

October 3, 2019

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National Organic Standards Board
USDA-AMS-NOP
1400 Independent Ave., SW
Room 2648-S, Mail Stop 0268
Washington, D.C. 20250-0268

Re: Meeting of the National Organic Standards Board

Docket # AMS-NOP-19-0038
ID: AMS-NOP-19-0038-0001

Dear National Organic Standards Board Members:

The following comments are submitted to you on behalf of The Cornucopia Institute, whose mission is, in part, to support economic justice for family-scale farming.

Organic Dairy

Organic dairy has particularly suffered due to poor regulatory enforcement and the low integrity of industrial-scale operators within the industry.

The USDA is doing very little to support the struggling family-scale organic dairy farmer. Instead, in their effort to support every scale of organic production, they are allowing factory dairies to dominate an uneven playing field.

A significant contributor to this uneven playing field is the problem surrounding the *origin of livestock*.

Massive factory farms buy one-year-old replacement animals and “convert” them to organic production on an ongoing basis. They do not raise their own replacement animals—meaning calves born to their herd are sold into the conventional marketplace where they are raised on milk replacers, dosed with antibiotics, and given feed laced with toxic chemicals and derived from genetically modified crops. When kept “under continuous organic management” for the one-year period prior to freshening (the onset of milk production), the animals are deemed “organic.” This apparent loophole is within the bounds of current NOP rules.

However, the preamble of the organic regulations makes it clear that continuously transitioning in conventional animals was not intended by the regulations. It states:

“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.”

This preamble language is immortalized in the organic regulations, framed as an exception to the “continuous management” clause (7 CFR § 205.236(2)(iii)).

Many family-scale dairies are seriously impacted by this problem because they do raise their own calves—feeding them organic milk. It is up to three times more expensive to raise an organic calf than to raise a conventional calf.

At the spring NOSB meeting in April 2019, many dairy farmers and stakeholders spoke about the damage the origin of livestock issue continues to cause the industry. Although the NOSB itself offered many heartfelt comments and showed interest in settling the issue, the NOP suggested that it would still be many years before this problem is resolved.

We urge the NOSB to press the NOP for action. Lackluster NOP enforcement and guidance has allowed factory farms to take over the organic dairy market. Family-scale organic dairies, following the letter and intent of the organic law, have continued to shutter at an alarming rate. These closures contribute to the gutting of rural America, the loss of authentic organic livestock and pasture management knowledge, and the disappearance of the most nutrient-dense dairy from grocery shelves.

Genetic Engineering

USDA Under Secretary Greg Ibach recently made comments before the House Agriculture Subcommittee suggesting it is time to discuss the possible allowance of certain gene-editing methods within organic production.

Cornucopia vehemently disagrees.

The organic marketplace is premised on being free from genetic modification. Ibach’s statements, in specific reference to gene-editing technology that alters only a plant’s existing genome, appeared to be an attempt to test the organic waters for acceptance.

But organic consumers do not want gene-edited food. In a 2017 survey conducted by Natural Grocers, 70% of respondents said they buy organic specifically to avoid GMOs. The organic label promises food produced without synthetic pesticides or fertilizers, without antibiotics or other harmful pharmaceuticals, and without genetic engineering.

The Cornucopia Institute created a sign-on petition following Ibach’s statements that has garnered more than 10,000 signatures from the invested public and multiple other stakeholder organizations. *The petition with its signatures is attached to our comment.*

We urge the NOSB to resist any inclusion of gene-editing methods in organic production.

DL-Methionine sunset

Cornucopia supports the de-listing of synthetic methionine in poultry diets. In the absence of de-listing, Cornucopia suggests implementing an expiration date for the listing, including a gradual phasing-out of DL-methionine to push research initiatives in the organic poultry industry.

There are serious questions as to whether DL-Methionine still meets the essentiality requirements for organic poultry. Many family-scale organic poultry farms do not supplement with synthetic methionine *at all*.

There have also been advances in the use of insect protein—specifically black soldier fly larvae—as a source of natural methionine. This suggests viable alternatives exist that the industry is not utilizing because they still have access to this synthetic growth promoter.

In addition, evaluation of methionine in the context of a systems approach in organic poultry production is needed. Based on our own industry research, Cornucopia has concerns that synthetic methionine is being used principally as a production tool, rather than as an essential dietary supplement. This research is backed by the fact that the European Union does not allow synthetic methionine. They don't need it because they require poultry producers to use breeds more appropriate for organic production, require lower stocking densities, and have strict rules ensuring outdoor access and opportunities for legitimate foraging for their birds.

The blanket allowance of synthetic methionine in organic poultry diets discourages organic producers from offering birds meaningful outdoor access and encourages mimicry of conventional practices.

Additions to the livestock standards are needed

As is highlighted by the issues surrounding the continued use of synthetic methionine, the standards surrounding organic poultry are poor at best. While ruminant livestock have standards covering the specifics of diet and living conditions beyond the broad “access to the outdoors requirement,” this is not the case for poultry. As it stands organic poultry and eggs are two of the most industrialized areas within the organic marketplace. To be clear, this industrialization is not in line with organic ideals: these businesses operate as organic only by substituting organic inputs for conventional ones. Individual animals rarely even see the outdoors, let alone meet the common-sense requirements of “[y]ear-round access for *all animals* to the outdoors, shade, shelter, exercise areas, fresh air, clean water for drinking, and direct sunlight...” listed in the regulations regarding livestock living conditions (Emphasis added. 7 CFR § 205.239).

The USDA withdrew the Organic Livestock and Poultry Practices (OLPP) rule in March 2018. Though not perfect, this rule would have improved regulatory controls for organic poultry along with improving some management practices for all livestock under the organic label. The OLPP would close the perceived loophole that has allowed factory farms to use small screened-in porches as “outdoor access” for laying hens. These industrial “organic” farms confine as many as 200,000 birds in a single building.

The OLPP received over 40,000 comments in favor of implementing it. However, the USDA suggests current growth in the organic egg market is evidence of consumer confidence in the

label. This is incorrect. The rapid growth indicates that industrial-organic egg producers, the same producers using screened-in porches, are taking up an increasing percentage of sales by undercutting family farmers. Most consumers who buy organic eggs are unaware of the deception.

Organic farmers that are dedicated to organic ideals raise their meat chickens and egg-laying hens on pasture, in compliance with the organic rules that require the birds to spend time outdoors. Pasture-raised poultry are likely to forage, acquiring more natural methionine from their diet. Confinement indoors and the stressors associated with large flock sizes and overcrowding limit natural behaviors and lead to disease and negative welfare outcomes.

High animal welfare is predicated on a natural diet and time spent outdoors performing natural behaviors (which in the case of poultry includes foraging). The organic standards should be focused on moving the organic poultry industry closer to these ideals rather than propping up producers that are not dedicated to the organic label.

Authentic organic poultry production is pasture-based, with birds raised outdoors and given ample opportunity to forage, socialize, and exercise. Still, fixed houses remain the standard in both conventional *and* organic agriculture. While fixed houses may have doors leading outside, it is rare that more than 10% of the birds actually use the outdoor space provided. Outdoor runs are often of poor quality (meaning little to no vegetation growing), if they are used at all by the birds.¹

We hope that the NOSB will continue to remain apprised of the disheartening state of the organic poultry industry and push for industry-wide change. This should include advocating for the re-evaluation of the OLPP or a similar rulemaking.

Fenbendazole petitioned-material discussion document

The Cornucopia Institute understands that fenbendazole may be a life-saving tool for organic producers facing devastation of their flocks due to parasitic load.

Though we are not opposed to fenbendazole being added for emergency use in poultry, we believe this is a substance that is ripe for abuse. Industrial-scale producers are likely to use this as a production tool without strict controls for what constitutes an “emergency.”

For example, the regulations require the “[s]election of species and types of livestock with regard to suitability for site-specific conditions and resistance to prevalent diseases and parasites...” (7 CFR § 205.238 (a)(1)). Right now, the organic poultry industry utilizes many strains that are commonplace in the conventional industry (this is particularly true for broiler chickens) despite their poor fit for organic systems.

¹ Through extensive research and interviews with poultry producers, Cornucopia recognizes that ideal “pasturing” of poultry does look different than that for cattle and other ruminants because poultry like chicken and turkey are not grazers but are rather opportunistic omnivores. However, access to vegetation and soil is important for these animals to display their natural foraging behaviors.

Production methods like frequent pasture rotation and keeping flock sizes low also prevent most parasitic infections.

It is imperative that this material is not added to the National List without understanding how it could prop up practices that are not compatible with organic production.²

Updates to the Policy and Procedures Manual (PPM)

We commend the NOSB for improving the functionality of the PPM. Cornucopia only has a few pointed comments on the changes being proposed to the text.

Specifically, in the section that will help determine whether a third-party review is required for materials and petitions in general, it is important that *third-party reviews remain a default requirement* for all petitions. While old Technical Reviews may educate around a new petition, the fields of food and environmental science evolve rapidly. Without utilizing all available research, including updated Technical Reviews, the NOSB and NOP's understanding of a material is doomed to be incomplete.

Public comment alone is not enough to help the NOSB determine the appropriateness of a material petitioned for use in organic production. If Technical Reviews are no longer required any petitioner could conceivably flood the NOSB with commentary supporting their position. This would impede unbiased analysis of the material or practice in question.

General comments on organic integrity

Over the years since its inception, key decisions by the NOSB have been dominated by corporate interests and the Board's power has been shifted to the USDA. The USDA secretary also demonstrates unwillingness to act on the NOSB's advice—despite that being the *statutorily required relationship between the NOSB and USDA*, and even when the NOSB passes a motion on a unanimous vote.

The intent of the Organic Foods Production Act (OFPA) has been corrupted by industrial interests. Soil-less production is now allowed under regulations that promise to steward soil. Organic livestock are being denied access to the outdoors without enforcement action. The organic label's system of checks and balances has strayed from the principles that would protect against these trends.

Right now consumers, farmers, and public interest organizations feel their voices are not being heard by the USDA or the NOSB. Any loss of trust in the organic label hurts family farms more than it affects the corporate interests who are putting them out of business.

The organic industry needs the collective wisdom of family-scale organic farmers. Without them, the organic label loses its heritage and its compass.

² If this material is not added for use in organic poultry, producers should continue to be required to treat animals if their welfare is at risk, even if it means they lose organic status.

Every decision by the NOSB supports or degrades organic integrity. Your decisions contribute to the survival or the destruction of family farms. We must come together to stand for what sets organic production apart from other agriculture: a dedication to healthy soil, outdoor access for livestock, and stalwart support for family farms.