

USDA Trying to Put Loophole in Organic Dairy Rules Out to Pasture
(Washington Post, DC)
By Cindy Skrzycki

Since you are what you eat, the U.S. Department of Agriculture is proposing stricter grazing standards for cows certified to produce organic dairy products, closing loopholes that allowed some operators to cut corners.

Regulators found that some producers, though certified organic, were cutting corners on the standards because the current rule doesn't define what "access to pasture" means. Some dairies didn't give grazing time to cows that had just given birth or wouldn't let cows out to pasture in the rain.

The Oct. 24 proposal specifies that organic livestock, those raised free of hormones, antibiotics or pesticide-treated grain, must be allowed to graze in a pasture at least 120 days a year. Thirty percent of the cows' feed must be from such grazing, rather than being fed organically produced food in a feedlot or an indoor facility.

The change, eight years in the making, is significant because consumers pay up to twice as much for organic milk, whose sales are growing but are only about 6 percent of the \$17 billion spent annually on milk.

"It's a big win for organic integrity," said Samuel Fromartz, author of *Organic Inc.*, a book that examines the organic food industry. "A lot of smaller farmers thought the pasture definition was a big loophole that you could walk 5,000 Holsteins through."

There are about 1,800 dairies with some 87,000 organic dairy cows in the United States, more than 93 percent of them small operations in the Northeast or Midwest, according to the 26-page proposal. Though only 7 percent of the farms are in the West, they account for a third of the production.

"Some producers, with the approval of their certifying agents have used other provisions within the regulations to avoid or minimize the role of pasture," the Agriculture Marketing Service said.

Some organic supporters, led by the Cornucopia Institute, an organic advocacy organization, said that industrial-size dairies that supply some of the country's largest retailers with private-label brand organic milk were skirting the standards. That let the companies lower production costs and gain an unfair advantage over smaller producers.

"It's inexcusable they are not enforcing this program, which has hurt the ethical players in this business," said Mark Kastel, senior farm policy analyst at Cornucopia, referring to agriculture officials.

Since 2005, the agency overseeing the organic program has received 11 complaints requesting enforcement actions against big producers. The dairies have been accused of

over-milking their cows, restocking herds with cows that aren't certified organic and skimping on fresh pasture.

Cornucopia, a Wisconsin-based institute, filed a complaint in 2005 against Aurora Organic Dairy of Boulder, Colo., which has five farms in Colorado and Texas where 16,000 cows produce organic milk for private-label supermarket and retail brands. With sales of about \$100 million annually, Aurora said it accounts for up to 10 percent of the U.S. organic milk market.

The department found 14 willful violations by Aurora and proposed revoking its organic certification. The company agreed instead last year to make changes to its operations under a consent agreement.

"These were allegations, not violations of organic standards," said Sonja Tuitele, spokeswoman for Aurora. "The activists are opposed to scale and the campaign they have waged is not necessarily based on fact."

The dairy also is fighting a class-action lawsuit filed last fall. The complaint alleges that consumers were defrauded, even though the milk carried an organic seal of approval issued by USDA.

Aurora said it now publishes data on how many acres of pasture it owns and how long cows graze on that pasture. It also has added organic pasture to its farms, Tuitele said.

The agency is taking comments on the proposal until Dec. 23. A preliminary proposal on stricter grazing requirements in 2006 attracted about 250 comments from consumers, trade groups, retailers and producers.

Though the proposal addresses the "access-to-pasture" problem, some organic farmers say they worry that new issues may slow progress on the rule. For the first time, the agency says it is considering adding bees and aquatic species as organic "livestock." And it includes provisions about beef cattle and whether non-organic heifers can continue to be used as replacements in a herd.

"There is some fear that big industry packed the rule to slow it down," said Ronnie Cummins, director of the Organic Consumers Association in Finland, Minn. "It was not done correctly. It makes you really suspicious since it has taken them years and years to close these loopholes."

Barbara Robinson, who oversees the National Organic Program at USDA, said the proposal is expansive because the agency wanted to lay out as many options as possible for the organic industry.

"We have no hidden agenda," she said, adding that she hopes a final rule will be published in the spring. "It's their rule, their industry and their marketing claim." 1