

ORIGIN OF LIVESTOCK
Draft Recommendation for Public Comment
NOSB Livestock Committee
July 11, 2002

Resulting from discussion at the May, 2002, NOSB meeting in Austin, Texas, the Livestock Committee felt obliged to clarify NOP § 205.236 "Origin of Livestock". The following draft recommendation for public comment is designed to: reflect the history and intent of the industry leading up to publication of the Final Rule; and clarify Rule language that has caused considerable confusion among certifiers and producers which could lead to irregular application of the standard. We have focused here on **RULE CITATIONS, INTERPRETATION, and SUPPORTIVE DOCUMENTATION**. This draft recommendation is offered for clarification. No changes are being suggested to the text of the Final Rule.

Following a Public Comment Period of 60 days, the NOSB Livestock Committee will construct a final recommendation for consideration by the NOSB at the meeting scheduled for September 16-18, 2002, in Washington, D.C.

ISSUE # 1 – Organic management of dairy stock prior to organic milk production.

RULE-§ 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: Except, That,

(1) Poultry. Poultry or edible poultry products must be from poultry that has been under continuous organic management beginning no later than the second day of life;

(2) Dairy animals. 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,

NOSB LIVESTOCK COMMITTEE INTERPRETATION:

The NOSB Livestock Committee interprets 205.236 (a)(2) to cover two situations:

1. When a herd is converted to organic production independently of the land and crops that supported the herd through the land conversion, and
2. For one or more replacement or expansion animals brought into an existing organic herd.

It is our interpretation that once any livestock is brought onto an organic operation, it will be treated in compliance with organic standards from that point forward. This interpretation is reflected in the American Organic Standards and is consistent with the majority of existing certification agency standards.

SUPPORTIVE DOCUMENTATION:

From the 1994 NOSB meeting:

Replacement dairy stock must be fed certified organic feeds and raised under organic management practices from the time such stock is brought onto a certified organic farm and for

not less than the 12 month period immediately prior to the sale of milk and milk products from such stock.

From the 1998 NOSB meeting:

The Livestock Committee reaffirms the NOSB's 1994 Santa Fe, New Mexico Recommendation: "Replacement dairy stock must be fed certified organic feeds and raised under organic management practices from the time such stock is brought onto a certified organic farm and for not less than the 12 month period immediately prior to the sale of milk and milk products from such stock."

ISSUE # 2 – Conversion of “entire, distinct herds”.

RULE-§ 205.236(a)(2) Except, That, when an entire, distinct herd is converted to organic production, the producer may:

- i) 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*
- (ii) provide feed in compliance with § 205.237 for the final 3 months.*

NOSB LIVESTOCK COMMITTEE INTERPRETATION:

The NOSB Livestock Committee interprets "Entire Distinct Herd" to be applicable only to dairy herds which are part of a conversion to an organic production system encompassing Land, Crops and Livestock, wherein dairy animals are converted simultaneously with the land.

SUPPORTIVE DOCUMENTATION-

From the Preamble p80560

For the first 9 months of the year of conversion, the producer may provide the herd with a minimum of 80-percent feed that is either organic or produced from land included in the organic system plan and managed in compliance with organic crop requirements. During the final 3 months of the year of conversion, the producer must provide the herd feed in compliance with section 205.237.

From the Preamble p80569

At its June 2000 meeting, the NOSB reiterated its prior endorsement of the conversion principle for operations that jointly convert dairy herds and the land on which they are raised. The NOSB recommended allowing a producer managing an entire, distinct herd to provide 80-percent organic or self-raised feed during the first 9 months of the final year of conversion, and 100-percent organic feed for the final 3 months.

ISSUE # 3 – Organic management of dairy animals after conversion.

RULE § 205.236(a)(2)(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.

NOSB LIVESTOCK COMMITTEE INTERPRETATION:

The NOSB Livestock Committee interprets this to mean that in ALL organic dairy herds, once certified organic, ANY animal born from the herd must be raised in compliance with organic standards. This is consistent with § 205.236(b)(1) (*Livestock or edible livestock products that are removed from an organic operation and subsequently managed on a nonorganic operation may be not sold, labeled, or represented as organically produced.*) It is the opinion of the NOSB Livestock Committee that rotation out of and back into organic management is prohibited for all organic dairy stock.

SUPPORTIVE DOCUMENTATION

From the Preamble p80569

The recommendation [from the NOSB Livestock Committee at the June 2000] further required that dairy animals brought onto an organic dairy must be organically raised from the last third of gestation, except that feed produced on land managed under an organic system plan could be fed to young stock up to 12 months prior to milk production.

We did not incorporate the NOSB's recommendation to provide young stock with nonorganic feed up to 12 months prior to the production of certified milk. By creating an ongoing allowance for using nonorganic feed on a certified operation, this provision would have undermined the principle that a whole herd conversion is a distinct, one-time event.

ISSUE # 4 – Organic management of breeder stock.

RULE-§ 205.236(A)(3) Breeder stock. Livestock used as breeder stock may be brought from a nonorganic operation onto an organic operation at any time: Provided, That, if such livestock are gestating and the offspring are to be raised as organic livestock, the breeder stock must be brought onto the facility no later than the last third of gestation.

NOSB LIVESTOCK COMMITTEE INTERPRETATION:-

The NOSB Livestock Committee interprets this to mean that once brood animals are converted to organic management they cannot be rotated in and out of organic management. The intent of the rule is that any animal brought onto a certified organic operation must be fed and managed organically from that point on. This is consistent with § 205.236(b)(1), as shown below.

SUPPORTIVE DOCUMENTATION:

From preamble p80569

These commenters cited the NOSB's 1994 recommendation that all slaughter stock must be the progeny of breeder stock under organic management from the last third of gestation or longer. Commenters also recommended extending the organic management provision to cover the last third of gestation to make it consistent with the requirements in section 205.236(a)(4) for the organically raised offspring of breeder stock. We agree with the argument presented by commenters and have changed the final rule to require that breeder or dairy stock be organically raised from the last third of gestation to be sold as organic slaughter stock.

NO ISSUE – Presented only to show section 205.236 in its entirety.

RULE- § 205.236(b) The following are prohibited:

(1) Livestock or edible livestock products that are removed from an organic operation and subsequently managed on a nonorganic operation may be not sold, labeled, or represented as organically produced.

(2) Breeder or dairy stock that has not been under continuous organic management since the last third of gestation may not be sold, labeled, or represented as organic slaughter stock.

(c) The producer of an organic livestock operation must maintain records sufficient to preserve the identity of all organically managed animals and edible and nonedible animal products produced on the operation.