July xx, 2021

Dr. Jennifer Tucker

Deputy Administrator

National Organic Program

USDA-AMS-NOP

1400 Independence Avenue SW

Room 2642 – S., Stop 0268

Washington, DC 20250-0268

Re: Origin of Livestock Proposed Rule;

Docket Number AMS-NOP-11-0009; Docket RIN 0581-AD89

*Submitted electronically*

Dear Dr. Tucker,

I am writing to urge the USDA National Organic Program to move swiftly to finalize the Origin of Livestock rules in a manner that closes existing loopholes and restores fairness for organic dairy producers.

Include information here about your farm, business or organization, including how you are affected by this issue.

The delay in issuing a final rule has resulted in a great deal of economic harm for organic dairy farmers and puts at risk the integrity of the organic seal. The organic dairy farmers who have been managing their cows as organic from the last third of gestation are suffering economic harm compared to operations that are taking advantage of loopholes to continuously convert conventional cows and heifers or those who have been cycling calves in and out of organic management. Oversupply conditions in the organic dairy sector, and therefore the low pay prices to organic dairy farmers, have been greatly exacerbated by the continued existence of these loopholes.

To close these loopholes, USDA needs to take the following steps in the final rule:

1. Movement of Transitioned Cows

**The final rule should prohibit organic dairy operations from acquiring transitioned animals to expand or replace animals in the organic dairy herd**. USDA should prohibit the sales of transitioned animals as certified organic. Not being able to sell transitioned animals is a small price to pay for closing this destructive loophole.

Transitioned organic dairy animals should only be classified as organic dairy animals on the operation on which they were transitioned from conventional to organic. The transitioned animals should lose their organic dairy status if they are: sold, transferred, gifted, moved to another operation, or they are included as part of a merger.

**Allowing transitioned animals to be sold, transferred, gifted, or moved to another operation while maintaining their status as certified organic dairy animals creates a loophole that will be exploited**. Some operations are continually sourcing off-farm transitioned animals, which is less expensive than raising animals as organic from the last third of gestation. This creates an unfair economic advantage for operations making use of the loophole.

**Limiting the movement of transitioned animals has economic benefits**. Start-up operations should buy organically certified cows. Increased demand for animals raised as organic will create a thriving market for organic replacement animals. This will allow small-to-mid-size organic dairy operations to diversify into breeding replacements whose price will reflect the true cost of organic dairy at their scale of production.

1. USDA Should Clarify “Responsibly Connected” Person

**In the final rule, USDA should clarify that a "responsibly connected” person who transitions a herd is bound by the same limit as the operation they are connected to.** The intent of the rule can be most effectively accomplished by tying the transition to the *responsibly connected* person(s).

The regulations define *responsibly connected* as “Any person who is a partner, officer, director, holder, manager, or owner of 10 percent or more of the voting stock of an applicant or a recipient of certification or accreditation (§ 205.2).”

In accordance with the “responsibly connected” person approach, any person who is a partner, officer, director, holder, manager, or owner of 10 percent or more of the voting stock of an applicant or a recipient of certification would be allowed a one-time herd transition exemption. Any person with a significant financial or managerial stake in a dairy operation would utilize their one-time eligibility once a transition occurs at that operation.

An exemption regulated in this manner would stop new start-ups that consisted of or included responsibly connected persons who had already used the one-time exemption, thus ending the ability to transition multiple conventional herds to organic. It is important to close this loophole. If USDA does not regulate responsibly connected person(s), an operation and the responsibly connected parties can reconfigure to make use of the one-time exemption repeatedly. Continuing to allow the one-time exemption to be used by the same person(s) to transition under multiple entities is not leveling the playing field. Tying the one-time exemption to a responsibly connected person will greatly help level the playing field.

1. Implementation Timeframe

**The rule should be implemented as soon as it is finalized with transitions already in process completed within 12 months.** All requirements of the rule should be implemented immediately upon publication of the Final Rule, with the only exception being those dairies that have already started their transition and were already approved by a certifying agent.

1. Exceptions to the One-Time Allowance Requirement

**I support the allowance of one 12-month transition, and one transition only, per responsibly connected person, with no exceptions. This will prevent the rule from being abused.**

My top priority is that the NOP to move expeditiously to a final rule, and that the NOP ensure that the final rule is meaningful and effectively closes loopholes by prohibiting the sale of transitioned animals and by regulating responsibly connected person(s).

Thank you for consideration of my comments.

Sincerely,

Your Name, Title, and Organization or Company