

National Organic Coalition

4502 Highland Green Court
Alexandria, VA 22312
703-354-3303
sdetka@aol.com

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National Organic Standards Board
c/o Arthur Neal
Room 4008- South Building
14th and Independence Avenue, SW
Washington D.C. 20250-0001

I am writing on behalf of the members of the National Organic Coalition to provide comments on the NOSB's recommendation for "Pasture Requirements for the National Organic Program."

I want to thank the National Organic Standards Board for the time and effort taken to develop this proposed guidance document, and the National Organic Program staff for seeking the NOSB's input on this subject. The public comment received by the NOSB on this topic during the February-March 2005 meeting was very extensive and demonstrated a clear need for a more detailed pasture standard.

When the final organic standards were promulgated by the U.S. Department of Agriculture in October of 2002, provisions were included Section 205.239(a)(2) to require organic livestock operations to provide access to pasture for ruminants. Not surprisingly, consumers of organic livestock products, therefore, have come to expect that part of the benefit they receive for the price premium they pay for these products is the knowledge that they are supporting production practices that do not entail long-term confinement of the animals. For some consumers, their interest in this regard may be based on environmental concerns about large-scale livestock confinement operations. For other consumers, it may be driven by their concerns about animal welfare; and still for others, they may see a connection between outdoor access and pasture grazing and the nutritional value of the final livestock and products that they consume. While their reasons may vary, consumers make commonsense assumptions that the pasture requirement in USDA's organic standards will ultimately be translated in the organic livestock products that they buy.

The debate is not about whether or not to require ruminants to have access to pasture. Section 205.239(a)(2) clearly makes that requirement. The debate is about how to more clearly define that requirement so that consumers can be reasonably assured of a consistent standard across all organic livestock products, and producers and processors who have made investments based on a commonsense reading of Section 205.239(a)(2) will not have their investment degraded by inconsistent enforcement of that standard. If loopholes and vagueness in the regulations permit livestock confinement operations to

market their products as “organic,” it undermines consumer expectations, as well as producer and processor investments.

The NOSB has clearly solicited comment in several key areas:

Organic System Plan Requirements

The NOSB is recommending a livestock producer’s organic system plan should have the “goal of providing grazed feed greater than 30 percent dry matter intake on a daily basis during the growing season but not less than 120 days.”

This recommendation is in keeping with dairy business definitions used by Cornell University and the University of Wisconsin, which define grazing farms as those which provide at least 30 to 40 percent of dry matter from foraging pasture during the grazing season. The National Organic Coalition supports this recommendation.

Temporary Confinement

The National Organic Coalition supports the clarifications regarding the circumstances during which temporary confinement of livestock will be permitted, and we particularly appreciate the statement that “[i]n no case shall temporary confinement be allowed as a continuous production system.”

One of the situations listed that would be a permissible reason for temporarily confining livestock is: “(3) To protect soil and water quality.” Certainly, if there are unique circumstances where the livestock must be confined temporarily to protect unusual, short-term soil and water resource vulnerabilities on a farm, this recommendation is purely commonsense. However, it is important that this not be permitted to become a long-term excuse for livestock confinement on a land base that is not capable of meeting the pasture standard. If a farm’s land base is not generally capable of meeting the pasture standard laid out in the NOSB recommendation, it should not be certified as an organic livestock operation.

Appropriate Pasture Conditions

The Board received many public comments in support of adding specific stocking rates to its pasture standard recommendation. Because of the wide geographic variation in rainfall and nutritional quality of pasture, it is very difficult to set one stocking rate standard that would be ecologically relevant and responsible for the entire country. A stocking rate that is ecologically sound in the Northeast and Upper Midwest would lead to significant over-grazing in many parts of the West. In general, the landmass required to responsibly graze livestock in the West is much greater than most parts of the Northeast or Upper Midwest. Therefore, we agree with the Board’s efforts to seek to infuse an objective measurement of local pasture conditions into the decision-making process regarding stocking rates for organic livestock operations.

In that regard, the NOSB has made reference to the regional Natural Resources Conservation Service (NRCS) Conservation Practice Standards for Prescribed Grazing (Code 528) for the number of animals in the Organic Systems Plan. Upon review of the Prescribed Grazing Practice Standard, both at the national and regional levels, the standard appears to provide a good general framework for ecologically sustainable livestock grazing. However, the practice standard documents themselves do not provide any specific measurements that would be useful in determining appropriate stocking rates or other important grazing details for a local area. Instead, it appears that the NRCS Prescribed Grazing Specification Guide (Code 528) provides a more appropriate level of detail. Therefore, we recommend that the NOSB recommendation in this regard be amended to read:

“Appropriate pasture conditions shall be determined in accordance with the regional Natural Resource Conservation Service Conservation Practice Standards AND SPECIFICATION GUIDES for Prescribed Grazing (Code 528) for the number of animals in the Organic Systems Plan.” (The new proposed text is capitalized).

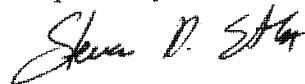
Guidance vs. Regulation

During the pasture standard discussion during the February-March 2005 NOSB meeting, some Board members and members of the public made reference to the need for flexible standards that are not overly prescriptive. While, in general, we share this interest in flexibility, we are concerned that unless enforceable standards are created for defining “access to pasture,” the resulting standards will be grossly inconsistent. In the context, since guidance documents are not directly enforceable, we strongly recommend that the basic pasture standard recommended by the NOSB be included directly into Section 205.239(a)(2) of the rule.

Anecdotal evidence suggests that the flexibility that was assumed under the general “access to pasture” requirement of 205.239(a)(2) has created confusion and proven to be essentially unenforceable because of a lack of clear, objective measurements. To attempt to provide more specific measurements, but to continue making them unenforceable, will only continue the confusion and frustration of consumers, certifiers, USDA personnel, and the broader organic community.

Thank you for your consideration of these comments,

Respectfully submitted,



Steven D. Etko

