



# CENTER FOR FOOD SAFETY

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## Written Testimony of Joseph Mendelson Legal Director, Center for Food Safety

National Organic Standards Board  
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State College, PA

My name is Joseph Mendelson. I am legal director for the Center for Food Safety. The Center for Food Safety (CFS) is a national non-profit, public interest membership organization. CFS works to protect human health and the environment by curbing the proliferation of harmful food production technologies and promoting organic and other forms of sustainable agriculture.

Unfortunately, I am unable to attend this week's meeting person. I have asked to read these written comments. I also cede the remainder of my comment time to my proxy.

I want to thank the NOP and NOSB for their hard work in addressing the issue of pasture. Among the issues central to this debate is the question of consumer expectation. In an effort to address this question the Center for Food Safety commissioned a national polling firm to address this issue. The poll asked two questions:

First, how often do you purchase organic milk?

1. Frequently [ASK Q2]
2. Seldom [ASK Q2]
3. Never
9. Don't know
0. Refused

Second, if you knew that many organic cows were confined to fenced-in feedlots and did not graze on pasture for most of their lives, would you still purchase organic milk?

1. Yes
2. No
9. Don't know
0. Refused

The results found that 19% of Americans purchase organic milk. The data also present a clear picture of consumer expectations concerning the pasture requirements for organic milk production. Some of the results were as follows:

- A majority of organic milk purchasers (51%) say they would no longer purchase organic milk if they knew that many organic cows were confined to fenced-in feedlots and did not graze on pasture for most of their lives.

Maybe even more significantly, almost half of the frequent organic milk purchasers would alter their purchasing habits:

- Forty-four percent (44%) of those who frequently purchase organic milk would no longer do so if they knew that many organic cows were confined to fenced-in feedlots and did not graze on pasture for most of their lives.

Moreover, women (the principal family food purchasers) are even more apt to change their organic milk purchasing habits:

- Sixty-one percent (61%) of women who purchase organic milk either frequently or seldomly would no longer do so if they knew that many organic cows were confined to fenced-in feedlots and did not graze on pasture for most of their lives.

Finally, the data show that if organic milk producers hope to grow the organic milk market by changing seldom purchasers into frequent purchasers, a strong pasture requirement should be put in place because:

- Fifty-eight percent (58%) of consumers that seldom purchase organic milk state they would not purchase organic milk if they knew that many organic cows were confined to fenced-in feedlots and did not graze on pasture for most of their lives.

The national polling was conducted by the firm American Viewpoint. This data is from a national survey of 1011 U.S. adults conducted March 29 through April 3, 2006. The margin of error for the entire sample is plus or minus 3% at the 95% confidence level. The margin of error for the organic milk consumers (n=188) is plus or minus 7.2% at the 95% confidence. Full data from this poll is available at <http://www.centerforfoodsafety.org>. CFS notes that this sample size is consistent with the survey sample size used by the California Institute for Rural Studies, in its USDA-AMS funded study, "Regulating Organic: Impacts of the National Organic Standards on Consumer Awareness and Organic Consumption Patterns."

CFS also would note that, based upon its review of the comments from the first proposed rule, the public expects the organic standards to be a standard dedicated to providing real outdoor access to livestock including dairy animals. Of the 201, 794 public comments CFS reviewed 29% of those comments supported regulations with strong outdoor access requirements. Indeed, outdoor access was the sixth most important comment issues area ranked behind the "Big Three," NOSB authority and antibiotic use.

As result of this data and the scientific data submitted by others concerning the health and animal health benefits of pasturing animals, the Center for Food Safety urges the NOP to adopt a mandatory verifiable regulatory requirement for pasture that clearly excludes confined animal feeding operations. At a minimum, this new standard should contain the regulatory amendments made by the NOSB in its Draft Recommendations for Pasture Requirements for Ruminants dated November 17, 2005, and regulatory amendments (not just goals in the organic system plan) requiring grazed feed greater than 30 percent dry matter intake on a daily basis during the growing season but not less than 120 days.

This dry matter intake 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.

Also, CFS strongly supports the NOSB's proposed amendments to §205.239 and §205.237 that specifically define the term stage of "life" and ensure that dairy animals that are lactating cannot be confined based upon a vague "stage of production" temporary confinement standard.

CFS requests that the agency move quickly to adopt these regulatory changes so that integrity of the organic regulations is maintained and consumer confidence in organic products is not diminished through weak standards or enforcement policies.

Finally, on another issue, the Center for Food Safety also requests that the NOSB amend the draft aquaculture regulations contained in the Aquaculture Working Group's "Interim Final Report" so as to be consistent with the comments CFS has submitted to the Board. CFS recognizes the Working Group's diligent work but respectfully submits that the proposed regulations need some significant amendments so as they are consistent with organic principles and consumer expectations of the organic label.

Thank you. I cede the rest of my remaining time.