating expenses such as feed, labor, utilities, supplies, etc. The dollar that you generate (on farm) and spend (expenses) gets re-spent an average of 4 times within a given period.

WODPA has focused our efforts since last Fall on addressing the following 6 primary issues of concern. The Board of Directors feel that focusing on these issues have the very real potential of improving the integrity of domestic organic milk supply, which will also help move raw organic milk prices back to sustainable levels at the farm.

The six issues are:

1. Pasture Enforcement
2. Origin of Livestock (Transitioning Cattle Provision)
3. Proposed Transitional Certification and Labeling of Transitional Products
4. Organic Dairy and Organic Beef Imports
5. NOP International Equivalency Agreements
6. NOP Administration with regards to Rulemaking, Accreditation and Enforcement

Throughout this year, we have brought to and discussed these issues with Congressmen in DC, as well as the USDA Chief Economist and the National Organic Program. We believe that we are making some progress as the USDA is researching our concerns and more congressmen are beginning to understand the crisis organic dairy farmers are in. There will be more information shared in this newsletter and at our conference.

On our recent visit to Washington D.C. (October 12 & 13), I was reminded again that WODPA is the only voice in our nation's capital for organic dairymen in the west. When we brought the

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(Continued from page 1)

6 critical issues up with everyone we met with, the NOP was the only agency that had a vague understanding of what organic dairy farmers are going through right now. None of the Lawmakers had any clue as to what we are being affected by. The Policy makers, USDA and Congressmen in D.C., mostly get their information on organic markets from Trade groups who have offices in Washington. These Trade groups, by their very nature, continually advocate for more production of organic products, even amid oversupplied situations in dairy, fruits and produce. It's not often that Policy makers in D.C. hear from organic farmer groups, therefore, it's important that we continue to have a seat at the table so that we have a voice in our future.

Some of you may ask or even demand, "Why isn't WODPA talking to the milk buyers about pay prices!" Short answer one is: we have brought the matter to their attention. The farmers and processors all know the situation we are in. Short answer two is: WODPA is not a legal association representing all organic dairymen members in price negotiations with their processors. We are an Alliance of organic dairymen working on items that we can affect. If the six issues mentioned earlier are properly addressed by the appropriate agencies and lawmakers, organic milk prices will recover. Unfortunately, this approach is not a quick fix that some of you need right now.

WODPA is doing everything that we can within the scope of our charter and mission statement. I wish that we could do more in these turbulent times to "preserve, protect and insure the sustainability and integrity of organic dairy farming across the west." If you believe that we could do more or should take an alternative approach to the issues affecting your farm, please let your voice be heard. The officers, the board members, and the executive director all have open ears, listed phone numbers and email addresses. The WODPA conference is also a great place to come to network and give input towards solutions.

"The real man smiles in trouble, gathers strength from distress, and grows brave by reflection." - Thomas Paine

My hope for you is that you grow "brave by reflection" during these times of trouble and distress. Let's continue to work together as a farmer group and gather strength so that we can stand in this face of adversity and persevere.

We will see you at the conference.



Sean Mallett

WODPA, President



DO WE HAVE YOUR CORRECT INFORMATION??

If you wish to be on our email list, so we can serve you better, please send your current email address to wodpa@outlook.com

Please include your phone number as well.

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Executive Director's Message

This has been and remains a very busy year for WODPA. We have focused on 6 primary issues of concern: Pasture Enforcement, Origin of Livestock, Transitional Certification, Organic Beef and Dairy Imports, NOP Equivalency Agreements, and NOP Administration. We have communicated, one or more, of our concerns to the National Organic Program, Agricultural Marketing Service, USDA Office of General Council, USDA Office of the Secretary, Members and Staffers of the U.S. House of Representatives and Senate, Organic Consumers Association, National Organic Coalition, Northeast Organic Dairy Producers Alliance, and Organic Trade Association.



Pasture Enforcement

We invited the National Organic Program to provide pasture training at our conference. Ms. Jenny Tucker responded: *"Dear Richard – Thank you so much for the invitation below. I have discussed this invitation with the NOP management team, and we must respectfully decline. We will be holding refresher training on technical aspects of the pasture requirements at the NOP's annual certifier training over the winter – we feel that that venue is the most appropriate for rolling out any formal NOP refresher course. We anticipate making the slides available online after the training.*

Again, we appreciate the invitation, and wish you the best of luck with your event.

Thanks – Jenny"

Ms. Tucker expressed this same position during our October 13, 2017, meeting with Mr. Robert Johansson, Chief Economist & Acting Deputy Under Secretary for Farm Production and Conservation. Mr. Johansson was meeting with us on behalf of Secretary Perdue. During this meeting we discussed and provided documents regarding each of the 6 primary issues.

Ms. Tucker's position on pasture training says to me that the NOP has found problems with how certifiers are enforcing the pasture standards.

On September 27, 2017, Ms. Betsy Rakola, Director, Compliance and Enforcement, USDA Agricultural Marketing Service, National Organic Program sent a Complaint Closure Notice to Scott McGinty, President, Aurora Organic Dairy. The last paragraph of her letter reads:

" Based on NOP's investigation of the allegations, we determined that Aurora's livestock and pasture management practices comply with existing USDA organic regulations and NOP policies. Therefore, the case is hereby closed."

WODPA, on October 3, 2017, filed a Freedom of Information Act (FOIA) request for documents relative to the NOPC-253-17, Aurora High Plains Dairy Case. Ours is one of three FOIA requests filed with the Agricultural Marketing Service seeking records pertaining to the case.

Origin of Livestock

Please see the separate Origin of Livestock Update article starting on page 22 of this Issue of the Integrity.

Transitional Certification

I addressed this issue in the Summer 2017 issue of the Integrity. In brief, in December 2016, the Farm Service Agency (FSA) announced that it would be providing organic cost share funding to farmers and handlers certified as transitional by USDA approved certifying agents. WODPA pointed out that FSA's expansion of the organic cost share program would have been a misapplication of appropriated funds. As a result FSA halted implementation of that program.

The Organic Trade Association has held fast in its quest to secure cost share funding for farmers and handlers transitioning to organic. Their farm bill asks include the following:

"Certification Cost Share

The National Organic Certification Cost Share program is important to transitioning farmers and to attracting new, young farmers to organic. Farms can receive up to \$750 each year to help defray the annual costs of organic certification. The next farm bill should maintain funding and allow for maximum flexibility in administering the program including the applicability for reimbursement for the costs of transitional certification."

We continue to fight implementation of USDA's Agricultural Marketing Service (AMS) accreditation program for transitional certification. Due to WODPA's initiation of legal action against the USDA over this program, AMS halted implementation and began "reviewing program requirements." In an email dated September 27, 2017, Betsy Rakola, Director, Compliance and Enforcement, USDA-AMS-NOP stated that "the Department is still reviewing policies on transitional

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labeling.” She also stated that they have not opened any cases against those alleged to be violating OFPA Section 2106(a)(1)(A) and (B). During our October 13, 2017, meeting with Mr. Robert Johansson, we raised the issue and were told that the program is still under review because the Trump USDA management team is not yet in place. This accreditation program for transitional certification has been under review since at least early March 2017.

WODPA is firm in its position that the program violates the Organic Foods Production Act (OFPA). OFPA provides no authority for transitional certification or transitional labeling claims. Further, during the OFPA Legislative Process, Congress considered and rejected a National Transition Label Demonstration Program.

AMS’s accreditation program for transitional certification violates Section 2106(a)(1)(A) and (B) of the Organic Foods Production Act of 1990 (OFPA) [7 U.S.C. 6505(a)(1)(A) and (B)]. Paragraphs (A) and (B) read as follows:

“(A) a person may sell or label an agricultural product as organically produced only if such product is produced and handled in accordance with this chapter; and

(B) no person may affix a label to, or provide other market information concerning, an agricultural product if such label or information implies, directly or indirectly, that such product is produced and handled using organic methods, except in accordance with this chapter.”

Accordingly, identifying what they are transitioning to will constitute providing other market information which “implies, directly or indirectly, that such product is produced and handled using organic methods”. A clear violation of OFPA.

Organic Beef and Dairy Imports

During our October 13, 2017, meeting with Mr. Robert Johansson, we asked that USDA work with the Office of Tariff Affairs and Trade Agreements to create and publish Harmonized Tariff Codes for organic beef and dairy products. Tariff codes are needed to track the source and level of imports.

NOP Equivalency Agreements

During our October 13, 2017, meeting with Mr. Robert Johansson, we asked that USDA work with the United States Trade Representative to renegotiate the EU and Canadian equivalency to prohibit the import of beef and dairy products under those agreements. We stressed that the U.S. organic standards prohibit the use of antibiotics and the Canadian and EU standards allow the use of antibiotics. As a result, there is no way to ensure that products from animals treated with antibiotics are not exported to the United States.

NOP Administration

The National Organic Program has three primary responsibilities: Rulemaking, Accreditation, and Enforcement. The Program has been ineffective in meeting those responsibilities. With the resignation of Mr. Miles McEvoy at the end of September 2017, USDA has the opportunity to put the NOP onto the path to effectiveness in all of its primary responsibilities.

For the NOP program to be effective it needs effective management. To achieve effective management the NOP first needs an effective leader and that means a leader with the leadership abilities to be effective. This starts with the selection of someone who understands the complexities of the USDA and where the NOP fits within the USDA. This person also needs skills that demonstrate ability and judgment in working with and through people. Once that person is selected, he or she can begin the arduous task of correcting the current NOP deficiencies.

The “WODPA Goes to Washington, DC” article in this issue of the Integrity lists the asks that we presented to Mr. Robert Johansson for improvements to the NOP Administration.

Sincerely,



Richard H. Mathews
Executive Director
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12th Annual WODPA Conference and Trade Show

Please join us at the Nugget Casino Resort in Sparks, Nevada (Reno) for WODPA's 12th Annual Conference and Trade Show. This year the conference will focus on topics vital to the sustainability of organic dairy farms.

Check-in at the registration desk and trade show visitations begin at 5:00 p.m. on November 14. There will be a welcome reception from 6:30 p.m. to 7:30 p.m. This reception is open to everyone registered for the conference and trade show. The reception will be followed by a producers only meeting starting at 7:30 p.m.

Wednesday, November 15 will start at 7:30 a.m. with breakfast **sponsored by A. L. Gilbert/Lockwood Seed**. This breakfast is open to all conference and trade show attendees. Check-in at the registration desk and trade show visitations also begin at 7:30 a.m. Conference sessions begin at 8:30 a.m. Lunch is **sponsored by Straus Family Creamery**.

Thursday, November 16 will start with a **Zoetis sponsored Producers only Breakfast** beginning at 8:00 a.m. All others are on their own for breakfast. Conference sessions begin at 9:00 a.m.

Conference Registration: Registration is solely online through Eventbrite. You can find the link to register at www.wodpa.com or go directly to www.eventbrite.com and type in the word WODPA. **Registration is \$165.00 per person.**

Trade Show Booth Registration: Trade Show booth fee is \$650.00 per booth. One conference registration is included with the booth registration. Additional conference registrations are available for \$165.00 per person. You can find the link to register at www.wodpa.com or go directly to www.eventbrite.com and type in the word WODPA.

The trade show is being upgraded this year. For the first time, we are using an events company to provide booth space with back and side walls along with other amenities such as signage. The company will be able to provide, at additional cost, services requested but not provided by WODPA.

Check-in: Check-in will take place on Tuesday, November 14 from 5:00 p.m. to 6:30 p.m. and on Wednesday, November 15 from 7:30 a.m. to 8:30 a.m.

Lodging: WODPA has reserved a block of rooms at the Nugget Casino Resort at a discounted nightly rate of \$59.00, plus taxes and resort fee for a total of just over \$83 per night. The rate applies to single and double occupancy. Triple and Quad occupancy rates are \$10.00 per person over the quoted nightly rate. The resort fee includes: Daily complementary wireless Internet in guest

room; complementary local calls; daily complementary bottled water, two bottles per day; round-trip shuttle transportation to and from Reno-Tahoe International Airport; a 2 for 1 drink coupon for draft or well drink, unlimited use of the year-round Atrium Pool; unlimited use of the Fitness Center; full service concierge; and valet, and self-parking in their secured covered parking structure.

Please reserve your room before November 1, 2017, to receive the group rate. To reserve your room over the phone call 1-800-648-1177 and use code GWODPA. You can also use the link provided at www.wodpa.com. For those wanting to extend their trip, the group rate applies, based on availability, beginning November 11 until 3 days after the conference.

Shuttle Service: The Nugget offers free round-trip shuttle service to and from Reno-Tahoe International Airport. At the hotel, the shuttle departs from the Valet parking area every hour, on the hour from 5:00 a.m. to 11:00 p.m. At the airport, the shuttle picks up outside door D of the baggage claim area every hour on the half hour from 5:30 a.m. to 11:30 p.m.

Welcome Reception: Tuesday, November 14th from 6:30 p.m. to 7:30 p.m. Everyone registered for the conference is invited to the **WODPA/Nugget hosted Welcome Reception**.

Producer Only Meeting: Tuesday, November 14th starting at 7:30 p.m. The Board decided to hold this meeting the evening

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before the conference to allow more time for the meeting. This will also eliminate the down time experienced by trade show representatives and other nondairy producers and will allow more time for trade show visitations. The producer only meeting will be the forum for issues such as pay price and cull cow price.

Business Meeting: The Business Meeting is open to all attendees and is scheduled for 9:00 a.m. Wednesday immediately following the Executive Director's update. We encourage all producers to attend and participate in this meeting. Issues to be addressed include: Board elections; USDA's failure to enforce the pasture regulations; USDA's failure to issue the origin of livestock final rule; WODPA's legal actions against USDA to stop the transitional certification program; and the status of USDA's proposed Organic Check-Off Program.

There are nine Board member positions up for election this year. Elections will be held for the two-year officer positions of Treasurer and Secretary. We will also be electing State Representative Directors and Member At Large Directors to three year terms. State Representative positions are available for Arizona, Colorado, Nevada, Texas, Utah, and Washington. Member At Large elections will follow State Representative elections should State Representative positions go unfilled.

Job descriptions for Treasurer, Secretary, and Board of Director can be found on our website at www.wodpa.com.

You can obtain them via email by contacting Richard H. Mathews at rhmathews51@comcast.net or 717-457-0100. You can also call or email Richard, should you have questions about any of the positions.

Producers interested in running for any of the positions should notify Richard H. Mathews at rhmathews51@comcast.net.
Producers may self-nominate.

Educational Sessions: The Conference will feature multiple educational sessions. Mr. Robert Burroughs, Genske, Mulder and Company, will speak on the "Importance of Tracking Expenses." Mr. Larry Burrows, Excel Dairy Nutrition, will speak on "Dairy Efficiencies; where are you?." Dr. Victor Cortese, DVM PhD, Dipl ABVP Zoetis Animal Health will speak on "Starting them Right – Early calf management and health impacts on long term performance."

Zoetis will be holding their annual sponsored producer breakfast on Thursday morning with another fantastic presentation from Dr. Victor Cortese. Dr. Cortese will address "New Opportunities for Fresh Cow Health."

Four dairy company representatives will speak on the "Organic Dairy Sector Future." They will share their views regarding the strengths and weaknesses of the organic dairy sector (including supply), consumer purchasing trends, and the potential for demand growth. Each presentation will be followed by a question and answer session. In respect for each company's need to avoid antitrust issues, questions regarding price will be

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strictly prohibited. Mr. Michael Levine, Director of Strategy, Glanbia Cheese Division and Mr. Albert Straus, Founder and CEO, Straus Family Creamery will speak on Wednesday, November 15. Mr. Marcus Beneditti, Clover Sonoma Farms and Mr. Mike Bedessem, Vice President of Business Development, CROPP will speak on Thursday, November 16.

Richard Mathews, WODPA Executive Director, will discuss pasture regulations and lead a producer panel in a discussion addressing the need for inspector training.

Sean Mallett, WODPA President will discuss Nielsen Reporting for Organic Milk and Cheddar Cheese.

Contact and Update Information: We look forward to having an extremely productive conference discussing and acting on issues of vital importance to you and your family and the sustainability of your organic dairy operations. We invite you to take time from your busy schedule to be a part of this important event. Please contact Darby Heffner at 707-696-5154, wodpa@outlook.com or Richard Mathews at 717-457-0100, rhmathews51@comcast.net with your Conference and Trade Show questions. Conference updates are

posted on our website www.wodpa.com, as they become available.

Speaker Profiles

Mr. Robert Burroughs, CPA, Genske, Mulder & Co. LLP. A graduate of Cal Poly, San Luis Obispo, Robert worked for



seven years for two national accounting firms in the Bay Area in their audit and tax departments. Robert moved to the San Joaquin Valley in 1989. He just celebrated 25 years of partnership in Genske, Mulder & Co. LLP in their Modesto office. Genske, Mulder is the leader in providing specialized accounting, tax and estate planning services to dairy farmers across the United States. The firm's clients produce more than 10% of the entire nation's milk supply. Robert was born and raised on a dairy started by his grandfather in the early 1900s which is still operated by the family today. Robert very much enjoys working closely with dairy families, providing tax and financial guidance to assist them with evaluating and improving their operations.

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Dr. Victor Cortese, DVM, PhD, Zoetis. Dr. Cortese serves as Director Technical Services—Cattle Immunology for Zoetis. He is widely recognized as an expert in bovine immunology and bovine viral diarrhea (BVD) diagnosis and control. Dr. Cortese earned a doctorate in veterinary medicine from Michigan State



University and a Ph.D. in Microbiology from the Western College of Veterinary Medicine, University of Saskatchewan. He is a Diplomat with the American Board of Veterinary Practitioners. With a vast level of training and years of hands-on experience in cattle immunology, Dr. Cortese puts his expertise to work educating practitioners and customers about preventative medicine, immunology and vaccinology. His numerous publications have earned him many awards including the AABP's Award for Excellence in 1997. In 2013 he was named as one of the 20 most influential cattle veterinarians in the U.S. by Bovine Veterinary Magazine. Dr. Cortese lives near Simpsonville, Ky., with his wife, Joy. They have three adult children.

Michael S. Levine Michael is the Director of Strategy for the cheese division of Glanbia, an International Cheese and



Nutrition company, headquartered in Ireland. He has spent the last 25 years in the food industry and much of the last 15 years focused on supporting and expanding the organic food sector. He began his involvement in organics with Wisconsin based Organic Valley – the country's largest organic farm cooperative with nearly 2000 farmer members, where he worked with the coop's farmers to organize and grow their organic meat business, known as Organic Prairie. Since that time he has helped support a number of organic and sustainable food businesses, from small start-ups to large international organizations. Some of these include New Zealand based Fonterra, with over \$14b in annual sales, Tallgrass Grassfed beef, and nut purveyor Orchard Valley Harvest. Michael lives with his wife in downtown Chicago.

Albert Straus, Organic Dairy Farmer & Founder & CEO – Straus Family Creamery, is an advocate for organic, non-GMO dairy production, environmental stewardship, and family farms. The



Straus dairy became the first certified organic dairy west of the Mississippi River, which has led the way for many other dairy farms in California to follow suit and convert to organic. Straus Family Creamery, which Albert Straus founded in 1994, was the first 100% certified organic creamery in the United States. Its mission is to help sustain family farms in Marin and Sonoma Counties by providing high quality, minimally processed organic dairy products, and to support family farming and revitalize rural communities everywhere through advocacy and education.

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Mr. Larry Burrows, Excel Dairy Nutrition. Larry performed his professional schooling in Upstate New York where he was raised on a 200 cow dairy farm. He has been enjoying Dairy Nutrition for the past 18 years. Larry has clients in Texas, New Mexico and California. He lives in Stephenville Texas on a small ranch with his family. Larry and his son, Dylan, own and operate Excel Dairy Nutrition, a consulting company. Dylan Burrows is a graduate of the University of Idaho and a managing partner. Their focus is on Organic Dairy Nutrition, animal welfare and dairy profitability.

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On the farm, Albert Straus has been a leader in sustainable farming practices, with the aim of creating a viable model for organic dairy farms. These initiatives include a methane digester, which converts dairy waste into renewable energy; a carbon farming program, designed to measure and optimize carbon capture; and an extensive water-reuse system, which recycles wastewater from the creamery.

In 2005, after detecting GMO contamination in his certified organic feeds, Albert Straus developed and implemented a GMO testing and verification program, which was crucial to preserving the organic integrity of his milk. When the Non-GMO Project emerged in 2010, Straus Family Creamery became the first creamery in the U.S to be verified. Every source of feed for cows on the Straus dairy and the eight other local, organic family farms who provide milk to the creamery is tested for GMOs and verified GMO-free.



Marcus Benedetti is Chairman, President and CEO of family owned and operated Clover Sonoma. He was born and raised in Petaluma and he is the grandson of original founder Gene M. Benedetti. Marcus became President in 2006, CEO in January 2011 taking the reigns from his father Dan Benedetti, and Chairman in July 2015.

Marcus studied in Business Administration at the University of Alaska, Fairbanks. Upon completion of his studies, he returned to Petaluma where he started his career at Clover. He started working in the warehouse in 2000, moved on to delivering milk to schools, and then later selling products to restaurants in the Sonoma area. As a Clover sales representative, he called on accounts in Sonoma and Mendocino Counties; and as demand for Clover products grew, he

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helped establish Clover in new markets like Sacramento and Los Angeles.

He stays current with the changes to the industry and the marketplace by sitting on the board of the Associated Independent Dairies of America, Dairy Institute of California, UC Davis Agriculture Sustainability Institute, Social Advocates for Youth, Wells Fargo Center for the Arts, and Boys and Girls Club of Marin & Southern Sonoma Counties.

Marcus and his wife Mary Beth Nowak love spending time outdoors with their sons Jack and Henry and daughter Maeve.

Mike Bedessem joined CROPP Cooperative/Organic Valley as chief financial officer in 1994 and today has more than 35 years of financial and information systems management experience with both regional and national firms. In 2016, he moved into a new role with the cooperative as vice president of business development.



As VP of business development, Mike explores third-party opportunities and relationships that will benefit CROPP and the organic industry. He is committed to creating an environmentally sustainable and healthy food supply by enabling farmers and consumers to mutually

support each other through their actions of growing and buying organic food.

From 1990 to 1997, Mike was a farmer-member CROPP Cooperative, the farmer-owned cooperative that operates the Organic Valley and Organic Prairie brands. As a member of CROPP, he was an owner and manager of Turkey Ridge Organic Orchard in Gays Mills, Wisconsin. Mike also served on CROPP's farmer-led board of directors from 1992 to 1994.

For the past 12 years, Mike has served on the North Crawford School Board in Crawford County, Wisconsin. He holds a bachelor of arts degree in accounting from St. Mary's College in Winona, Minnesota. Mike and his wife, Lori, are completing the process of raising five children and reside in Hudson, Wisconsin.

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WODPA Goes to Washington, DC

WODPA traveled to Washington DC for meetings with Congressional members and staffers on October 12 and USDA representatives on October 13. At all of our meetings we provided folders containing our talking points and asks (text below) and supporting documents.

During our 5 meetings on Capitol Hill we stressed the importance of eliminating the Organic Foods Production Act provision that allows the conversion of conventional animals to organic. Our message included: 1) Consumers expect organic livestock to be organic from last third of gestation and 2) the conversion exemption is an antiquated provision that is no longer needed to continue the growth of the organic dairy sector. The same holds true for the breeder stock provision as it applies to bovine animals (the definition of breeder stock does not include bulls). Further information on this topic can be found in the "Origin of Livestock" article starting on page 22 of this issue of "the Integrity."

Meetings were held with Representative Suzan DelBene (D-1st District Washington) and her Senior Legislative Assistant, Shantanu Tata; Courtney Callejas, Legislative Assistant to Representative Jared Huffman (D-2nd District California); Representative Jeff Denham (R-10th District California) and

his Legislative Assistant, Tracey Chow; Elissa McLerran, Legislative Assistant to Representative Jodey Arrington (R-19th District Texas); and Kyle Varner, Policy Analyst, and Katie Naessens, Professional Staff, for Senator Debbie Stabenow, Ranking Member, U.S. Senate Committee on Agriculture, Nutrition, and Forestry.

This trip to Capitol Hill was our first but will not be our last as we push to stop the in and out of conventional breeder stock and end the conversion of conventional dairy animals to organic.

At the USDA we met with Mr. Robert Johansson, Chief Economist & Acting Deputy Under Secretary for Farm Production and Conservation who was meeting with us on behalf of Secretary Perdue. Other USDA staff attending that meeting were Mr. Roger Cryan, Director, Economics Division, Agricultural Marketing Service, Dairy Programs, and Ms. Jenny Tucker, Acting Deputy Administrator, National Organic Program, AMS.

Also participating in 4 of the meetings, including the meeting with USDA, was Ms. Alexis Baden-Mayer, Policy Director, Organic Consumers Association, who spoke to the issues from the consumer perspective. Alexis expressed strong support for our proposed Organic Foods Production Act amendments and the needed NOP improvements.

DC Talking Points and Asks

1. WODPA has 6 primary issues of concern:
 - 1) Pasture Enforcement
 - 2) Origin of Livestock
 - 3) Transitional Certification
 - 4) Organic Beef and Dairy Imports
 - 5) NOP Equivalency Agreements
 - 6) NOP Administration
2. It's rare to have a group of farmers come and ask for more regulation. For Organic Producers, without regulation and consistent enforcement of those regulations, the Organic Food Market will collapse.
3. Organic Dairy farms are collapsing, even after reported 18% growth in organic dairy in the 2016 NASS survey. There are a number of producers that have already gone out of business and more are on the near horizon.

4. Pasture Enforcement

General

- Pasture enforcement by the NOP is not a subjective matter. Either a farm is grazing cows for the proper number of days for their region with at least 30% dry matter consumption from the pasture or they are NOT. No gray area here.

(Continued on page 13)

(Continued from page 12)

- It specifically states in the regulations that inspections shall occur when the operator can demonstrate compliance with the regulations.
- Inspectors and certifiers should be trained properly and not be intimidated by any operator or any lawyer of an operator during an inspection or investigation.

Aurora

- While this section specifically addresses Aurora Organic Dairy, WODPA encourages increased NOP audits and investigations of organic dairy farms for compliance with all requirements of the NOP regulations.
- WODPA has filed a Freedom of Information Request Regarding Aurora High Plains Dairy and Colorado Department of Agriculture. The Case is NOPC-253-17, Aurora High Plains Dairy.

ASK

- **We request that the Secretary** ask OIG Inspector General Phillis K. Fong to open two OIG investigations as follows:
 1. Investigation of NOP's handling of case NOPC-253-17 regarding alleged violations of the Organic Foods Production Act and it's implementing regulations by Aurora Organic Dairy.
 2. Investigation of;
 - a. Aurora's compliance with all provisions of the Organic Foods Production Act and it's implementing regulations at its High Plains Dairy and
 - b. Aurora's certifying agent's (Colorado Department of Agriculture) compliance with the Organic Foods Production Act and it's implementing regulations.

5. Origin of Livestock

Rulemaking

- The NOP, began the origin of livestock rulemaking with publication of the proposed rule on April 28, 2015. Their failure to follow through with publication of the final rule created the glut of organic milk we see on the market today. Look at the numbers, the numbers don't lie.
- Most organic milk buyers, present company excluded (Straus Organic Creamery), don't want to see this rule go into effect and potentially limit how quickly they can grow.
- The existing organic dairy herd can sustain 15-18% growth per year internally with our own animals. The marketing companies can't even handle 18% growth between them.
- Elimination of the exception allowing the transitioning

of conventional animals to organic is long overdue. Such elimination is consistent with consumer expectations that milk and dairy products come from animals never treated with antibiotics and hormones.

Economics

- There are 5 companies that control 94% of the fluid organic milk market sales:
 1. Private Label (Aurora)
 2. Private Label (Kroger)
 3. Organic Valley/Dean Foods
 4. Horizon/DannonWave
 5. Stoneyfield/Sorrento
- Most of these companies are large corporations concerned with shareholder and stock market value, not the farmers that have helped build those companies over the last 20 years.
- Farm gate prices have plummeted and are continuing to fall. Farm gate price has become unsustainable.
- The value lost in organic dairy over the last 21 months is \$579 Million which is an average of \$2 Million per farm on 285 farms.
- \$300 Million of this is in loss of farm gate organic milk prices. This is not sustainable.
- The number one impact of this loss of value is the effect on the farm family:
 1. Increased Debt, Reduced Equity, Higher Interest Rates, Loss of bank financing
 2. The added expense of Organic practices which may not be recoverable if cattle were converted back to conventional production.
- The Economic Impact on the communities in which the organic dairy farms are located.
 1. By using a U.S. average economic multiplier of four (source: U.S. Dairy Markets & Outlook, May 2004 Vol. 10 No. 1) the negative economic impact of the loss of organic milk price alone is: \$1.2 Billion. (\$300 M X 4)

ASK

- **We request that the Secretary** instruct AMS, NOP, OGC, and OBPA to immediately complete the origin of livestock rulemaking. We ask that the final rule eliminate all transitioning of conventional dairy animals to organic.

6. Transitional Certification

- Is not needed, because the top 2 categories in Organic are already oversupplied – Produce and Dairy.
- Will create perpetual oversupply of organic everything and lower prices for farmers.

(Continued on page 14)

(Continued from page 13)

- Would create another label claim.
- The Organic Foods Production Act (OFPA) provides no authority for transitional certification or transitional labeling claims.
- While AMS's program would prohibited labeling the product as organic the producer and handler will be allowed to identify that they are transitioning to organic.
- Identifying that they are transitioning to organic will constitute providing other market information which "implies, directly or indirectly, that such product is produced and handled using organic methods". A clear violation of OFPA.
- Violates OFPA Section 2106(a)(1)(A) and (B) [7 U.S.C. 6505(a)(1)(A) and (B)].
 - (a) Domestic products—
 - (1) In general—On or after October 1, 1993—
 - (A) a person may sell or label an agricultural product as organically produced only if such product is produced and handled in accordance with this chapter; and
 - (B) no person may affix a label to, or provide other market information concerning, an agricultural product if such label or information implies, directly or indirectly, that such product is produced and handled using organic methods, except in accordance with this chapter.
- Expansion of the cost share program to include cost share funding for transitional certification violates the last three Farm Bills.
- In a July 8, 2016, letter to AMS Administrator Starmer, WODPA expressed its opposition to the proposed program.
- On or about January 11, 2017, AMS announced its new accreditation program for transitional certification and the expansion of organic certification cost share to include transitional certification.
- WODPA met with AMS officials on January 27, 2017, to address our concerns regarding their new transitional certification program and expansion of the cost share program to include costs of transitional certification. WODPA also provided information on companies violating OFPA Section 2106(a)(1)(A) and (B) [7 U.S.C. 6505(a)(1)(A) and (B)].
- WODPA hired an attorney and initiated legal action against USDA on February 14, 2017, with letter to Deputy General Counsel Inga Bumbarly-Langston. The letter requested that USDA:

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1. Immediately take all actions necessary to publicly withdraw approval and terminate the recently announced Accreditation Program for Transitional Agricultural Products.
 2. Immediately issue cease and desist notices to CCOF, QAI, and all other NOP Accredited Certifying Agents that may be certifying transitional agricultural products.
 3. Immediately take all actions necessary to work with the USDA Farm Service Agency (FSA) to withdraw approval and terminate the recently announced expansion of the National Organic Certification Cost Share Program (NOCCSP) to include reimbursement for transition certification fees.
- In a letter dated March 17, 2017, Deputy General Counsel Inga Bumbarly-Langston, among other things, stated "Since currently there is no transitional certification that meets the requirements of OFPA, FSA will not approve any applications for transitional certification under NOCCSP. Further, AMS is reviewing the program requirements for

(Continued on page 16)

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Dry-Off "The efficacy of the herbal products was similar to that of conventional (antibiotic) therapy, and the herbal products had no apparent adverse effects." Journal Dairy Science 2014 Jun; 97(6):3509-22.

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THE STUDIES QUOTED ABOVE ARE IN THE PUBLIC DOMAIN.

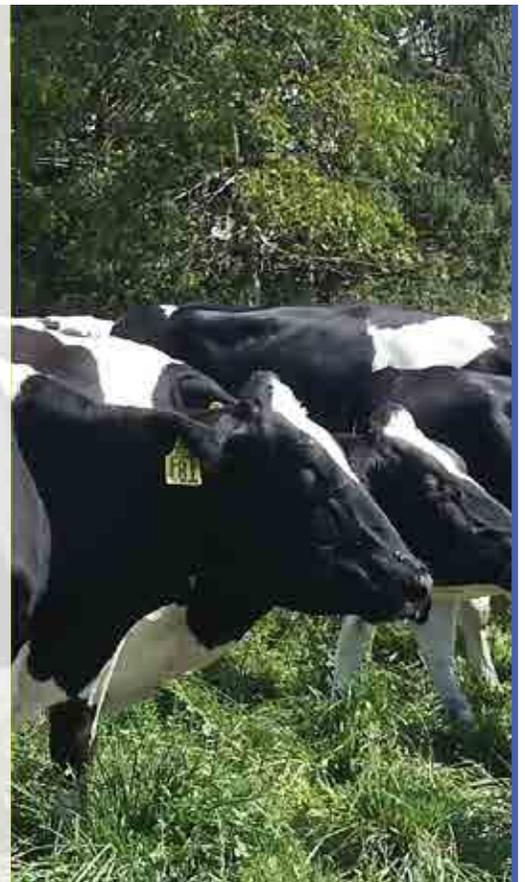
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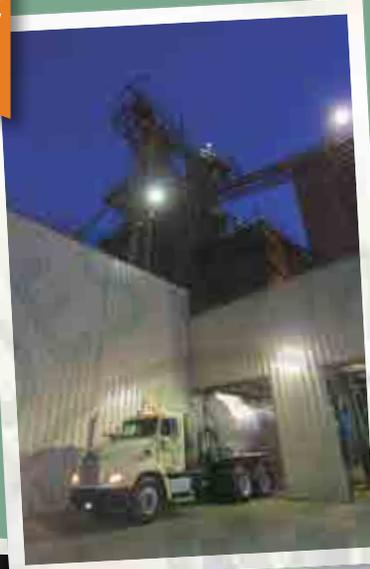


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(Continued from page 14)

NCTP and will delay making a decision regarding applications for the program until the review is completed.”

- On April 3, 2017, WODPA’s attorney again wrote to Deputy General Counsel Inga Bumbarly-Langston. This letter identified 3 companies violating OFPA Section 2106(a)(1)(A) and (B). the letter requested that USDA immediately issue public notice that the:

1. Cost share program will not include reimbursement or assistance to those seeking transitional certification.
2. USDA has terminated the NCTP.
3. USDA will commence enforcement action against any person that violates section 2106(a)(1)(B) of OFPA (7 U.S.C. § 6505(a)(1)(B)).

- In a letter dated April 18, 2017, Deputy General Counsel Inga Bumbarly-Langston, among other things, stated that:

1. The program is still under review “and that the industry will be informed when a decision is made about the program.”

2. AMS...”prioritizes enforcement cases that will be pursued given its limited resources. It has been informed of your request.”

3. “FSA will publish updates to the program and will make the updates publicly available.”

- In a letter dated April 18, 2017, WODPA’s attorney:

1. Expressed thanks for FSA’s removal of transitional certification from the National Organic Certification Cost Share Program,
2. Expressed thanks for referral of our alleged violations of section 2106(a)(1)(B) for enforcement action.
3. Stated that we look forward to a timely completion of the AMS review.

- In a September 27, 2017, email ,Betsy Rakola, Director, Compliance and Enforcement, NOP, stated “At this time, the Department is still reviewing policies on transitional labeling. Therefore, a complaint was not opened on the operations you mentioned.” This was in response to a

(Continued on page 17)

(Continued from page 16)

September 25, 2017, email from WODPA, Executive Director, Richard Mathews,

ASK

- **We request that the Secretary** instruct AMS to immediately publicly terminate the transitional certification program and aggressively enforce OFPA Section 2106(a)(1)(A) and (B).

7. Organic Beef and Dairy Imports

- No individual Tariff Codes tracking organic beef and dairy imports, even though they are technically different products than conventional beef and dairy. This makes it impossible to quantify the level of such imports.
- Imports are depressing organic beef prices domestically down to a point that they are less than 10% over conventional beef prices. This is also a cause of the oversupply of milk, as producers hang on to cows that they would typically cull when beef prices are higher.
- Dairy imports dilute domestic supply and keep prices down for domestic farmers.

ASK

- **We request that the Department** work with the Office of Tariff Affairs and Trade Agreements to create and publish Harmonized Tariff codes for organic beef and dairy products.

8. NOP Equivalency Agreements

- Different rules for organic livestock production in the EU and Canada. Specifically, both allow the use of antibiotics; the U.S. does not.
- The equivalency agreements prohibit the import of products from animals treated with antibiotics but there is no way to confirm compliance.
- NOP has no enforcement authority over certifiers accredited by the EU and Canada.

ASK

- **We request that the Department** work with the USTR to renegotiate the EU and Canadian equivalency agreements to prohibit the import of beef and dairy products under those agreements.

9. NOP Administration

- As the foregoing demonstrates, NOP is not fulfilling its primary responsibilities of:
 1. Rulemaking
 2. Accreditation
 3. Enforcement

ASK

- **We request** that the funds of the NOP be focused on its three primary responsibilities.
- **We request** the hiring of staff members trained in investigation and enforcement.
- **We request** rigorous NOP regulation training for all NOP staff members.
- **We request** intensive audit training for all NOP accreditation staff.
- **We request** NOP rulemaking training for NOP rule writers.
- **We request** the hiring of a highly qualified Deputy Administrator to effectively administer the functions of the NOP program.
- **We request** a licensing program for all inspectors employed and contracted by accredited certifying agents.
- **We request** unannounced audits of accredited certifying agents.
- **We request** that accreditation audits always include unannounced audits of multiple certified operations.
- **We request** that accreditation audits always include witness audits of inspectors performing inspections
- **We request** increased NOP audits of organic dairy farms for compliance. **W**

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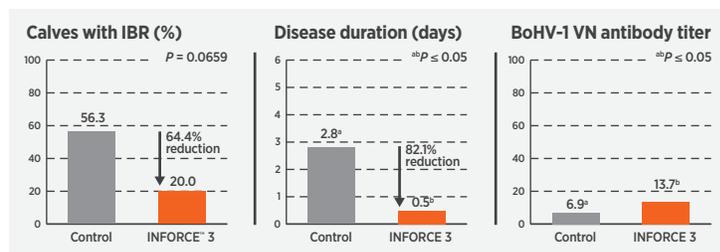
- Offers the highest level of protection available against BRSV
- Provides lasting protection against IBR respiratory disease
- Aids in the prevention of parainfluenza 3
- Is now approved for single-nostril administration

GET CALVES OFF TO A HEALTHY START, EVEN IN THE PRESENCE OF MATERNAL ANTIBODIES.

In a separate study, INFORCE 3 was administered to colostrum-deprived neonatal calves and to calves with maternal antibodies against the virus that causes infectious bovine rhinotracheitis (IBR). After challenge, compared with unvaccinated calves, those given INFORCE 3 demonstrated:¹

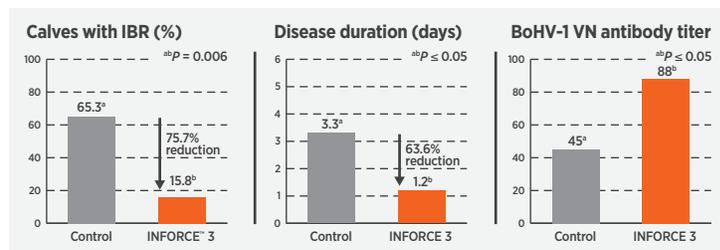
- A marked reduction in the incidence of IBR respiratory disease
- Significantly higher ($P \leq 0.05$) IBR virus neutralizing antibody titers
- Significantly shorter ($P \leq 0.05$) disease duration
- Less nasal shedding of IBR virus

Results 105 Days Post-Vaccination Challenge of IBR Seropositive Calves



Even in the presence of maternal antibodies, INFORCE 3 generated a protective response that lasted at least 15 weeks after vaccination.

Results 193 Days Post-Vaccination Challenge of Colostrum-Deprived Calves



Colostrum-deprived, IBR naïve calves vaccinated with INFORCE 3 were protected against IBR respiratory disease for at least six months after vaccination.



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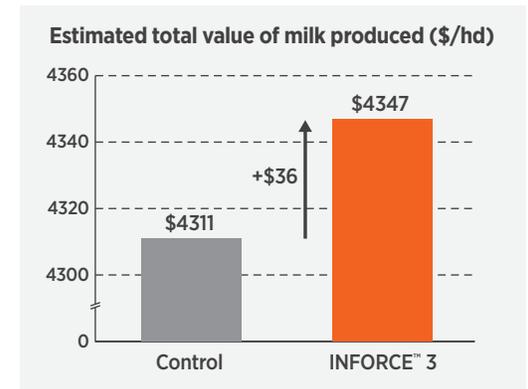
On the day of calving, dairy cows are immunosuppressed and at their most disease-vulnerable state. In one study, cows vaccinated with INFORCE™ 3 on the day of calving demonstrated equivalent or greater innate and adaptive local immune responses than those vaccinated up to 12 days before calving.²

Another study compared cattle that were not vaccinated against bovine respiratory syncytial virus (BRSV) with those that received INFORCE 3.⁴

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¹ Mahan SM, Sobecki B, Johnson J, et al. Efficacy of intranasal vaccination with a multivalent vaccine containing temperature-sensitive modified-live bovine herpesvirus type 1 for protection of seronegative and seropositive calves against respiratory disease. *J Am Vet Med Assoc.* 2016;248(11):1280-1286.

² Cortese V, Woolums A, Hurley D, Bernard J, Berghaus R, Short T. Comparison of interferon and BoHV1 IgA levels in nasal secretions of dairy cattle vaccinated with Inforce 3 prior to calving or on day of calving, in *Proceedings, 29th World Buiatrics Congress 2016*;436.

³ Animalyx™ data, September 2016, Zoetis Inc.

⁴ Data on file, Study Report No. 10PETINF01, Zoetis Inc.



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Origin of Livestock Update

By Richard H. Mathews

The NOP, began the origin of livestock rulemaking with publication of the proposed rule on April 28, 2015. They have done nothing since. The million dollar question is why.

At the St. Louis NOSB meeting in November 2016, Mr. Paul Lewis, Director, Standards Division, NOP, told me the program lacked the resources to complete the rulemaking. At the time the NOP had a staff of between 45 and 41 (45 on September 19, 2016, and 41 on December 6, 2016) and a budget of \$9.1 million. I believe it is a stretch to claim a lack of resources.

On January 26, 2017, Mr. Miles McEvoy stated that Secretary Vilsack told them to stop work on the origin of livestock rulemaking. In nearly 34 years with the USDA, I never heard of a Secretary of agriculture telling a program to stop working on a rulemaking action. For me that is a specious excuse. Rulemaking actions go to final rule, another proposed rule, or are terminated with notice of termination of rulemaking action. I don't believe this excuse.

We have a crisis in the organic dairy sector characterized by oversupply, falling farm gate prices and struggling organic farmers and small organic handling operations. This crisis is

directly attributable to the failure of AMS and the NOP to perform in conformance with USDA's mission statement. AMS and NOP have failed to provide leadership, sound public policy and efficient management. These failures are having an adverse impact on the sustainability of organic dairy producers and small organic handling operations. Now, this is a viable answer to the million dollar question. Ineffective leadership resulting in inefficient management which then resulted in inefficient performance. I believe this is the most probable reason. Otherwise, we are only left with the conspiracy theory that non-producer forces used their influence to put a hold on the rulemaking.

Some will say that USDA is not totally at fault for the crisis. Some will say that some producers, in 2014, pushed the prices too high when processors were desperate for milk and share some of the blame. Others will say the processors share blame for requesting producers to produce more milk and bringing new producers onto the milk truck. Both may be valid points, but they do not supplant the USDA's responsibility for the crisis.

We all knew, or should have known, that closing the loophole would trigger a onetime massive conversion of conventional animals to organic. The USDA should have factored this into their rulemaking timeline and expedi-

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tiously completed the rulemaking action to shut off the conversion. They didn't, they just left it hanging out there and now we have the cows from the massive conversion and more.

During our meeting with Mr. Johansson, we stressed our desire to have the rulemaking completed. We were told that to complete the rule the Department would have to eliminate two existing rules.

While WODPA supports publication of the final rule we recognize that that is no longer good enough to assure the sustainability of organic dairy operations. Accordingly, during our meetings on Capitol Hill we have been stressing the importance of eliminating the Organic Foods Production Act provision that allows the conversion of conventional animals to organic. Our message included: 1) Consumers expect organic livestock to be organic from last third of gestation and 2) the conversion exemption is an antiquated provision that is no longer needed to continue the growth of the organic dairy sector. The same holds true for the breeder stock provision as it applies to bovine animals (the definition of breeder stock does not include bulls). It is important to note that back in 1990 when the Organic Foods Production Act of 1990 (OFPA) was signed into law, Congress recognized that the organic livestock sector, unlike crop production, was extremely limited. They also recognized that to grow, dairy needed the breeder stock and 12-month conversion exceptions to aid the dairy sector's growth to a sustainable level. Both provisions are now antiquated provisions that are no longer needed to continue the growth of the organic dairy sector. The organic dairy sector is now large enough to grow 15 to 18 percent per year without the breeder stock and 12-month conversion crutches.

Our proposed bill amending the Organic Foods Production Act of 1990 reads as follows:

Organic Foods Production Act of 1990 Amendment Proposal SEC. 2110. [7 U.S.C. 6509] Animal Production Practices and Materials.

Sec. ____. Section 2110 of the Organic Foods Production Act of 1990 (7 U.S.C. 6509) is amended—

(1) in subsection (b), by inserting, at the end thereof, “, except for bovine breeder stock which shall be organic livestock.”.

(2) in subsection (e), by striking paragraph (2) in its entirety.

Explanation of bill provisions.

Subsection (b) currently reads: Breeder stock may be purchased from any source if such stock is not in the last third of gestation. We are proposing to add at the end,

“except for bovine breeder stock which shall be organic livestock.”

This amendment would stop the practice of using conventional beef and bovine dairy animals as breeder stock. Previously converted animals would be allowed to be breeder stock but would eventually be culled from the herd. Non-bovine breeder stock would be sourced as they have been.

Subsection (e) “Additional guidelines” currently reads:

“(2) Dairy livestock.—

(A) In General.—Except as provided in subparagraph (B), a dairy animal from which milk or milk products will be sold or labeled as organically produced shall be raised and handled in accordance with this title for not less than the 12-month period immediately prior to the sale of such milk and milk products.

(B) Transition guideline.—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.”

This amendment would delete all of paragraph (2) “Dairy livestock” and subparagraphs (A) and (B).

Paragraph (A) is the conversion provision which is only applicable to dairy animals. Deleting the whole provision eliminates the conversion of conventional dairy animals to organic.

Paragraph (B) is a feed exemption for converting dairy animals only. Deleting paragraph (A) eliminates the conversion of conventional dairy animals to organic and, thereby, eliminates the need for paragraph (B). Paragraph (B) provides an exemption to the organic feed requirement of Sec. 2110(c).

We need all organic dairy producers to contact their milk buyer and ask them to support WODPA's Organic Foods Production Act of 1990 Amendment Proposal. We also need all organic dairy producers to contact their U.S. Representative and both Senators and ask them to support WODPA's Organic Foods Production Act of 1990 Amendment Proposal.

Organic dairymen cannot afford to take NO for an answer! 

2017 Conference and Trade Show

When: Conference & Trade Show: Wednesday and Thursday November 15th & 16th, 2017

Producer Only Meeting: Tuesday, November 14, 7:30 p.m.

WODPA & Nugget hosted Welcome Reception: Tuesday, November 14, 6:30 p.m. to 7:30 p.m.
Everyone is welcome.

Location: Nugget Casino Resort, 1100 Nugget Ave, Sparks, NV 89431

Hotel Rate and Reservation: To reserve your room over the phone call 1-800-648-1177 and use code GWODP. You can also use the link provided at www.wodpa.com. For those wanting to extend their trip, the group rate applies, based on availability, beginning November 11 until 3 days after the conference. The Nugget offers free round-trip shuttle service to and from Reno-Tahoe International Airport. At the hotel, the shuttle departs from the Valet parking area every hour, on the hour from 5:00 a.m. to 11:00 p.m. At the airport, the shuttle picks up outside door D of the baggage claim area every hour on the half hour from 5:30 a.m. to 11:30 p.m.

Conference Rate and Registration: Registration will be solely online through Eventbrite. You can find the link to register at www.wodpa.com or go directly to www.eventbrite.com and type in the word WODPA. **General Registration is \$165.00 per person.**

Trade Show Booth Registration: Trade Show booth fee is **\$650.00 per booth. One conference registration is included with the booth registration.** Additional conference registrations are available for \$165.00 per person. You can find the link to register at www.wodpa.com or go directly to www.eventbrite.com and type in the word WODPA.

Booth set up:

Exhibitor Move-In: Tuesday, November 14, 1:00 p.m. to 5:00 p.m.

Event Open: Wednesday, November 15, 8:00 a.m. to 5:00 p.m. & Thursday, November 16, 8:00 a.m. to 2:00 p.m.

Event Closes: Thursday, November 16, 2:00 p.m.

Exhibitor Move-Out: Thursday, November 16, 2:00 p.m. to 4:00 p.m.

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