TEXAS DEPARTMENT OF AGRICULTURE

TODD STAPLES
COMMISSIONER

October 31, 2011

Mr. Travis Price
Redland Dairy
487 South Roosevelt
Portales, NM 88130

Account No: 507263
Client No: 386819

NOTICE OF PROPOSED SUSPENSION

Dear Mr. Price:

On September 21, 2011, the Texas Department of Agriculture (TDA) Organic Certification Program sent you a Notice of Noncompliance letter listing the action needed to be corrected in order to retain your organic certification as a Land Producer. To date, we have not received an adequate response concerning this issue. With this letter, we are notifying you of our intent to suspend your organic certification pursuant to section 205.662(c) of the National Organic Program (NOP) Regulations.

The proposed suspension of your operation's certificate is due to the failure to correct the violation(s) on the following page(s). The proposed effective date of your suspension is 30 days from the receipt of this notice.

If you so choose, you may file an appeal of this Proposed Suspension pursuant to section 205.681 of the NOP Regulations. The appeal should be submitted in writing to: Administrator at United States Department of Agriculture (USDA), Agriculture Marketing Service (AMS), NOP Appeals, Stop 0203, Room 2095-S, 1400 Independence Avenue, S.W., Washington, D.C. 20250. The appeal must be filed within **30** days of the receipt of this letter.

To better understand the appeals process please visit the USDA National Organic Website at: http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=STELPRDC5085659

Alternatively, you may request mediation pursuant to section 205.663 of the NOP Regulations. Your request for mediation should be received in this office, in writing, prior to November 14, 2011. You may send your request to the Texas Department of Agriculture, Organic Certification Program, P.O. Box 12847, Austin, Texas 78711. If we accept your request for mediation and the mediation is unsuccessful, you will have 30 days from termination of mediation to appeal this proposed suspension. If TDA rejects your request for mediation, you will receive a letter from our office providing you with a notice of rejection of mediation as well as information to file an appeal.

If you do not request mediation or file an appeal within the timeframe indicated above, your organic certification to the NOP will be suspended for the described time listed on the following page(s) and your operation will be unable to sell or label its product as organic.

section 205.662(f)(1) of the NOP Regulations states: "A certified operation whose certification has been suspended under this section may at any time, unless otherwise stated in the notification of suspension, submit a request to the Secretary [of Agriculture] for reinstatement of its certification. The request must be accompanied by evidence demonstrating correction of each noncompliance and corrective actions taken to comply with and remain in compliance with the Act and the regulations of this part."

Should this proposed suspension become effective, you will be able to submit a request for reinstatement of certification to the Secretary of Agriculture once the required suspension timeframe has expired. Requests for reinstatement should be addressed to the USDA, AMS, National Organic Program, 1400 Independence Avenue S.W., Room 2646, STOP 0268, Washington, DC 20250.

Should you have any questions regarding this matter, please do not hesitate to contact me at (512) 463-7513.

Sincerely,

(b) (6)

Mary Ellen Holliman
Coordinator for Organic Certification

MEH

cc: **NOP Appeals team – NOPACAAdverseActions@ams.usda.gov**

Business Name: Redland Dairy LLC
October 31, 2011

Applicant Type: Livestock Producer
Account No: 507263
Client No: 386819

NOTICE OF PROPOSED SUSPENSION

Your certification is proposed for suspension for 180 days, effective 30 days from the receipt of this notice.

Noncompliance issues:

This notice of proposed suspension is due to the lack of response to the notice of noncompliance we sent you on September 21, 2011. To resolve this noncompliance of section 205.201 of the National Organic Program (NOP) Regulations you must address the following issues:

1). During your August 9, 2011 on site inspection a Texas Department of Agriculture (TDA) inspector indicated that the number of dairy cows milking on your OSP (Livestock Organic System Plan) does not match the number at the time of inspection. This is a noncompliance of sections 205.103(b)(2) and 205.201(a)(1) of the National Organic Program (NOP) Regulations. Please amend section C subsection 2 of the ROR-603.

2). During your August 9, 2011 on site inspection a TDA inspector indicated that Redland Dairy had purchased (b) (4) and they were not listed on your current OSP. This is a noncompliance of sections 205.103(b)(2) and 205.201(a)(1) of the National Organic Program (NOP) Regulations. Please amend section D subsection 1 of the ROR-603.

3). During your August 9, 2011 on site inspection a TDA inspector indicated that Redland Dairy had purchased (b) (4) and (b) (4). This was not notated in section E of the ROR-603 or the ROR-623 (Organic Livestock Dry Matter Worksheet). This is a noncompliance of sections 205.103(b)(2), 205.201(a)(1), 205.237, and 205.240 of the NOP Regulations. To resolve this noncompliance you must submit an amended section E of the ROR-603 and a ROR-623 that has been recalculated to include the (b) (4) In addition, please provide a copy of the current certification on file for these feed suppliers. You must provide this information to TDA so that a review can be conducted to determine if the products are compliant with section 205.237 of the NOP Regulations.

Please return this sheet and all documentation to:

Texas Department of Agriculture
Organic Certification Program
P O Box 12847
Austin, TX 78711

Texas Department of Agriculture
P.O. Box 12847
Austin, TX 78711-2847

Telephone: 512.936.4178
Fax: 888.215.5295
Relay Texas: 1.800.735.2988
TDD: 1.800.735.2989
Organic@TexasAgriculture.gov

TODD STAPLES, COMMISSIONER
TEXAS DEPARTMENT OF AGRICULTURE

January 13, 2014

TRAVIS W PRICE
REDLAND DAIRY LLC
487 S ROOSEVELT RD P
PORTALES NM 88130

Account No: 0507263
TDA Client No: 00386819
Certified Mail: 91 7199 9991 7030 2635 1391

NOTICE OF SUSPENSION

Dear TRAVIS W PRICE:

On October 7, 2013, the Texas Department of Agriculture (TDA) Organic Certification Program sent you a Notice of Noncompliance listing action needed in order to retain your certification as an ORGANIC LIVESTOCK PRODUCER. To date, we have not received a response concerning this issue. With this letter, we are notifying you of our intent to suspend your organic certification pursuant to §205.662 of the National Organic Program (NOP) Regulations (7 CFR Part 205). To date, we have not received a response concerning this issue. With this letter, we are notifying you of our intent to suspend your organic certification pursuant to §205.662 of the National Organic Program (NOP) Regulations (7 CFR Part 205).

In addition to suspension by Texas Department of Agriculture (TDA), any operation that knowingly sells or labels a product as organic, except in accordance with the Act, shall be subject to a civil penalty.

The suspension of your operation's certificate was due to the failure to correct the noncompliance(s) on the following page. In the Notice of Proposed Suspension we sent to you on December 10, 2013, you were informed that if you wished to file an appeal with the United States Department of Agriculture (USDA), Agriculture Marketing Service (AMS) Administrator, the appeal had to be filed within 30 days of your receipt of the Notice of Proposed Suspension. We have received notification from the USDA that an appeal from your operation was not received in the required timeframe. The suspension will last for 180 days from the date this notice was issued.

Section 205.662(f)(1) of the NOP Regulations states: "A certified operation whose certification has been suspended under this section may at any time, unless otherwise stated in the notification of suspension, submit a request to the Secretary [of Agriculture] for reinstatement of its certification. The request must be accompanied by evidence demonstrating correction of each noncompliance and corrective actions taken to comply with and remain in compliance with the Act and the regulations of this part." Requests for reinstatement should be addressed to the Secretary of Agriculture, c/o USDA, AMS, National Organic Program, and mailed to 1400 Independence Ave., SW, Room 2648, STOP 0268, Washington, DC 20250 or, emailed to aiainbox@ams.usda.gov.

If you have any questions regarding this letter, please contact the TDA Organic Certification Program using the contact information provided at the top right corner of this page.

Sincerely yours,

(b) (6) [redacted]

Mary Ellen Holliman
Coordinator for Organic Certification

MEH/meh

cc: NOP Appeals team – NOPACAAdverseActions@ams.usda.gov

REDLAND DAIRY LLC
January 13, 2014

Scope of Certification: ORGANIC LIVESTOCK PRODUCER
Account No: 0507263
TDA Client No: 00386819

NOTICE OF SUSPENSION

Your certification has been suspended for 180 days beginning January 13, 2014. Your certificate has been suspended due to the following area(s) of noncompliance:

NOP § 205.406(a) *To continue certification, a certified operation must annually pay the certification fees and submit the following information, to the certifying agent: (1) an updated organic production or handling system plan...*

TAC § 18.702(a) *An application fee and certification fee prescribed by the department shall be paid in conjunction with submission of a new application or an annual update of an existing certification. (b)(1) For producers (land and livestock) the due date for annual certification update shall be March 1 of each year... (j) Late fees. A person who fails to submit an annual update or registration renewal shall pay, in addition to the update or renewal fee, a late fee of: (1) 50 percent of the fee if received by the department from at least one but less than 91 days after the due date; (2) 100 percent if received by the department 91 days after the due date.*

NC1 § 205.406(a). You were mailed an annual update reminder notice on January 24, 2013 stating that your update documentation and fee payment was due March 1, 2013 pursuant to Title 4 section 18.702(b) of the Texas Administrative Code (TAC). To date, the Texas Department of Agriculture (TDA) has not received update documentation and fee payment for your operation. This is a noncompliance of § 205.406(a) of the National Organic Program (NOP) Regulations. Please note that your operation incurred a 100 percent late fee per Title 4 § 18.702(j) of the TAC because you annual update documentation and fee payment has not yet been received by TDA. To resolve this noncompliance, you were to submit the required annual update documents as outlined in the notice dated January 24, 2013, and fee payment (including late fees), to TDA by October 14, 2003. If you no longer desired to be certified organic, you were to complete and submit the ROR-625 Surrender of certification form that is available on our website, www.TexasAgriculture.gov and return it to us by mail, fax, or email.

Texas Department of Agriculture
P.O. Box 12847
Austin, TX 78711-2847

Telephone: 512.936.4178
Fax: 888.215.5295
Relay Texas: 1.800.735.2988
TDD: 1.800.735.2989
Organic@TexasAgriculture.gov

TODD STAPLES, COMMISSIONER
TEXAS DEPARTMENT OF AGRICULTURE

January 13, 2014

TRAVIS W PRICE
REDLAND DAIRY LLC
487 S ROOSEVELT RD P
PORTALES NM 88130

Account No: 0507264
TDA Client No: 00386819
Certified Mail: 91 7199 9991 7030 2635 1391

NOTICE OF SUSPENSION

Dear TRAVIS W PRICE:

On October 7, 2013, the Texas Department of Agriculture (TDA) Organic Certification Program sent you a Notice of Noncompliance listing action needed in order to retain your certification as an ORGANIC LAND PRODUCER. To date, we have not received a response concerning this issue. With this letter, we are notifying you of our intent to suspend your organic certification pursuant to §205.662 of the National Organic Program (NOP) Regulations (7 CFR Part 205). To date, we have not received a response concerning this issue. With this letter, we are notifying you of our intent to suspend your organic certification pursuant to §205.662 of the National Organic Program (NOP) Regulations (7 CFR Part 205).

In addition to suspension by Texas Department of Agriculture (TDA), any operation that knowingly sells or labels a product as organic, except in accordance with the Act, shall be subject to a civil penalty.

The suspension of your operation's certificate was due to the failure to correct the noncompliance(s) on the following page. In the Notice of Proposed Suspension we sent to you on December 10, 2013, you were informed that if you wished to file an appeal with the United States Department of Agriculture (USDA), Agriculture Marketing Service (AMS) Administrator, the appeal had to be filed within 30 days of your receipt of the Notice of Proposed Suspension. We have received notification from the USDA that an appeal from your operation was not received in the required timeframe. The suspension will last for 180 days from the date this notice was issued.

Section 205.662(f)(1) of the NOP Regulations states: "A certified operation whose certification has been suspended under this section may at any time, unless otherwise stated in the notification of suspension, submit a request to the Secretary [of Agriculture] for reinstatement of its certification. The request must be accompanied by evidence demonstrating correction of each noncompliance and corrective actions taken to comply with and remain in compliance with the Act and the regulations of this part." Requests for reinstatement should be addressed to the Secretary of Agriculture, c/o USDA, AMS, National Organic Program, and mailed to 1400 Independence Ave., SW, Room 2648, STOP 0268, Washington, DC 20250 or, emailed to aiainbox@ams.usda.gov.

If you have any questions regarding this letter, please contact the TDA Organic Certification Program using the contact information provided at the top right corner of this page.

Sincerely yours,

(b) (6)

Mary Ellen Holliman
Coordinator for Organic Certification

MEH/meh

cc: NOP Appeals team – NOPACAAdverseActions@ams.usda.gov

REDLAND DAIRY LLC
January 13, 2014

Scope of Certification: ORGANIC LAND PRODUCER
Account No: 0507264
TDA Client No: 00386819

NOTICE OF SUSPENSION

Your certification has been suspended for 180 days beginning January 13, 2014. Your certificate has been suspended due to the following area(s) of noncompliance:

NOP § 205.406(a) *To continue certification, a certified operation must annually pay the certification fees and submit the following information, to the certifying agent: (1) an updated organic production or handling system plan...*

TAC § 18.702(a) *An application fee and certification fee prescribed by the department shall be paid in conjunction with submission of a new application or an annual update of an existing certification. (b)(1) For producers (land and livestock) the due date for annual certification update shall be March 1 of each year... (j) Late fees. A person who fails to submit an annual update or registration renewal shall pay, in addition to the update or renewal fee, a late fee of: (1) 50 percent of the fee if received by the department from at least one but less than 91 days after the due date; (2) 100 percent if received by the department 91 days after the due date.*

NC1 § 205.406(a). You were mailed an annual update reminder notice on January 24, 2013 stating that your update documentation and fee payment was due March 1, 2013 pursuant to Title 4 section 18.702(b) of the Texas Administrative Code (TAC). To date, the Texas Department of Agriculture (TDA) has not received update documentation and fee payment for your operation. This is a noncompliance of § 205.406(a) of the National Organic Program (NOP) Regulations. Please note that your operation incurred a 100 percent late fee per Title 4 § 18.702(j) of the TAC because you annual update documentation and fee payment has not yet been received by TDA. To resolve this noncompliance, you were to submit the required annual update documents as outlined in the notice dated January 24, 2013, and fee payment (including late fees), to TDA by October 14, 2003. If you no longer desired to be certified organic, you were to complete and submit the ROR-625 Surrender of certification form that is available on our website, www.TexasAgriculture.gov and return it to us by mail, fax, or email.

Texas Department of Agriculture
P.O. Box 12847
Austin, TX 78711-2847

Telephone: 512.936.4178
Fax: 888.215.5295
Relay Texas: 1.800.735.2988
TDD: 1.800.735.2989
Organic@TexasAgriculture.gov

TODD STAPLES, COMMISSIONER
TEXAS DEPARTMENT OF AGRICULTURE

January 14, 2013

TRAVIS W PRICE
REDLAND DAIRY LLC
487 S ROOSEVELT RD P
PORTALES NM 88130

Account No: 0577440
TDA Client No: 00386819

NOTICE OF PROPOSED SUSPENSION

Dear TRAVIS W PRICE:

On December 10, 2013, the Texas Department of Agriculture (TDA) Organic Certification Program issued you a Notice of Proposed Suspension that was delivered by certified mail through the U.S. Postal Service; however, we have received verification from the U.S. Postal Service that the notice was unclaimed on January 9, 2014. On October 7, 2013, the Texas Department of Agriculture (TDA) Organic Certification Program sent you a Notice of Noncompliance listing action needed in order to retain your certification as an ORGANIC PROCESSOR. To date, we have not received a response concerning this issue. With this letter, we are notifying you of our intent to suspend your organic certification pursuant to §205.662 of the National Organic Program (NOP) Regulations (7 CFR Part 205).

The proposed suspension of your operation's certificate is due to the failure to correct the violation(s) on the following page(s). The proposed effective date of your suspension is February 14, 2014.

Appeals to the Administrator must be filed in writing and addressed to Administrator, USDA-AMS, c/o NOP Appeals Staff, STOP 0203, Room 2095-S-Annex, 1400 Independence Ave., SW, Washington, DC 20250-0203. All appeals must include a copy of the adverse decision (this notice) and a statement of your reasons for believing that the decision was not proper or made in accordance with applicable program regulations, policies, or procedures. The appeal must be filed by February 13, 2014.

Alternatively, you may request mediation pursuant to § 205.663 of the NOP Regulations. Your request for mediation should be received in this office, in writing, prior to February 13, 2014. You may send your request to the Texas Department of Agriculture, Organic Certification Program, P.O. Box 12847, Austin, Texas 78711. If we accept your request for mediation and the mediation is unsuccessful, you will have 30 days from termination of mediation to appeal this proposed suspension. If the TDA rejects your request for mediation, you will receive a letter from our office providing you with a notice of rejection of mediation as well as information to file an appeal.

If you do not request mediation or file an appeal within the timeframe indicated above, your organic certification to the NOP will be suspended for the described time period listed on the following page(s) and your operation will be unable to sell or label its product as organic.

Section 205.662(f)(1) of the NOP Regulations states: "A certified operation whose certification has been suspended under this section may at any time, unless otherwise stated in the notification of suspension, submit a request to the Secretary [of Agriculture] for reinstatement of its certification. The request must be accompanied by evidence demonstrating correction of each noncompliance and corrective actions taken to comply with and remain in compliance with the Act and the regulations of this part."

Should this proposed suspension become effective, you will be able to submit a request for reinstatement of certification to the Secretary of Agriculture once the required suspension timeframe has expired. Requests for reinstatement should be addressed to the Secretary of Agriculture, c/o USDA, AMS, National Organic Program, and mailed to 1400 Independence Ave., SW, Room 2648, STOP 0268, Washington, DC 20250. Should you have any questions regarding this matter, please contact the TDA Organic Certification Program using the contact information provided at the top right corner of the first page of this notice.

Sincerely yours,

(b) (6)

Mary Ellen Holliman
Coordinator for Organic Certification

MEH/meh

cc: NOP Appeals team – NOPACAAdverseActions@ams.usda.gov

REDLAND DAIRY LLC
January 14, 2014

Scope of Certification: ORGANIC PROCESSOR
Account No: 0577440
TDA Client No: 00386819

NOTICE OF PROPOSED SUSPENSION

Your certification is proposed for suspension for 180 days, effective February 14, 2014 due to the following area(s) of noncompliance:

NOP § 205.406(a) *To continue certification, a certified operation must annually pay the certification fees and submit the following information, to the certifying agent: (1) an updated organic production or handling system plan...*

TAC § 18.702(a) *An application fee and certification fee prescribed by the department shall be paid in conjunction with submission of a new application or an annual update of an existing certification. (b)(1) For producers (land and livestock) the due date for annual certification update shall be March 1 of each year... (j) Late fees. A person who fails to submit an annual update or registration renewal shall pay, in addition to the update or renewal fee, a late fee of: (1) 50 percent of the fee if received by the department from at least one but less than 91 days after the due date; (2) 100 percent if received by the department 91 days after the due date.*

NC1. You were mailed an annual update reminder notice on January 24, 2013 stating that your update documentation and fee payment was due March 1, 2013 pursuant to Title 4 section 18.702(b) of the Texas Administrative Code (TAC). To date, the Texas Department of Agriculture (TDA) has not received update documentation and fee payment for your operation. This is a noncompliance of section 205.406(a) of the National Organic Program (NOP) Regulations. Please note that your operation incurred a 100 percent late fee per Title 4 section 18.702(j) of the TAC because you annual update documentation and fee payment has not yet been received by TDA. To resolve this noncompliance, you were to submit the required annual update documents as outlined in the notice dated January 24, 2013, and fee payment (including late fees), to TDA by October 14, 2003. If you no longer desired to be certified organic, you were to complete and submit the ROR-625 Surrender of certification form that is available on our website, www.TexasAgriculture.gov and return it to us by mail, fax, or email.

Texas Department of Agriculture
P.O. Box 12847
Austin, TX 78711-2847

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Relay Texas: 1.800.735.2988
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Organic@TexasAgriculture.gov

TODD STAPLES, COMMISSIONER
TEXAS DEPARTMENT OF AGRICULTURE

January 14, 2013

TRAVIS W PRICE
REDLAND DAIRY LLC
487 S ROOSEVELT RD P
PORTALES NM 88130

Account No: 0507262
TDA Client No: 00386819

NOTICE OF PROPOSED SUSPENSION

Dear TRAVIS W PRICE:

On December 10, 2013, the Texas Department of Agriculture (TDA) Organic Certification Program issued you a Notice of Proposed Suspension that was delivered by certified mail through the U.S. Postal Service; however, we have received verification from the U.S. Postal Service that the notice was unclaimed on January 9, 2014. On October 7, 2013, the Texas Department of Agriculture (TDA) Organic Certification Program sent you a Notice of Noncompliance listing action needed in order to retain your certification as an ORGANIC PROCESSOR. To date, we have not received a response concerning this issue. With this letter, we are notifying you of our intent to suspend your organic certification pursuant to §205.662 of the National Organic Program (NOP) Regulations (7 CFR Part 205).

The proposed suspension of your operation's certificate is due to the failure to correct the violation(s) on the following page(s). The proposed effective date of your suspension is February 14, 2014.

Appeals to the Administrator must be filed in writing and addressed to Administrator, USDA-AMS, c/o NOP Appeals Staff, STOP 0203, Room 2095-S-Annex, 1400 Independence Ave., SW, Washington, DC 20250-0203. All appeals must include a copy of the adverse decision (this notice) and a statement of your reasons for believing that the decision was not proper or made in accordance with applicable program regulations, policies, or procedures. The appeal must be filed by February 13, 2014.

Alternatively, you may request mediation pursuant to § 205.663 of the NOP Regulations. Your request for mediation should be received in this office, in writing, prior to February 13, 2014. You may send your request to the Texas Department of Agriculture, Organic Certification Program, P.O. Box 12847, Austin, Texas 78711. If we accept your request for mediation and the mediation is unsuccessful, you will have 30 days from termination of mediation to appeal this proposed suspension. If the TDA rejects your request for mediation, you will receive a letter from our office providing you with a notice of rejection of mediation as well as information to file an appeal.

If you do not request mediation or file an appeal within the timeframe indicated above, your organic certification to the NOP will be suspended for the described time period listed on the following page(s) and your operation will be unable to sell or label its product as organic.

Section 205.662(f)(1) of the NOP Regulations states: "A certified operation whose certification has been suspended under this section may at any time, unless otherwise stated in the notification of suspension, submit a request to the Secretary [of Agriculture] for reinstatement of its certification. The request must be accompanied by evidence demonstrating correction of each noncompliance and corrective actions taken to comply with and remain in compliance with the Act and the regulations of this part."

Should this proposed suspension become effective, you will be able to submit a request for reinstatement of certification to the Secretary of Agriculture once the required suspension timeframe has expired. Requests for reinstatement should be addressed to the Secretary of Agriculture, c/o USDA, AMS, National Organic Program, and mailed to 1400 Independence Ave., SW, Room 2648, STOP 0268, Washington, DC 20250. Should you have any questions regarding this matter, please contact the TDA Organic Certification Program using the contact information provided at the top right corner of the first page of this notice.

Sincerely yours,

(b) (6)

Mary Ellen Holliman
Coordinator for Organic Certification

MEH/meh

cc: NOP Appeals team – NOPACAAdverseActions@ams.usda.gov

REDLAND DAIRY LLC
January 14, 2014

Scope of Certification: ORGANIC PROCESSOR
Account No: 0507262
TDA Client No: 00386819

NOTICE OF PROPOSED SUSPENSION

Your certification is proposed for suspension for 180 days, effective February 14, 2014 due to the following area(s) of noncompliance:

NOP § 205.406(a) *To continue certification, a certified operation must annually pay the certification fees and submit the following information, to the certifying agent: (1) an updated organic production or handling system plan...*

TAC § 18.702(a) *An application fee and certification fee prescribed by the department shall be paid in conjunction with submission of a new application or an annual update of an existing certification. (b)(1) For producers (land and livestock) the due date for annual certification update shall be March 1 of each year... (j) Late fees. A person who fails to submit an annual update or registration renewal shall pay, in addition to the update or renewal fee, a late fee of: (1) 50 percent of the fee if received by the department from at least one but less than 91 days after the due date; (2) 100 percent if received by the department 91 days after the due date.*

NC1. You were mailed an annual update reminder notice on January 24, 2013 stating that your update documentation and fee payment was due March 1, 2013 pursuant to Title 4 section 18.702(b) of the Texas Administrative Code (TAC). To date, the Texas Department of Agriculture (TDA) has not received update documentation and fee payment for your operation. This is a noncompliance of section 205.406(a) of the National Organic Program (NOP) Regulations. Please note that your operation incurred a 100 percent late fee per Title 4 section 18.702(j) of the TAC because you annual update documentation and fee payment has not yet been received by TDA. To resolve this noncompliance, you were to submit the required annual update documents as outlined in the notice dated January 24, 2013, and fee payment (including late fees), to TDA by October 14, 2003. If you no longer desired to be certified organic, you were to complete and submit the ROR-625 Surrender of certification form that is available on our website, www.TexasAgriculture.gov and return it to us by mail, fax, or email.

Texas Department of Agriculture
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TDD: 1.800.735.2989
Organic@TexasAgriculture.gov

TODD STAPLES, COMMISSIONER
TEXAS DEPARTMENT OF AGRICULTURE

February 24, 2014

TRAVIS W PRICE
REDLAND DAIRY LLC
487 S ROOSEVELT RD P
PORTALES NM 88130

Account No: 0507262
TDA Client No: 00386819
Certified Mail: 91 7199 9991 7030 9455 1449

NOTICE OF SUSPENSION

Dear TRAVIS W PRICE:

This letter is to notify you that as of February 24, 2014 your certification as an ORGANIC PROCESSOR, under the name of REDLAND DAIRY LLC has been suspended pursuant to § 205.662 of the National Organic Program (NOP) Regulations (7 CFR Part 205). In addition to suspension by Texas Department of Agriculture (TDA), any operation that knowingly sells or labels a product as organic, except in accordance with the Act, shall be subject to a civil penalty.

In addition to suspension by Texas Department of Agriculture (TDA), any operation that knowingly sells or labels a product as organic, except in accordance with the Act, shall be subject to a civil penalty.

The suspension of your operation's certificate was due to the failure to correct the noncompliance(s) on the following page. In the Notice of Proposed Suspension we sent to you on January 14,2014, you were informed that if you wished to file an appeal with the United States Department of Agriculture (USDA), Agriculture Marketing Service (AMS) Administrator, the appeal had to be filed within 30 days of your receipt of the Notice of Proposed Suspension. We have received notification from the USDA that an appeal from your operation was not received in the required timeframe. The suspension will last for 180 days from the date this notice was issued.

Section 205.662(f)(1) of the NOP Regulations states: "A certified operation whose certification has been suspended under this section may at any time, unless otherwise stated in the notification of suspension, submit a request to the Secretary [of Agriculture] for reinstatement of its certification. The request must be accompanied by evidence demonstrating correction of each noncompliance and corrective actions taken to comply with and remain in compliance with the Act and the regulations of this part." Requests for reinstatement should be addressed to the Secretary of Agriculture, c/o USDA, AMS, National Organic Program, and mailed to 1400 Independence Ave., SW, Room 2648, STOP 0268, Washington, DC 20250 or, emailed to aiainbox@ams.usda.gov.

If you have any questions regarding this letter, please contact the TDA Organic Certification Program using the contact information provided at the top right corner of this page.

Sincerely yours,

(b) (6)

Mary Ellen Holliman
Coordinator for Organic Certification

MEH/meh

cc: NOP Appeals team – NOPACAAdverseActions@ams.usda.gov
A copy of this notice has also been sent via regular delivery by the U.S. Postal Service.

REDLAND DAIRY LLC (MILK)
February 24, 2014

Scope of Certification: ORGANIC PROCESSOR
Account No: 0507262
TDA Client No: 00386819

NOTICE OF SUSPENSION

Your certification has been suspended for 180 days beginning February 24, 2014. Your certificate has been suspended due to the following area(s) of noncompliance:

NOP § 205.406(a) *To continue certification, a certified operation must annually pay the certification fees and submit the following information, as applicable, to the certifying agent: (1) an updated organic production or handling system plan…*

TAC § 18.702(a) *An application fee and certification fee prescribed by the department shall be paid in conjunction with submission of a new application or an annual update of an existing certification. (b)(1) The due date for annual certification update shall be the anniversary of initial certification or the anniversary date of the previous date for annual certification update. (j) Late fees. A person who fails to submit an annual update or registration renewal shall pay, in addition to the update or renewal fee, a late fee of: (1) 50 percent of the fee if received by the department from at least one but less than 91 days after the due date; (2) 100 percent if received by the department 91 days after the due date.*

§ 205.406(a)(1) NC1. You were mailed an annual update reminder notice on June 25, 2013 stating that your update documentation and fee payment was due August 31, 2013 pursuant to Title 4 § 18.702(b) of the Texas Administrative Code (TAC). To date, the Texas Department of Agriculture (TDA) has not received update documentation and fee payment for your operation. This is a noncompliance of § 205.406(a)(1) of the National Organic Program (NOP) Regulations. Please note that your operation incurred a 100 percent late fee per Title 4 § 18.702(j)(2) of the TAC because you annual update documentation and fee payment has not yet been received by TDA. To resolve this noncompliance, you were directed to submit the required annual update documents as outlined in the notice dated June 25, 2013, and fee payment (including late fees), to TDA by November 19, 2013.

If you no longer wished to be certified, you were to complete the ROR-625 Surrender of certification form available on our website, www.TexasAgriculture.gov and return it to us by mail, fax, or email.

NOP § 205.406(a) *To continue certification, a certified operation must annually pay the certification fees and submit the following information, as applicable, to the certifying agent: (4) Other information as deemed necessary by the certifying agent to determine compliance with the Act and the regulations in this part.*

§ 205.406(a)(4) NC2. On August 20, 2013, you were issued a notice requesting additional information. This notice was delivered via certified mail and was returned to TDA on October 3, 2014 as unclaimed. Your nonresponse is a noncompliance of § 205.406(a)(4) of the NOP Regulations. To resolve this area of noncompliance, you were directed to address the following item:

1. It has been brought to the attention of the TDA Organic Certification Program that you may no longer be conducting organic production and handling activities. If this is not the case, please contact the TDA Organic Certification Program immediately.

Complaint Investigation Chronology

Case #: December 2014 complaints from Cornucopia Institute
Subject: Various poultry and dairy operations
Compliance Specialist: French

Date	Activity
December 2014	Complaints received via email. Complainant followed up with additional pictures of some of the operations, mostly from Google Earth or other satellite sources. Sets of high resolution photos for each operation on DVD arrived via FedEx.
02/10/2015	Case assigned to specialist.
02/13/2015	Conducted preliminary review of eight poultry operation complaints. Complaints are all very similar, referencing access to outdoors. Two of the complaints reference the use of poultry porches. Difficult to tell whether the photographs show the correct facilities as identified by the complainant.
02/24/2015	Went through each complaint letter and pulled the complaint information specific to each complained operation, to compile into one document for reference. All poultry operation complaints allege violation of the requirement for outdoor access. Dairy operation complaints allege violation of the requirement for outdoor access and, taken generally, the requirements for pasture.
02/26/2015	Reviewed each high resolution set of photos for outdoor access issues: • (b) (5) [redacted]

	• (b) (5) [redacted]
03/05/2015	Spoke to Maury Wills at Iowa Department of Agriculture about the status of Smart Chicken; (b) (5) [redacted]. Called (b) (6), (b) (7)(C) [redacted] at QAI to ask about status of Burns Poultry, Herbrucks Green Meadow, Aurora Coldwater, Aurora Dublin, and Horizon Whitewave operations with respect to outdoor access; she said that she would consult her team about whether there are any NONCs and get back to me. Made similar calls to main contacts at GOA, TDA, Oregon Tilth, and CCOF to discuss their complained operations; left messages.
03/10/2015	Spoke to (b) (6), (b) (7)(C) [redacted]; she stated that there were no NONCs related to outdoor access for any of the operations asked about. Spoke to Connie Karr at Oregon Tilth; (b) (5) [redacted] and had no NONCs related to outdoor access, but did have a recent but resolved NONC for preapproval of a vitamin/seed mix. Karr said that there were no issues at Delta Egg; both Bushman and Delta Egg were in compliance. Spoke to Jake Lewin at CCOF about Chino Valley; (b) (5) [redacted] Lewin said that there were no outstanding NONCs for outdoor access but pointed out that they were under current temporary confinement due to the avian influenza epidemic. Lewin knew of the complaint and had checked the records; he said that the operation was not confining animals during the period that the complaint photos were taken. Spoke to Betty Kananen at GOA about the Nature Pure and Krehers Sunrise operations; she said that the operations were in compliance with respect to outdoor access but also pointed out the current avian influenza situation.
03/12/2015	Spoke to Mary Ellen Holliman of Texas Department of Agriculture about status of Boehning, Natural Prairie, and Redland Dairy operations. She stated that there were no outstanding NONCs at Natural Prairie or Boehning, but that Redland had been suspended the previous year. She stated that even with poor pasture quality, Natural Prairie had enough acreage (b) (4) [redacted] to meet DMI requirements. She knew of the online photos posted by the complainant of these operations, and stated the online photos marked "Boehning" were actually of a different conventional operation down the road. She sent documents showing that the Redland Dairy was suspended for nonresponse in January 2014 (Livestock) and February 2014 (Processing).
04/22/2015	All operations are in compliance according to their certifiers; (b) (5) [redacted] Worked on draft information memo to summarize cases for administration.
04/24/2015	Worked on draft closure letter to complainant.
05/08/2015	Checked back with GOA, IDA, and TDA to check that their respective operations were still in compliance; they were. Kananen and Wills each pointed out the avian influenza epidemic necessitating temporary confinement for poultry operations.
05/12/2015	Checked back with CCOF to check that Chino Valley was still in compliance; it was.
	Checked back with OTCO and QAI to check that their respective operations were still in compliance; they were. Karr said that Bushman had asked for temporary confinement due to avian influenza and that Delta Egg was scheduled to be under temporary

	confinement until 6/18 for the same reason.
05/18/2015	Sent approved closure letter to complainant. Closed cases in database.

Schurkamp, Lynnea - AMS

From: French, Karin R - AMS
Sent: Monday, May 18, 2015 4:58 PM
To: 'wfantle@cornucopia.org'
Cc: Michael, Matthew - AMS; 'cultivate@cornucopia.org'
Subject: Closure to complainant: "aerial drone" complaints
Attachments: Closure to Complainant Aerial Drones.pdf

Dear Mr. Fantle,

Please see the attachment to this email. It is a letter from the National Organic Program Director of Compliance and Enforcement and communicates the outcome of the “aerial drone” complaints submitted by The Cornucopia Institute.

Please let me know if you have any questions.

Best,

Karin French
Compliance Officer, National Organic Program
Agricultural Marketing Service, USDA
1400 Independence Avenue SW
Stop 0268, Room 2648-South
Washington, DC 20250-0268
KarinR.French@ams.usda.gov

USDA Agricultural Marketing Service

1400 Independence Avenue, S.W
STOP 0268 – Room 2648-S
Washington, D.C. 20250-0268

VIA EMAIL

May 18, 2015

Will Fantle
Research Director
The Cornucopia Institute
P.O. Box 126
Cornucopia, WI 54827
cultivate@cornucopia.org

Re: Cornucopia Institute's December 2014 complaints based on aerial drone photographs

Dear Mr. Fantle:

Thank you for your correspondence of December 10, 2014, which communicated complaints against fourteen poultry and dairy operations, listed below. Your complaints alleged that each operation is violating the USDA organic regulations requiring outdoor access for livestock. Additionally, your complaints alleged that the dairy operations are violating the regulations requiring access to pasture for ruminant livestock.

NOPC-082-15 Burns Poultry
NOPC-083-15 Boehning (Hilltop)
NOPC-084-15 Aurora Coldwater
NOPC-085-15 Delta Egg
NOPC-086-15 Herbrucks Green Meadow
NOPC-087-15 Bushman Organic
NOPC-088-15 Horizon (Whitewave)
NOPC-089-15 Chino Valley
NOPC-108-15 Natural Prairie
NOPC-109-15 Nature Pure (Topaz)
NOPC-110-15 Smart Chicken
NOPC-111-15 Krehers Sunrise
NOPC-113-15 Redland Dairy
NOPC-123-15 Aurora Dublin

The NOP has reviewed these complaints and has determined that investigation is unwarranted. Each of the currently certified operations is in good standing with its certifier, with no current compliance issues related to outdoor access or access to pasture.[1] Further, the photographic evidence submitted is insufficient to warrant investigation. The photographs depict a single moment in time and do not demonstrate that the operations denied outdoor access to livestock. And, in some cases, NOP was unable to verify that the photographs submitted show the certified operations in question.

[1] Redland Dairy was no longer certified as of February 2014.

The NOP will be proposing animal welfare regulations in the near future and invites the Cornucopia Institute to comment, especially in regard to outdoor access for organic poultry.

Thank you for bringing this matter to our attention.

Sincerely,

Matthew Michael, Director
Compliance and Enforcement Division
National Organic Program

USDA Agricultural Marketing Service

1400 Independence Avenue, S.W
STOP 0268 – Room 2648-S
Washington, D.C. 20250-0268

VIA EMAIL

Will Fantle
Research Director
The Cornucopia Institute
P.O. Box 126
Cornucopia, WI 54827
cultivate@cornucopia.org

Re: Cornucopia Institute's December 2014 complaints based on aerial drone photographs

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Thank you for your correspondence of December 10, 2014, which communicated complaints against fourteen poultry and dairy operations, listed below. Your complaints alleged that each operation is violating the USDA organic regulations requiring outdoor access for livestock. Additionally, your complaints alleged that the dairy operations are violating the regulations requiring access to pasture for ruminant livestock.

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NOPC-110-15 Smart Chicken
NOPC-111-15 Krehers Sunrise
NOPC-113-15 Redland Dairy
NOPC-123-15 Aurora Dublin

The NOP has reviewed these complaints and has determined that investigation is unwarranted. Each of the currently certified operations is in good standing with its certifier, with no current compliance issues related to outdoor access or access to pasture. The only exception is Redland Dairy which had its organic certification suspended in early 2014. Further, the photographic evidence submitted is insufficient to warrant investigation. The photographs depict a single moment in time and do not demonstrate that the operations denied outdoor access to livestock. And, in some cases, NOP was unable to verify that the photographs show the certified operations in question.

The NOP will be proposing animal welfare regulations in the near future and invites the Cornucopia Institute to comment, especially in regard to outdoor access for organic poultry.

Thank you for bringing this matter to our attention. We appreciate your support of the NOP and the USDA.

Sincerely,

Matthew Michael, Director
Compliance and Enforcement Division
National Organic Program

USDA Agricultural Marketing Service

1400 Independence Avenue, S.W
STOP 0268 – Room 2648-S
Washington, D.C. 20250-0268

VIA EMAIL

Will Fantle
Research Director
The Cornucopia Institute
P.O. Box 126
Cornucopia, WI 54827
cultivate@cornucopia.org

Re: Cornucopia Institute's December 2014 complaints based on aerial drone photographs

Dear Mr. Fantle:

Thank you for your correspondence of December 10, 2014, which communicated complaints against fourteen poultry and dairy operations, listed below. Your complaints alleged that each operation is violating the USDA organic regulations requiring outdoor access for livestock. Additionally, your complaints alleged that the dairy operations are violating the regulations requiring access to pasture for ruminant livestock.

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The NOP has reviewed these complaints and has determined that investigation is unwarranted. Each of the currently certified operations is in good standing with its certifier, with no current compliance issues related to outdoor access or access to pasture.[1] Further, the photographic evidence submitted is insufficient to warrant investigation. The photographs depict a single moment in time and do not demonstrate that the operations denied outdoor access to livestock. And, in some cases, NOP was unable to verify that the photographs submitted show the certified operations in question.

The NOP will be proposing animal welfare regulations in the near future and invites the Cornucopia Institute to comment, especially in regard to outdoor access for organic poultry.

[1] Redland Dairy was no longer certified as of February 2014.

Thank you for bringing this matter to our attention.

Sincerely,

Matthew Michael, Director
Compliance and Enforcement Division
National Organic Program

USDA Agricultural Marketing Service

1400 Independence Avenue, S.W
STOP 0268 – Room 2648-S
Washington, D.C. 20250-0268

VIA EMAIL

May 18, 2015

Will Fantle
Research Director
The Cornucopia Institute
P.O. Box 126
Cornucopia, WI 54827
cultivate@cornucopia.org

Re: Cornucopia Institute's December 2014 complaints based on aerial drone photographs

Dear Mr. Fantle:

Thank you for your correspondence of December 10, 2014, which communicated complaints against fourteen poultry and dairy operations, listed below. Your complaints alleged that each operation is violating the USDA organic regulations requiring outdoor access for livestock. Additionally, your complaints alleged that the dairy operations are violating the regulations requiring access to pasture for ruminant livestock.

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NOPC-113-15 Redland Dairy
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The NOP has reviewed these complaints and has determined that investigation is unwarranted. Each of the currently certified operations is in good standing with its certifier, with no current compliance issues related to outdoor access or access to pasture.[1] Further, the photographic evidence submitted is insufficient to warrant investigation. The photographs depict a single moment in time and do not demonstrate that the operations denied outdoor access to livestock. And, in some cases, NOP was unable to verify that the photographs submitted show the certified operations in question.

[1] Redland Dairy was no longer certified as of February 2014.

The NOP will be proposing animal welfare regulations in the near future and invites the Cornucopia Institute to comment, especially in regard to outdoor access for organic poultry.

Thank you for bringing this matter to our attention.

Sincerely,

Matthew Michael, Director
Compliance and Enforcement Division
National Organic Program

USDA Agricultural Marketing Service

1400 Independence Avenue, S.W
STOP 0268 – Room 2648-S
Washington, D.C. 20250-0268

VIA EMAIL

Will Fantle
Research Director
The Cornucopia Institute
P.O. Box 126
Cornucopia, WI 54827
cultivate@cornucopia.org

Re: Cornucopia Institute's December 2014 complaints based on aerial drone photographs

Dear Mr. Fantle:

Thank you for your correspondence of December 10, 2014, which communicated complaints against fourteen poultry ~~or~~ and dairy operations, ~~as~~ listed below. Your complaints alleged that each operation is violating the USDA organic regulations requiring outdoor access for livestock. Additionally, your complaints alleged that the dairy operations are violating the regulations requiring access to pasture for ruminant livestock.

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NOPC-083-15 Boehning (Hilltop)	NOPC-108-15 Natural Prairie
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NOPC-085-15 Delta Egg	NOPC-110-15 Smart Chicken
NOPC-086-15 Herbrucks Green Meadow	NOPC-111-15 Krehers Sunrise
NOPC-087-15 Bushman Organic	NOPC-113-15 Redland Dairy
NOPC-088-15 Horizon (Whitewave)	NOPC-123-15 Aurora Dublin

The NOP has reviewed these complaints and has determined that investigation is unwarranted. ~~NOP has concluded that, with one exception, e~~Each of the currently certified operations is in good standing with its ~~certifier.~~certifier; with no current documented compliance issues related to outdoor access or access to pasture (~~. The exception was~~ Redland Dairy ~~, which~~ had its organic certification~~s~~ suspended in ~~January and February of~~early 2014). Further,

~~Based on the above,~~ the photographic evidence~~, as~~ submitted ~~in the complaints,~~ is insufficient to warrant investigation. The photographs depict a single moment in time and do not demonstrate that the complained operations denied outdoor access to livestock. And, ~~i~~In some cases, NOP was unable to verify that the photographs show the certified operations~~establishments~~ in question. ~~The complaints are hereby closed.~~

The NOP will be proposing animal welfare regulations in the near future and invites the Cornucopia Institute to ~~comment when the proposed rule is published in the *Federal Register*, especially~~comment, especially in regard to outdoor access for organic poultry.

Formatted: Font: Italic

Thank you for bringing this matter to our attention. We appreciate your support of the NOP and the USDA.

Sincerely,

Matthew Michael, Director
Compliance and Enforcement Division
National Organic Program

USDA Agricultural Marketing Service

1400 Independence Avenue, S.W
STOP 0268 – Room 2648-S
Washington, D.C. 20250-0268

VIA EMAIL

Will Fantle
Research Director
The Cornucopia Institute
P.O. Box 126
Cornucopia, WI 54827
cultivate@cornucopia.org

Re: Cornucopia Institute's December 2014 complaints based on aerial drone photographs

Dear Mr. Fantle:

Thank you for your correspondence of December 10, 2014, which communicated complaints against fourteen poultry or dairy operations as listed below. Your complaints alleged that each operation is violating the USDA organic regulations requiring outdoor access for livestock. Additionally, your complaints alleged that the dairy operations are violating the regulations requiring access to pasture for ruminant livestock.

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NOPC-113-15 Redland Dairy
NOPC-123-15 Aurora Dublin

NOP has concluded that, with one exception, each operation is in good standing with its certifier, with no current documented compliance issues related to outdoor access or access to pasture. The exception was Redland Dairy, which had its organic certifications suspended in January and February of 2014.

Based on the above, the photographic evidence, as submitted in the complaints, is insufficient to warrant investigation. In some cases, NOP was unable to verify that the photographs show the establishments in question. The complaints are hereby closed.

The NOP will be proposing animal welfare regulations in the near future and invites the Cornucopia Institute to comment when the proposed rule is published in the Federal Register, especially in regard to outdoor access for organic poultry.

Thank you for bringing this matter to our attention. We appreciate your support of the NOP and the USDA.

Sincerely,

Matthew Michael, Director
Compliance and Enforcement Division
National Organic Program

Schurkamp, Lynnea - AMS

From: Michael, Matthew - AMS
Sent: Wednesday, December 17, 2014 12:40 PM
To: Jason Cole (cole@cornucopia.org)
Cc: Atkins, Patricia - AMS
Subject: Complaints

Hi Jason:

I have yet to receive any FedEx packages. If you have receipts showing that they've been delivered to USDA, let me know and I'll check with our mail room.

Here is my list of the twelve (12) new complaints. Please confirm that these are all you have submitted.

Herbruck's Green Meadow
Burns Poultry
Hilltop Dairy
Aurora Coldwater Dairy (Stratford)
Aurora Coldwater Dairy (Dublin)
Delta Egg
Bushman Organic Farms
Horizon Dairy (Kennedyville)
China Valley Ranches (Idalou)
Smart Chicken (MBA Poultry)
Redland Dairy
Kreher's Sunrise Farm LLC

Thanks.

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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Schurkamp, Lynnea - AMS

From: Jason Cole <cole@cornucopia.org>
Sent: Thursday, December 11, 2014 10:02 PM
To: Michael, Matthew - AMS
Subject: Complaints
Attachments: USDA Complaint - Smart Chicken (MBA Poultry) FINAL.pdf; USDA Complaint - Redland Dairy 2014 FINAL.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr. Michael,

Please find the attached formal complaints we are filing with your office for investigation of alleged illegal organic violations and potential enforcement action. We are still assembling the final information on the remaining formal complaints that we have cited in our communications. We expect to file them shortly. At this point the photographic images that are on our website represent a significant piece of the evidence we have gathered and you can view that for each of the facilities that complaints are being filed on.

Should you have any questions, you may contact us at your convenience.

Sincerely,

Jason Cole
Research Associate
The Cornucopia Institute
(608) 637-8278
cole@cornucopia.org

CORNUCOPIA
INSTITUTE

P.O. Box 126
Cornucopia, WI 54827
www.cornucopia.org

Schurkamp, Lynnea - AMS

From: Jason Cole <cole@cornucopia.org>
Sent: Wednesday, December 17, 2014 3:33 PM
To: Michael, Matthew - AMS
Subject: Complaints
Attachments: USDA Complaint - Natural Prairie 2014 FINAL.pdf; USDA Complaint - Nature Pure-Topaz-New Day LLC (Raymond Ohio facilities) 2014 FINAL.pdf; USDA Complaint - Kreher's Sunrise Farm LLC (Kreher's Farm Fresh Eggs) 2014 FINAL (UPDATED).pdf; USDA Complaint - Smart Chicken (MBA Poultry) 2014 UPDATED-Final.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Matthew,

Apologies, we ran into some delays getting the last ones finished and we wanted to send them all together. I plan on sending them tomorrow or Friday.

Attached are the final two – Natural Prairie and Nature Pure. Also, attached are two I already sent, but that have been updated. These are Kreher's and Smart Chicken. In total there are 14:

Herbruck's Green Meadow
Burns Poultry
Hilltop Dairy
Aurora Coldwater Dairy (Stratford)
Aurora Coldwater Dairy (Dublin)
Delta Egg
Bushman Organic Farms
Horizon Dairy (Kennedyville)
China Valley Ranches (Idalou)
Smart Chicken (MBA Poultry) (Updated
Redland Dairy
Kreher's Sunrise Farm LLC (updated)
Natural Prairie
Nature Pure

Let me know if you have any questions.

Best,

Jason Cole
Research Associate
The Cornucopia Institute
(608) 637-8278
cole@cornucopia.org

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INSTITUTE

P.O. Box 126
Cornucopia, WI 54827
www.cornucopia.org

Schurkamp, Lynnea - AMS

From: Michael, Matthew - AMS
Sent: Tuesday, October 20, 2015 11:46 AM
To: McEvoy, Miles - AMS
Cc: French, Karin R - AMS
Subject: Corncucopia - Talking Points and Briefing

Talking Points

- Replace first sub –bullet with (b) (5) [redacted]
- **Under If asked –** (b) (5) [redacted]

Cornucopia Complaints Briefing

- Replace last cell in first table with:

(b) (5)	[redacted]

- Add new section at bottom of first page:

(b) (5) [redacted]

[redacted]

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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Michael, Matthew - AMS

From: Michael, Matthew - AMS
Sent: Friday, December 19, 2014 4:37 PM
To: McEvoy, Miles - AMS; Tucker, Jennifer - AMS
Subject: Corncuopia complaints

Hi Miles and Jenny:

Here is an update on the incoming complaints from Cornucopia.

- We have received 14, all sent directly to me. Correspondence I've had with Jason Cole indicates that there are only 14 complaints. The complaints are against:
    - Herbruck's Green Meadow
    - Burns Poultry
    - Hilltop Dairy
    - Aurora Coldwater Dairy (Stratford)
    - Aurora Coldwater Dairy (Dublin)
    - Delta Egg
    - Bushman Organic Farms
    - Horizon Dairy (Kennedyville)
    - Chino Valley Ranches (Idalou)
    - Smart Chicken (MBA Poultry)
    - Redland Dairy
    - Kreher's Sunrise Farm LLC
    - Natural Prairie
    - Nature Pure – Topaz – New Day, LLC

- As we do with all incoming complaints, we have entered these 14 into the complaint database. Logging them in like this does not signify that we will investigate them, but instead that we received them and review them to determine whether investigation is warranted.

- Cornucopia has said they also are sending me photographic evidence via FedEx. Jason Cole wrote to me that it would arrive today, but it hasn't yet.

- The complaints I've received are only letters. I've skimmed them and each follows a similar format.
    - If the complaint concerns a poultry or egg operation, the complaint discusses the photos, describes the size of the operation and the flock, and alleges violations of outdoor access requirements. Some, and maybe all, of the poultry/egg complaints, also contain a request that the NOP conduct "surprise inspections" at seven additional egg operations. It is unclear if these requests constitute additional complaints.

    - If the complaint concerns a dairy operation, the complaint discusses the photos, describes the size of the operation and the herd, and alleges violations of outdoor access and pasture requirements.

We will review the complaints more thoroughly once the evidence Cornucopia has cited arrives.

Have a nice weekend.

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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USDA Agricultural Marketing Service

September 19, 2016 – Version 1

Organic Talking Points – Cornucopia Complaints

Talking Points:

- The NOP has standard operating procedures in place to make sure that all complaints alleging violations of the USDA organic regulations are consistently handled. Evidence provided by the complainant determines whether a complaint will be investigated, and if so, the direction of that investigation. The NOP collaborates directly with accredited certifying agents to investigate complaints against certified operations and takes enforcement actions, as appropriate.
    - (b) (5) [redacted]
    - On any given day, how an organic operation manages its livestock can vary considerably, based on weather, time of day, number of animals, milking schedule, age of the animals and other factors.
    - One photo captures only a moment without context. That is why, under the USDA organic regulations, certifiers are required to check a full year of records, inspect all production and handling sites, and audit production records to ensure organic integrity.

- The operations cited by Cornucopia are certified organic and in good standing. USDA accredited certifiers inspect each operation to verify that organic livestock operations provide outdoor access and that organic ruminant operations obtain at least 30 percent of their dry matter intake from organic pasture during the grazing season.

- The organic regulations require that all livestock producers accommodate the health and natural behavior of their animals.
    - Organic livestock must be allowed year-round access to the outdoors except under specific conditions such as inclement weather, raised on certified organic land, raised per animal health and welfare standards, fed 100 percent certified organic feed – except for trace minerals and vitamins used to meet the animal's nutritional requirements - and managed without antibiotics, added growth hormones, mammalian or avian byproducts, or other prohibited feed ingredients.

If asked

- Until last week, the NOP had no open complaints against Aurora Dairy. The last complaint was investigated beginning in 2009, and in 2010, it was closed without any findings of violations.

USDA Agricultural Marketing Service

May 25, 2016~~October 20, 2015~~ – Version 1

Organic Talking Points – Cornucopia Complaints

Talking Points:

- The NOP has standard operating procedures in place to make sure that all complaints alleging violations of the USDA organic regulations are consistently handled. Evidence provided by the complainant determines whether a complaint will be investigated, and if so, the direction of that investigation. The NOP collaborates directly with accredited certifying agents to investigate complaints against certified operations and takes enforcement actions, as appropriate.
    - (b) (5) [redacted]
    - On any given day, how an organic operation manages its livestock can vary considerably, based on weather, time of day, number of animals, milking schedule, age of the animals and other factors.
    - One photo captures only a moment without context. That is why, under the USDA organic regulations, certifiers are required to check a full year of records, inspect all production and handling sites, and audit production records to ensure organic integrity.

- The operations cited by Cornucopia are certified organic and in good standing. USDA accredited certifiers inspect each operation to verify that organic livestock operations provide outdoor access and that organic ruminant operations obtain at least 30 percent of their dry matter intake from organic pasture during the grazing season.

- The organic regulations require that all livestock producers accommodate the health and natural behavior of their animals.
    - Organic livestock must be allowed year-round access to the outdoors except under specific conditions such as inclement weather, raised on certified organic land, raised per animal health and welfare standards, fed 100 percent certified organic feed – except for trace minerals and vitamins used to meet the animal's nutritional requirements - and managed without antibiotics, added growth hormones, mammalian or avian byproducts, or other prohibited feed ingredients.

If asked

- Until last week, the NOP had no open complaints against Aurora Dairy.

Schurkamp, Lynnea - AMS

From: Jason Cole <cole@cornucopia.org>
Sent: Friday, December 19, 2014 4:51 PM
To: Michael, Matthew - AMS
Subject: RE: Cornucopia complaints

Matthew,

Sorry about this. It was supposed to arrive this morning. Tracking says it's in a facility in Tennessee. We'll get it to you soon.

Jason

Jason Cole
Research Associate
The Cornucopia Institute
(608) 637-8278
cole@cornucopia.org

CORNUCOPIA
INSTITUTE

P.O. Box 126
Cornucopia, WI 54827
www.cornucopia.org

From: Michael, Matthew - AMS [mailto:Matthew.Michael@ams.usda.gov]
Sent: Friday, December 19, 2014 3:40 PM
To: Jason Cole
Subject: RE: Cornucopia complaints

Hi Jason:

A FedEx delivery arrived, but your complaints were not included. I will be in the office next week, Monday-Wednesday, and will let you know if they don't show up.

Have a nice weekend.

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657

matthew.michael@ams.usda.gov

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From: Jason Cole [mailto:cole@cornucopia.org]
Sent: Friday, December 19, 2014 11:09 AM
To: Michael, Matthew - AMS
Subject: Cornucopia complaints

Dear Matthew,

Hardcopies of all 14 of our complaints were sent via fed ex and should arrive to you today. Let me know if you don't receive them.

Best,

Jason

Jason Cole
Research Associate
The Cornucopia Institute
(608) 637-8278
cole@cornucopia.org

CORNUCOPIA
INSTITUTE

P.O. Box 126
Cornucopia, WI 54827
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Cornucopia complaints

- NOP has standard operating procedures in place to make sure that all complaints alleging violations of the USDA organic regulations are consistently handled. Evidence provided by the complainant determines whether a complaint will be investigated, and if so, the direction of that investigation. NOP collaborates directly with accredited certifying agents to investigate complaints against certified operations and takes enforcement actions, as appropriate.
- (b) (5) [redacted] On any given day, how an organic operation manages its livestock can vary considerably, based on weather, time of day, number of animals, milking schedule, age of the animals and other factors. One photo captures only a moment without context. That is why, under the USDA organic regulations, certifiers are required to check a full year of records, inspect all production and handling sites, and audit production records to ensure organic integrity.
- The operations cited by Cornucopia are certified organic and in good standing. USDA accredited certifiers inspect each operation to verify that organic livestock operations provide outdoor access and that organic ruminant operations obtain at least 30% of their dry matter intake from organic pasture during the grazing season.

If asked

- Cornucopia has made xx complaints since 2009 alleging violations of the organic standards. For Xx% of these complaints, no violations were found.
- Until last week, the USDA NOP had no open complaints against Aurora Dairy. The last complaint was investigated beginning in 2009, and in 2019, it was closed without any findings of violations.

DRAFT

Schurkamp, Lynnea - AMS

From: Jason Cole <cole@cornucopia.org>
Sent: Friday, December 19, 2014 11:09 AM
To: Michael, Matthew - AMS
Subject: Cornucopia complaints

Dear Matthew,

Hardcopies of all 14 of our complaints were sent via fed ex and should arrive to you today. Let me know if you don't receive them.

Best,

Jason

Jason Cole
Research Associate
The Cornucopia Institute
(608) 637-8278
cole@cornucopia.org

CORNUCOPIA
INSTITUTE

P.O. Box 126
Cornucopia, WI 54827
www.cornucopia.org

Cornucopia Complaints Briefing - 2015

Background: Any member of the public may file a complaint alleging violations of the USDA organic regulations. Guidance on how to file a complaint is available on the AMS website. AMS' National Organic Program (NOP) reviews all complaints received and conducts investigations when there is evidence of violations of the USDA organic regulations. In December 2014, the Cornucopia Institute filed complaints against 14 certified organic operations. Cornucopia hired an aerial drone photography service to photograph the U.S. certified organic operations. (b) (5) [redacted] Additionally, the complainant alleged that the dairy operations are violating the regulations requiring access to pasture for ruminant livestock. The NOP reviewed the photographs for evidence and conferred with responsible certifiers to determine if there were any violations related to outdoor access or access to pasture. The NOP closed the complaints, notifying Cornucopia of the following:

- Each operation is in good standing with its certifier, with no current, documented compliance issues related to outdoor access or access to pasture;
- Given the above, the photographic evidence, by itself, does not warrant further investigation.

Chronology

December 2014	AMS-NOP received complaints via email. Complainant followed up with additional pictures of some of the operations, mostly from Google Earth or other satellite sources. Sets of high resolution photos for each operation on DVD arrived via FedEx.
02/13/2015	AMS-NOP conducted preliminary review of eight poultry operation complaints. Two of the complaints reference the use of poultry porches. Difficult to tell whether the photographs show the correct facilities as identified by the complainant.
02/24/2015	AMS-NOP went through each complaint letter and pulled the complaint information specific to each complained operation, to compile into one document for reference. All poultry operation complaints allege violation of the requirement for outdoor access. Dairy operation complaints allege violation of the requirement for outdoor access and, taken generally, the requirements for pasture.
04/22/2015	AMS-NOP concluded that all operations are in compliance according to their certifiers; evidence does not support need for investigations.
05/18/2015	AMS-NOP sent approved closure letter to complainant. Closed cases in database.
Late May 2015	Cornucopia files OIG hotline complaint alleging operations in violation of organic standards
June – July 2015	OIG assigns case to AMS Compliance. AMS Compliance collects statements from Mark Kastel and Will Fantle.
October 15, 2015	Cornucopia posts press release alleging Miles McEvoy is under Ethics Investigation
10/16/2015	AMS-NOP received complaints from Cornucopia against six certifiers and concerning 13 of the 14 operations originally complained in December of 2014. AMS-NOP is reviewing these complaints to determine if new evidence warranting further investigation has been provided. No new photographic evidence has been provided.

Complaints against Certifiers

When AMS-NOP receives complaints against accredited certifiers they are reviewed to the same standard as complaints against operations, i.e. AMS-NOP determines whether evidence indicating violation of the USDA organic regulations by the certifier has been provided. The AMS-NOP Compliance and Enforcement Division (C&E) confers with the AMS-NOP Accreditation and International Activities Division (AIA) regarding such complaints, the need for additional review and investigation based on the evidence provided and other information obtained in the review, and any consequent enforcement action.

SUMMARY OF COMPLAINTS

The complainant submitted 14 complaints in December of 2014.

Poultry Operation Complaints	Dairy Operation Complaints
NOPC-082-15 Burns Poultry	NOPC-083-15 Boehning (Hilltop)
NOPC-085-15 Delta Egg	NOPC-084-15 Aurora Coldwater
NOPC-086-15 Herbrucks Green Meadow	NOPC-088-15 Horizon (Whitewave)
NOPC-087-15 Bushman Organic	NOPC-108-15 Natural Prairie
NOPC-089-15 Chino Valley	NOPC-113-15 Redland Dairy
NOPC-109-15 Nature Pure (Topaz)	NOPC-123-15 Aurora Dublin
NOPC-110-15 Smart Chicken	
NOPC-111-15 Krehers Sunrise	

All of the complaints allege violations of the requirement for livestock living conditions that provide access to the outdoors. The complaints about dairy operations also allege violation of the requirements for ruminants to feed on pasture. Cornucopia sent a set of photographs for each operation. Such photographs provide only a point-in-time look from above that cannot confirm or disprove whether outdoor access or pasture requirements are being met.

Additionally, it is difficult to ascertain whether all of the photographs are of the correct operations as identified by the complainant. The photographs of the dairy operations do not confirm any violations with regard to outdoor access or pasture. Animals are visible outdoors in the photographs of all of the dairy operations. Pasture land is also visible adjacent to the dairy operations in the photographs, in reasonable proximity for access by the animals at the dairy operation. In three of the six complaints about dairies, the photographs appear to show animals feeding on pasture or coming in from feeding on pasture. One operation, Redland Dairy, was suspended prior to the complaint.

The photographs of the poultry operations do not confirm any violations with regard to outdoor access. As far as can be distinguished from photographs of buildings from a distance, six of the eight complaint photograph sets appear to show plausible means of facilitating outdoor access. Means of facilitating outdoor access could not be distinguished in the photographs for the remaining two poultry operation complaints. The photographs are inconclusive due to factors discussed above, including uncertainty that the photographed operations are correctly identified. Further, the certifiers for these two operations confirmed to the NOP that each was in compliance with the USDA organic regulations.

Schurkamp, Lynnea - AMS

From: French, Karin R - AMS
Sent: Monday, March 02, 2015 11:19 AM
To: Michael, Matthew - AMS
Subject: Cornucopia drone complaints

Hi Matthew,

I've created a folder in the (b) (7)(E) for the Cornucopia drone complaints:
(b) (7)(E)

When you have a chance, could you copy over the original complaint they sent you?

I've also started a draft of the informational memo. It has a summary of the complaints but I was not sure where to go from there. Would like to discuss with you.
(b) (7)(E) DRAFT Info Memo drones.docx

Thanks.

Karin French
Compliance Officer, National Organic Program
Agricultural Marketing Service, USDA
1400 Independence Avenue SW
Stop 0268, Room 2648-South
Washington, DC 20250-0268
KarinR.French@ams.usda.gov
Mobile: 202-536-7517

Schurkamp, Lynnea - AMS

From: Michael, Matthew - AMS
Sent: Monday, May 11, 2015 12:38 PM
To: McEvoy, Miles - AMS
Cc: French, Karin R - AMS
Subject: Cornucopia drone complaints

Hi Miles:

Here is the latest draft of the closure letter:

(b) (7)(E) Closure to complainant Cornucopia clean 051815.docx

Let me know if you have any changes; feel free to redline and save a version. I will send it out once you've cleared it.

Thanks.

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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In the case of Natural Prairie the photographer inadvertently took photos of a neighboring operation which is not certified organic. Thus, please disregard images 207091-25 through 207091-38

Based on the panoramic views of this operation we counted 940 cows on pasture. Based on the regulatory permitting figure of 23,600 that would be approximately 4% of the herd. Using the more conservative 8,500-milk cow figure, presented in the company's video, that would be about 11% of the productive herd (not counting any heifers or dry cows on the property).

NOPC-133-15 Redland Dairy

Redland Dairy located near Farwell, Texas. This operation is certified by the Texas Department of Agriculture.

The aerial photography images (contained on the computer discs forwarded to you via Federal Express and available in a lower resolution on our website) indicate worn-out pasture with many of the irrigated fields with some grass lacking fencing and waterers that would facilitate grazing. Some of the fields appear to have been mechanically harvested. Many have no vegetation growing at all. Even though it is early in the season, due to an exceedingly high stocking level and mechanical harvesting, or mismanagement, there appears to be little usable pasture accessible to the milking herd.

This particular dairy might personify the statement we have made publicly before: "Some geographic locations and climates might not be conducive to organic livestock agriculture." If you are farming in the desert and do not have access to adequate irrigation water, and cannot graze your cattle, you are not in a location that can support organic dairy production.

According to filings with the state of Texas, this dairy is currently managing 3,800 head of cattle on a mere 450 acres. Although some of these are young stock, without harvesting any forage off of these acres, that would equate to an overall stocking level of 8.44 cows per acre (a much higher effective rate depending how much of the growth was harvested for hay on an annual basis).

No cows (zero) were visible, out on pasture, in any of the photographs that included much more than the 450 acres the dairy specified as managing as part of this CAFO. The high temperature on the date these photos were taken, May 17, 2014, was 82°F (a pleasant day for late spring in Texas).

NOPC-123-15 Aurora Dublin

[The letter says Aurora Coldwater but the file name says Dublin. The content is not the same.]

The aerial photography images (contained on the computer discs forwarded to you via Federal Express and available in a lower resolution on our website, at www.cornucopia.org/flyovers) indicate the vast preponderance of fields suitable for grazing surrounding the facility were recently cut and baled for hay. In some fields the bales are clearly still visible. Hay making equipment is still out (please see photos 206991-02 and 206991-10). There is a large quantity of balage and a structure filled with unwrapped bales (206991-13). Surrounding unirrigated pasture looks like it has been overgrazed.

There is a small grass yard between the two feedlots that had about 50 cows out, as well as approximately 450 cows in the distance (approximately 8% of the license capacity for this facility) on what looks like degraded pasture. These cows are clustered together, not behavior indicative of grazing

Schurkamp, Lynnea - AMS

From: French, Karin R - AMS
Sent: Thursday, April 23, 2015 4:17 PM
To: Michael, Matthew - AMS
Subject: Draft closure to Cornucopia

Hi Matthew,

Here is a draft closure letter for your review.
(b) (7)(E) Closure to complainant Cornucopia.docx

Karin French
Compliance Officer, National Organic Program
Agricultural Marketing Service, USDA
1400 Independence Avenue SW
Stop 0268, Room 2648-South
Washington, DC 20250-0268
KarinR.French@ams.usda.gov
Mobile: 202-536-7517

USDA Agricultural Marketing Service

1400 Independence Avenue, S.W
STOP 0268 – Room 2648-S
Washington, D.C. 20250-0268

INFORMATIONAL MEMORANDUM FOR THE ADMINISTRATOR

This memorandum describes planned Agency compliance action still under consideration and is thus exempt from disclosure under FOIA exemptions (b)(5) and (b)(7)(e).

DATE: May 25, 2016~~April 22, 2015~~

TO: Rex Barnes
AMS Associate Administrator

FROM: Matthew Michael
Director
NOP Compliance and Enforcement Division

SUBJECT: ~~NOP processing of~~ Cornucopia Institute's December 2014 complaints based on aerial drone photographs

ISSUE

~~The complainant~~Cornucopia Institute (Cornucopia) hired an aerial drone photography service to photograph fourteen certified organic operations in the United States. Based solely on the aerial photographs, Cornucopia~~the complainant~~ alleged that each operation is violating the USDA organic regulations requiring outdoor access for livestock. Additionally, the complainant alleged that the dairy operations are violating the regulations requiring access to ~~and/or~~ pasture for ruminant livestock. ~~These animal welfare issues are to be addressed in a proposed rule currently being drafted by NOP. For the majority of the complaints,~~ NOP proposes to close review of the complaints without investigation, ~~and to~~ notifying Cornucopia of the following:

- Each operation is in good standing with its certifier,[1] with no current, documented compliance issues related to outdoor access or access to pasture;
- Given the above, the photographic evidence, by itself, does not warrant an investigation;
- The NOP will be proposing animal welfare regulations in the near future and invites Cornucopia to comment, especially in regard to outdoor access for organic poultry. ~~the complainant of the future opportunity to comment on the proposed rule on animal welfare. Prior to closing any complaint, NOP will confirm that the operations are in good standing according to their most recent inspections.~~
-

SUMMARY OF COMPLAINTS

The complainant submitted fourteen (14) complaints in December of 2014.

Poultry Operation Complaints	Dairy Operation Complaints
NOPC-082-15 Burns Poultry	NOPC-083-15 Boehning (Hilltop)

[1] One of the operations, Redland Dairy, was suspended from organic certification prior to the complaints being filed

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NOPC-085-15 Delta Egg	NOPC-084-15 Aurora Coldwater
NOPC-086-15 Herbrucks Green Meadow	NOPC-088-15 Horizon (Whitewave)
NOPC-087-15 Bushman Organic	NOPC-108-15 Natural Prairie
NOPC-089-15 Chino Valley	NOPC-113-15 Redland Dairy
NOPC-109-15 Nature Pure (Topaz)	NOPC-123-15 Aurora Dublin
NOPC-110-15 Smart Chicken	
NOPC-111-15 Krehers Sunrise	

Of the fourteen complaints, eight were about poultry operations and six were about dairy operations. All of the complaints allege violation of the requirement for livestock living conditions that provide access to the outdoors, as described in 7 CFR §205.239. The complaints about dairy operations also allege violation of the requirements for ruminants to feed on pasture, as described in 7 CFR §205.239 and 7 CFR §205.240.

~~The complainant~~Cornucopia sent a set of photographs for each operation. E~~Within e~~ach set of ~~, the~~ photographs ~~are very close together in time because they~~ was~~ere~~ taken within the relatively small amount of time that the aerial drone was circling the photographed operation. Such photographs provide only a point-in-time look from above that cannot confirm or disprove whether outdoor access or pasture requirements are being met. Additionally, it is difficult to ascertain whether all of the photographs are of the correct operations as identified by the complainant.

The photographs of the dairy operations do not confirm any violations with regard to outdoor access or pasture. Animals are visible outdoors in the photographs of all of the dairy operations. Pasture land is also visible adjacent to the dairy operations in the photographs, in reasonable proximity for access by the animals at the dairy operation. In three of the six complaints about dairies, the photographs appear to show animals feeding on pasture or coming in from feeding on pasture. One operation, Redland Dairy, was suspended prior to the complaint.

The photographs of the poultry operations do not confirm any violations with regard to outdoor access. As far as can be distinguished from photographs of buildings from a distance, six of the eight complaint photograph sets appear to show plausible means of facilitating outdoor access. Two of these photograph sets appear to show the use of “poultry porches” as a substitute for outdoor access. These structures are currently accepted according to NOP precedent. The National Organic Standards Board recommended that these structures be disallowed; the proposed rule being drafted by NOP, as currently written, specifically addresses this recommendation.

Means of facilitating outdoor access could not be distinguished in the photographs for the remaining two poultry operation complaints. The photographs are inconclusive due to factors discussed above, including uncertainty that the photographed operations are correctly identified. Further, the certifiers for these two operations confirmed to the NOP that each was in compliance with the USDA organic regulations.

~~**DISCUSSION**~~

~~??~~

USDA Agricultural Marketing Service

1400 Independence Avenue, S.W
STOP 0268 – Room 2648-S
Washington, D.C. 20250-0268

INFORMATIONAL MEMORANDUM FOR THE ADMINISTRATOR

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DATE: May 25, 2016~~April 22, 2015~~

TO: Rex Barnes
AMS Associate Administrator

FROM: Matthew Michael
Director
NOP Compliance and Enforcement Division

SUBJECT: Cornucopia Institute's December 2014 complaints based on aerial drone photographs

ISSUE

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- Each operation is in good standing with its certifier,[1] with no current, documented compliance issues related to outdoor access or access to pasture;
- Given the above, the photographic evidence, by itself, does not warrant an investigation;
- The NOP will be proposing animal welfare regulations in the near future and invites Cornucopia to comment, especially in regard to outdoor access for organic poultry.

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NOPC-110-15 Smart Chicken	
NOPC-111-15 Krehers Sunrise	

[1] One of the operations, Redland Dairy, was suspended from organic certification prior to the complaints being filed.

Of the fourteen complaints, eight were about poultry operations and six were about dairy operations. All of the complaints allege violation of the requirement for livestock living conditions that provide access to the outdoors, as described in 7 CFR §205.239. The complaints about dairy operations also allege violation of the requirements for ruminants to feed on pasture, as described in 7 CFR §205.239 and 7 CFR §205.240.

Cornucopia sent a set of photographs for each operation. Each set of photographs was taken within the relatively small amount of time that the aerial drone was circling the photographed operation. Such photographs provide only a point-in-time look from above that cannot confirm or disprove whether outdoor access or pasture requirements are being met. Additionally, it is difficult to ascertain whether all of the photographs are of the correct operations as identified by the complainant.

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Michael, Matthew - AMS

From: French, Karin R - AMS
Sent: Thursday, September 03, 2015 12:45 PM
To: Michael, Matthew - AMS
Subject: Drone complaint certifiers & operations

GOA	NOPC-109-15 Nature Pure (Topaz) NOPC-111-15 Krehers Sunrise
QAI	NOPC-082-15 Burns Poultry NOPC-086-15 Herbrucks Green Meadow NOPC-084-15 Aurora Coldwater NOPC-088-15 Horizon (Whitewave) NOPC-123-15 Aurora Dublin
Iowa Department of Agriculture	NOPC-110-15 Smart Chicken
Texas Department of Agriculture	NOPC-083-15 Boehning (Hilltop) NOPC-108-15 Natural Prairie NOPC-113-15 Redland Dairy
Oregon Tilth	NOPC-085-15 Delta Egg NOPC-087-15 Bushman Organic
CCOF	NOPC-089-15 Chino Valley

Karin French
Compliance Officer, National Organic Program
Agricultural Marketing Service, USDA
1400 Independence Avenue SW
Stop 0268, Room 2648-South
Washington, DC 20250-0268
KarinR.French@ams.usda.gov

Schurkamp, Lynnea - AMS

From: Michael, Matthew - AMS
Sent: Friday, April 24, 2015 12:13 PM
To: McEvoy, Miles - AMS
Cc: French, Karin R - AMS
Subject: drone photo cases - closure letter

Hi Miles:

Here is the letter for you review:

(b) (7)(E) Closure to complainant Cornucopia clean 042415.docx

Thanks.

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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Schurkamp, Lynnea - AMS

From: Mark Kastel <kastel@cornucopia.org>
Sent: Friday, December 19, 2014 11:10 AM
To: McEvoy, Miles - AMS; Michael, Matthew - AMS
Cc: Miles McEvoy (Miles.McEvoy@usda.gov); Will Fantle; Jason Cole
Subject: Flyover Complaints

Dear Miles and Michael,

I wanted to update you on the logistical status of the complaints we announced last week and a few of the background details. Please add this email to each related complaint file.

By now you should have received electronic copies of all of the complaints (some of which were updated with additional information that we received over this past week).

This week we shipped, via Federal Express, a package that included a hard copy of each complaint, a spreadsheet that contains some summary data on each facility, along with a series of DVDs containing the aerial photography we contracted for (and a document that serves as the key to reconciling which disc contains which images.

Here are some things you should know about the images:

1. The states and locations of target CAFOs were located based on where our photography contractor already had contracts to perform work for other entities. There is every reason to believe that if we were able to do flyovers in a different series of states (California, Idaho, New Mexico, Arizona or Colorado, as an example – which we may very well do this coming farming season) that we would've had a different set of similar alleged violations. The states that were chosen were not because we thought we would find the highest concentration of scofflaws operating in those jurisdictions.

2. The aerial photographer we contracted with, based on pre-existing contracts with other clients, established the dates of all shoots (between May and September). We did not know specifically when they were going to be over a designated production facility until after the fact. One of the criteria they have for all shoots is that it be done on a clear sunny day to assure the highest quality images.

3. These are massive photography files, 62 MB each. This will enable you, as it did our researchers, to greatly enlarge the photos enabling you to clearly verify if any animals are outside or on pasture. These are detailed enough photos that you can gauge, to a great extent, the quality of the pasture on the dairy operations indicating any history of outdoor access or grazing. Chickens, in any appreciable number, even 50 or 100, will defoliant and tear up an area pretty quickly (in larger fixed houses this is especially true right outside of the doors as, overall, few birds go out and normally congregate close by). Many of these photos, when zoomed in, clearly indicate pristine lawns surrounding henhouses.

4. We have sent you <u>all</u> of the organic CAFOs that we contracted to photograph with two exceptions. One was in Ohio and we inadvertently sent the photographers to an operation that was a conventional turkey grower. The other was a certified organic CAFO in

Michigan. Unfortunately, although no animals were visible outside, the series of photographs did not include our required panoramic views of all surrounding outdoor areas that would've enabled us, to say with a high level of assurance that they were violating the standards. We did not cherry pick the most egregious violations and leave out any facilities that would've looked good to the public and appeared to be complying with the regulations.

5. Of the 14 complaints and series of photos that we have forwarded to you, we have shared 100% of the images that were taken by the contractor. We wanted you to know that we did not select only the most egregious illustration of violations nor edit out any images that would show animals outside. Viewing all the images on a particular facility you should be able to see a 365° view of the livestock housing facilities and, for the dairy outfits, all surrounding fields. In the case of the egg laying houses, and the one broiler producer with 40 buildings, we had the photographer, specifically, zero in on the space between the buildings so that the quality of the vegetation, doors and any fencing would be visible (in between and surrounding every building). Again, we encourage you to enlarge and zero in on these features.

6. One of the producers, Nature Pure/Topaz Real Estate, Inc. (New Day Farms, LLC), Raymond, Ohio, has a massive conventional production operation, basically, at the address registered for the organic operations. In the same general vicinity they had two separate certified organic facilities (we have delineated these in our formal complaint document). Our aerial photographer missed one of the two organic facilities. We would ask that you go to our website and view the photo gallery to retrieve a series of satellite images that were taken on three separate days of the facility in question (no birds out).

In addition to the aerial photography, we have satellite images of a number of other facilities that we targeted for investigation. As an example, we have images of the Idalou, Texas egg facility, owned by Chino Valley, taken on three separate days in addition to the aerial photography. On all four days no chickens are visible outdoors. We will send the other images that we have, in a series of emails, within the near future.

The intent of the law needs to be carefully considered when deciding whether or not you are going to take enforcement action. "Access to the outdoors" obviously infers that animals will be outside. Not just having access but actually getting an appreciable percentage of the population outdoors.

As in the example of the enforcement action that was taken against Aurora during the prior administration, you do not need prescriptive benchmarks to take enforcement action when a woefully inadequate percentage of animals are being allowed out on pasture or outdoors (in the case of Aurora it wasn't 0% of their animals out but it was a token percentage).

Porches are not the "outdoors." They are indoors. To get out of that structure you would have to go through a door. The birds don't have that option.

Furthermore, the memo we refer to that you issued, Miles, seems to make it pretty clear that birds have to be outside of a "structure." Porches are not outdoors. They are structures.

The original decision, under the Bush administration, to allow porches to serve as outdoor space, did not comport with the law. There is the additional appearance of corruption, by virtue of the USDA official who personally issued the porch decision later going to work for the company that directly benefited. This appears to the public as untenable. There is no legitimate reason why the USDA, under the Obama administration, should be legitimizing this "error" (to use the same vernacular as

you did, Miles, when ruling that the inappropriate use of Martek's DHA, as allowed by the Bush administration, was not in compliance with the law).

In the case of dairies, “access to pasture,” when the regulations were drafted, based on OFPA, and in conjunction with regulatory language legally requiring farmers managing livestock to allow for their *natural instinctive behaviors*, clearly intended to have animals actually out grazing.

There are legal exceptions when farmers can “temporarily” confine livestock. But when those conditions are not met, their herds, generally, need to be on pasture. Not 10% of the herd. And not between one of the milkings per day if they are milking three or four times. Those are examples of large corporate, industrialized dairy operations trying to “game the system.” Independent experts can verify how much time cattle need to be in a feedlot, before and after entering the parlor, to facilitate milking. It does not require having 90% of the cattle confined on a nice day. These facilities milk 24 hours a day and move cattle pretty efficiently in and out of their parlors.

If you do not interpret the regulations conservatively, and you have not the past, you are placing ethical livestock producers, at all scales of size, at a competitive disadvantage.

After reviewing the information we have forwarded to you please let us know if you have any questions or if we can provide you with any other background information or justification for our interpretations.

Sincerely yours,

Mark A. Kastel
Senior Farm Policy Analyst
The Cornucopia Institute

Mark A. Kastel
The Cornucopia Institute
Kastel@cornucopia.org
608-625-2042 Voice
866-861-2214 Fax

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www.cornucopia.org

Michael, Matthew - AMS

From: Courtney, Cheri - AMS
Sent: Friday, December 12, 2014 12:24 PM
To: Michael, Matthew - AMS
Cc: McEvoy, Miles - AMS; Tucker, Jennifer - AMS
Subject: FW: Lastest in organic surveillance - Drones

Did you see this?

Cheri

From: Crail, Lars - AMS
Sent: Friday, December 12, 2014 11:15 AM
To: Courtney, Cheri - AMS; Howley, JannaB - AMS; Mann, Renee - AMS; Gebault King, ReneeA - AMS; Essig, Mario - AMS; Yang, RobertH - AMS; Lusby, MaryLou - AMS
Subject: Lastest in organic surveillance - Drones

Maybe some of you have already seen this:

http://www.washingtonpost.com/blogs/wonkblog/wp/2014/12/11/think-your-milk-and-chicken-are-organic-these-aerial-farm-photos-will-make-you-think-again/

Michael, Matthew - AMS

From: Jones, Samuel - AMS
Sent: Friday, May 22, 2015 8:33 AM
To: McEvoy, Miles - AMS; Tucker, Jennifer - AMS; Nelson, Kristen - AMS; Michael, Matthew - AMS; Stoker, Edward - AMS
Subject: FW: Morning Agriculture, presented by Just Label It: Updated Unified Agenda provides rulemaking roadmap — Women in food/ag raise money for Stabenow — Commercial fishermen take issue with Rubio bill

FYI…Politico mention of the Cornucopia complaint.

Sam Jones-Ellard
Public Affairs Specialist
USDA | Agricultural Marketing Service
202.660.2268

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Follow us on Twitter @USDA_AMS or read our stories on the USDA blog.

From: POLITICO Pro Agriculture

By Chase Purdy | 5/22/15 5:43 AM EDT

With help from Jenny Hopkinson, Bill Tomson and Jason Huffman

UPDATED UNIFIED AGENDA PROVIDES RULEMAKING ROADMAP: The Unified Agenda has been updated, providing a loose roadmap for when we can expect final and proposed rulings to be published and go into effect. The list provides an overview of hundreds of rules in the works. We've pulled out just a few to highlight. You can check out the full listing here: http://1.usa.gov/1Bf5Qhs

APHIS: The final rule amending regulations on the importation of beef from Brazil is expected to drop at any time. It's anticipated that the rule will open the U.S. market to fresh beef from certain regions in Brazil, based on a risk assessment that deemed the meat free of foot-and-mouth disease.http://1.usa.gov/1HxUuMQ

FSIS: The Food Safety and Inspection Service is preparing to propose a rule to amend federal meat and poultry products inspection regulations to define the conditions under which it will permit the voluntary claim "natural" to be used in the labeling of meat and poultry products to make the claim more meaningful to consumers. http://1.usa.gov/1HxjmSm

FDA: The Food and Drug Administration expects to publish a final rule on the Veterinary Feed Directive this spring, a move that seeks to reduce the threat of antimicrobial resistant bacteria

byrequiring veterinarian approval before use of medically important antibiotics in food animals.http://1.usa.gov/1R8iGaj

HAPPY FRIDAY, MAY 22! Welcome to Morning Ag, where your host is about to leave the capital to spend his Memorial Day weekend in the ag-rich Midwest. Haven't been to Illinois in a long time! You know the deal: Thoughts, news, tips? Send them to cpurdy@politico.com and @chasepurdy. Follow the whole team at @Morning_Ag.

Programming note: Morning Agriculture is taking a break Monday for the holiday and will return Tuesday.

** **A Message from Just Label It:** Americans want to know what's in their food — like consumers in 64 other countries. But some legislators are pushing legislation that would block state GMO labeling laws and make it harder to craft a national labeling solution. More about support for GMO labeling: http://www.justlabelit.org/a-consumer-support **

WOMEN IN FOOD/AG RAISE MONEY FOR STABENOW: A newly minted "Women in Food and Agriculture" group gathered 25 women Thursday to host its first fundraiser for Senate Agriculture Committee ranking member Debbie Stabenow at Johnny's Half Shell near the Capitol.

The bipartisan group, comprised of female lobbyists in the food and agriculture sector, hopes to put on more fundraising events this year for members of the House and Senate Agriculturecommittees. Spotted at the lunch: Anne MacMillan of Roll Global, Autumn Veazey Price of Land O Lakes, Dana Brooks of Elanco, Julie Barkemeyer of NRECA, Hillary Fabrico of the U.S. Sugar Beet Association, Bev Paul of the American Soybean Association and Leslee Oden of the National Turkey Federation.

COMMERCIAL FISHERMEN TAKE ISSUE WITH RUBIO BILL: Sen. Marco Rubio has reintroduced the Florida Fisheries Improvement Act, which seeks to improve fisheries management in the Gulf of Mexico and South Atlantic regions. But commercial fishermen fear it could result in more catch in the Gulf of Mexico and the South Atlantic going to sports fishermen.

"Since the reallocation process itself can take up to five years to complete, the proposed mandate to revisit reallocation every five years would create the prospect of perpetual review and economic uncertainty," the Seafood Harvesters of America argue in a statement. What's more, the group says, "allocations in mixed-use fisheries need to maximize Americans' access to our natural resources and promote accountability to conserve fisheries resources for both current and future generations." Details on Rubio's Florida Fisheries Improvement Act: http://1.usa.gov/1K66m6g

WHITE HOUSE'S ESCHMEYER SPOKE AT DIETARY GUIDELINES SUMMIT: Top White House food policy adviser Debra Eschmeyer sat in on a panel at the Dietary Guidelines for American Summit hosted by National Geographic and Ohio State University, and though she wouldn't speak definitively about whether the administration would form a Commission on Food and Nutrition Policy, she did say she thought it was a good idea to get voices at the same table to discuss the food issues facing Americans.

"Some of those conversations have not been had to date," Eschmeyer said.

Eschmeyer said she is specifically keen to look into ways that marketing, technology and food policy could converge, whether that's charging full steam ahead with the first lady's programs to market healthy foods more effectively, or even finding a way to "Uberize SNAP and WIC so you can make it easier for people to get these benefits."

Also at the summit: One of the 2015 Dietary Guidelines Advisory Committee members defended the panel's decision to include policy recommendations that went beyond diet and nutrition. Those include suggestions that the government consider taxing sugary and sodium-rich food and beverages, and discouraging the purchase and consumption of sodas and other added-sugar foods in the Supplemental Nutrition Assistance Program.

"You need these policies to enact the Dietary Guidelines," said Anna Maria Siega-Riz, a member of the committee and nutritional epidemiologist at the University of North Carolina. "You can't tell Americans to eat more fruits and vegetables and less processed foods unless your policies align with that."

WHERE'S WOTUS?: The EPA has long promised a spring release of its final rewrite of the Waters of the United States definition, and if Memorial Day is the unofficial start of summer, it seems their deadline has arrived. (Though summer technically begins on June 21.) Sources tell MA the rule could be released as early as today, though the EPA and White House have apparently been very quiet about when they plan to make it public and what made the final cut. Any intel? Let us know atjhopkinson@politico.com.

BAKERS SEEK MORE EGG IMPORTS: The American Bakers Association is calling upon its members and others in the food industry to contact lawmakers and the Agriculture Department to urge the government to address an egg shortfall by enabling more imports. U.S. policy dictates that any imported eggs must go through an inspection system equivalent in rigor to the type U.S. egg producers must adhere to. Currently, only Canada is approved to export eggs to the U.S., and it's dealing with the same avian influenza problem that U.S. producers are plagued by.

"Recent data shows that approximately 25 percent of industrial egg product production, including liquid, frozen and powdered eggs, is now offline due to avian influenza," the group said in a statement released Thursday. "This represents a major blow to egg product ingredients bakers rely upon, and without quickly accessing additional supplies, bakers will face a dire situation."

"I can tell you that, especially as it pertains to shell eggs, there are very few, if any, countries in the world that meet U.S. standards," said James Sumner, president of the U.S. Poultry and Egg Export Council. "It sounds like the bakers are baking up the wrong tree." Read more about the ABA action here: http://bit.ly/1dnyJ60

NO BIRD EXHIBITS AT IOWA FAIRS: Speaking of the avian influenza outbreak, which the USDA's Animal and Plant Health Inspection Service now estimates has affected nearly 39 million birds since mid-December: The Iowa Department of Agriculture and Land Stewardship on Thursday announced an order to cancel all live bird exhibitions at county fairs, the Iowa State Fair, and other gatherings. The order begins immediately and remains in effect through the end of 2015. It also prohibits live birds from being sold at livestock auction markets, swap meets and exotic sales. Read more here:http://bit.ly/1Sk4X1C

NOP DECLINES TO INVESTIGATE ORGANIC VIOLATION CLAIMS: The Agriculture Department's National Organic Program is not investigating a series of dairies and poultry farms alleged by watchdog group The Cornucopia Institute to be violating the certification's strict rules. In a May 18 letter to the group, NOP compliance chief Matthew Michael wrote that the aerial photos submitted by the group as proof that cows and chickens were not allowed sufficient outdoor access "depict a single moment in time and do not demonstrate" that the facilities are violating organic standards. The letter is here:http://bit.ly/1c83dXY

Will Fantle, Cornucopia's research director, pushed back against NOP's decision in a statement, arguing, "It must simply be an incredible and amazing coincidence that no birds — zero — were outdoors, and only a fraction of the tens of thousands of cows on the industrial-scale dairies were observed on grass" when the photos were taken. The statement is here: http://bit.ly/1AnKJOU

U.S. WHEAT GROWERS USE COOL TO MAKE POINT TO CANADA: U.S. wheat growers and exporters are demanding that Canada stop devaluing their product and using country-of-origin labeling to make their case. "U.S. producers are at a direct disadvantage in the Canadian system because Canadian law requires that imported wheat be assigned the lowest official grade established, thereby requiring segregation," the U.S. Wheat Associates and the National Association of Wheat Growers saidin a letter addressed to Canadian Minister of Agriculture and Agri-Food Gerry Ritz and Minister of International Trade Ed Fast.

"Our concerns about the unfair regulatory environment that U.S. wheat faces in Canada closely parallel the arguments Canada successfully made in its WTO complaint against U.S. country-of-origin labeling requirements," the groups said. "It is readily apparent to us that Canada's treatment of imported wheat is less favorable than that of domestic wheat through its grading system." See the full letter here:http://politico.pro/1Hx62NP

MA'S INSTANT OATS:

— Mira Winery is pushing back against the FDA for blocking the sales of its underwater aged wine in an op-ed in The Wall Street Journal: http://on.wsj.com/1Kmfjf7

— Mother Jones takes a look at the science behind why New York bagels are just so good:http://bit.ly/1PXbD1R

— There are now seven new food emojis — a croissant, avocado, cucumber, potato, bacon,Champagne and carrot — but still no taco, Eater reports: http://bit.ly/1K6ridt

CALENDAR — Did we miss anything? Let MA know at agcalendar@politicopro.com.

— The Office of Energy Efficiency and Renewable Energy holds three days of meetings of the Biomass Research and Development Technical Advisory Committee to provide advice and guidance that promotes research and development leading to the production of biobased fuels and biobased products, May 20-22. The meetings will be held at 901 Massachusetts Avenue NW.

THAT'S ALL FOR MA! See you again soon! In the meantime, drop your host and the rest of the team a line: btomson@politico.com and @billtomson4; jhopkinson@politico.com and@jennyhops; cpurdy@politico.com and @chasepurdy; mkorade@politico.com; hbottemiller@politico.com and @hbottemiller; and @mjkorade; and jhuffman@politico.com and @jsonhuffman. You can also follow @POLITICOPro and @Morning_Ag on Twitter.

** **A Message from Just Label It:** Widespread adoption of GMO crops has led to an explosion in the use of glyphosate, an herbicide that was recently designated as a probable human carcinogen by the world's cancer experts. Since 1992, glyphosate applications have increased from 16 million pounds to more than 280 million pounds sprayed on more than 200 million acres of farmland. More than 3,000 elementary schools are next to corn and soybean fields being doused with this dangerous weed killer. As weeds have grown resistant to the glyphosate, farmers are turning to an even more toxic weed killer linked to Parkinson's disease. No wonder consumers want the right to know whether their food choices are contributing to this chemical treadmill. Yet some legislators are pushing legislation that would block state GMO labeling laws and make it harder to craft a national labeling solution. Learn more about toxic herbicides, GMO crops and consumer choice: http://www.justlabelit.org/a-herbicide-increase **

Michael, Matthew - AMS

From: McEvoy, Miles - AMS
Sent: Monday, December 14, 2015 3:46 PM
To: Tucker, Jennifer - AMS; Michael, Matthew - AMS
Subject: Fwd: Organic Regulations for Egg Production

Forgot to add you

Miles V McEvoy
Deputy Administrator
USDA National Organic Program

Begin forwarded message:

> **From:** <Miles.McEvoy@ams.usda.gov>
> **Date:** December 14, 2015 at 3:37:03 PM EST
> **To:** "Starmer, Elanor - OSEC" <Elanor.Starmer@osec.usda.gov>
> **Cc:** "Mabry, Brian - OSEC" <Brian.Mabry@oc.usda.gov>, "Eckhouse, Sara - AMS" <Sara.Eckhouse@ams.usda.gov>, "Bailey, Shayla - AMS" <Shayla.Bailey@ams.usda.gov>, "Jones, Samuel - AMS" <Samuel.Jones@ams.usda.gov>, "Maloney, Wayne - AMS" <Wayne.Maloney@ams.usda.gov>, "Person, MichelleM - AMS" <MichelleM.Person@ams.usda.gov>, "Reyna, Maribel - AMS" <Maribel.Reyna@ams.usda.gov>, "Wood, Peter - AMS" <Peter.Wood@ams.usda.gov>, "Rakola, Betsy - OSEC" <Betsy.Rakola@osec.usda.gov>
> **Subject: Re: Organic Regulations for Egg Production**
>
> Adding jenny tucker and Matthew michael. We have some additional background material.
>
> Miles V McEvoy
> Deputy Administrator
> USDA National Organic Program
>
> On Dec 14, 2015, at 3:31 PM, "Starmer, Elanor - OSEC" <Elanor.Starmer@osec.usda.gov> wrote:
>
>> Thanks, Brian. Do we have a stat on general organic enforcement? I recall there being an impressive stat on enforcement actions under this administration.
>>
>> **From:** Mabry, Brian - OSEC
>> **Sent:** Monday, December 14, 2015 3:28 PM
>> **To:** Eckhouse, Sara - AMS; Bailey, Shayla - AMS; Jones, Samuel - AMS; Maloney, Wayne - AMS; Person, MichelleM - AMS; Reyna, Maribel - AMS; Wood, Peter - AMS
>> **Cc:** Rakola, Betsy - OSEC; Starmer, Elanor - OSEC; McEvoy, Miles - AMS
>> **Subject:** FW: Organic Regulations for Egg Production
>> Update from the Cathy.
>>
>> **From:** Cochran, Catherine - OC
>> **Sent:** Monday, December 14, 2015 2:00 PM

To: Peters, Joanne - OC; Mabry, Brian - OSEC
Subject: RE: Organic Regulations for Egg Production
I just talked to Peter Whoriskey. Cornucopia is updating this report, in which they make claims about the best and worst organic producers to buy from. Their biggest point, as we've noted, is that USDA is not investigating complaints made against farms. (b) (5)

[redacted]

Statement:
"USDA takes any complaints regarding our operations seriously, and that is why AMS looks into any formal complaints issued by outside entities. This was the case when the Cornucopia Institute filed a complaint in late 2014. AMS launched a thorough review and ultimately found and determined that the operations were in compliance and there was not sufficient evidence to conduct additional investigations.
USDA's National Organic Program is the bedrock regulatory program responsible for developing national standards for organically-produced agricultural products. These standards assure consumers that products with the USDA organic seal meet consistent, uniform standards. The USDA organic seal and the NOP program itself have helped organic producers and businesses achieve unprecedented levels of growth for organically produced goods. The retail market for organic products has nearly doubled in value since 2009 while USDA certified organic operations continue to grow year to year. USDA's National Organic Program is a leading global standard and major factor in this success."

Schurkamp, Lynnea - AMS

From: McEvoy, Miles - AMS
Sent: Tuesday, October 20, 2015 12:01 PM
To: Michael, Matthew - AMS
Cc: French, Karin R - AMS
Subject: RE: Corncucopia - Talking Points and Briefing

How about –

Complaints against Certifiers

When AMS-NOP receives complaints against accredited certifiers they are reviewed to the same standard as complaints against operations, i.e. AMS-NOP determines whether evidence indicating violation of the USDA organic regulations by the certifier has been provided. The AMS-NOP Compliance and Enforcement Division (C&E) confers with the AMS-NOP Accreditation and International Activities Division (AIA) regarding such complaints, the need for additional review and investigation based on the evidence provided and other information obtained in the review, and any consequent enforcement action.

From: Michael, Matthew - AMS
Sent: Tuesday, October 20, 2015 11:46 AM
To: McEvoy, Miles - AMS
Cc: French, Karin R - AMS
Subject: Corncucopia - Talking Points and Briefing

Talking Points

- Replace first sub –bullet with (b) (5) [redacted]
- **Under If asked** – (b) (5) [redacted]

Cornucopia Complaints Briefing

- Replace last cell in first table with:

(b) (5) [redacted]	(b) (5) [redacted]

- Add new section at bottom of first page:

(b) (5) [redacted]

[redacted]

(b) (5) [redacted]

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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Schurkamp, Lynnea - AMS

From: Michael, Matthew - AMS
Sent: Tuesday, October 20, 2015 12:02 PM
To: McEvoy, Miles - AMS
Cc: French, Karin R - AMS
Subject: RE: Corncucopia - Talking Points and Briefing

That's better.

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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From: McEvoy, Miles - AMS
Sent: Tuesday, October 20, 2015 12:01 PM
To: Michael, Matthew - AMS
Cc: French, Karin R - AMS
Subject: RE: Corncucopia - Talking Points and Briefing

How about –

Complaints against Certifiers

When AMS-NOP receives complaints against accredited certifiers they are reviewed to the same standard as complaints against operations, i.e. AMS-NOP determines whether evidence indicating violation of the USDA organic regulations by the certifier has been provided. The AMS-NOP Compliance and Enforcement Division (C&E) confers with the AMS-NOP Accreditation and International Activities Division (AIA) regarding such complaints, the need for additional review and investigation based on the evidence provided and other information obtained in the review, and any consequent enforcement action.

From: Michael, Matthew - AMS
Sent: Tuesday, October 20, 2015 11:46 AM
To: McEvoy, Miles - AMS
Cc: French, Karin R - AMS
Subject: Corncucopia - Talking Points and Briefing

Talking Points

- Replace first sub –bullet with (b) (5) [redacted]
- **Under If asked –** (b) (5) [redacted]

Cornucopia Complaints Briefing

- Replace last cell in first table with:

(b) (5)	(b) (5) [redacted]

- Add new section at bottom of first page:

(b) (5) [redacted]

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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Michael, Matthew - AMS

From: McEvoy, Miles - AMS
Sent: Monday, December 22, 2014 11:10 AM
To: Michael, Matthew - AMS
Cc: Tucker, Jennifer - AMS
Subject: Re: Corncuopia complaints

Thanks Matthew. I briefly reviewed the information they have on their website concerning these complaints. The poultry complaints appear to be about organic operations with porches. These complaints disagree with the USDA organic regulations that allow porches to be considered outside. We are addressing these complaints by conducting notice and comment rulemaking on animal welfare, using the NOSB recommendations as a basis. The NOSB recommended that porches not be considered outside. (b) (5) [redacted]

The dairy complaints will need to be looked to see if there is enough evidence to warrant an investigation. (b) (5) [redacted] Thanks.

Miles V McEvoy
Deputy Administrator
USDA National Organic Program

On Dec 19, 2014, at 1:36 PM, "Michael, Matthew - AMS" <Matthew.Michael@ams.usda.gov> wrote:

> Hi Miles and Jenny:
> Here is an update on the incoming complaints from Cornucopia.
>
> - We have received 14, all sent directly to me. Correspondence I've had with Jason Cole indicates that there are only 14 complaints. The complaints are against:
>   - Herbruck's Green Meadow
>   - Burns Poultry
>   - Hilltop Dairy
>   - Aurora Coldwater Dairy (Stratford)
>   - Aurora Coldwater Dairy (Dublin)
>   - Delta Egg
>   - Bushman Organic Farms
>   - Horizon Dairy (Kennedyville)
>   - Chino Valley Ranches (Idalou)
>   - Smart Chicken (MBA Poultry)
>   - Redland Dairy
>   - Kreher's Sunrise Farm LLC
>   - Natural Prairie
>   - Nature Pure – Topaz – New Day, LLC
> - As we do with all incoming complaints, we have entered these 14 into the complaint database. Logging them in like this does not signify that we will investigate them, but instead that we received them and review them to determine whether investigation is warranted.
> - Cornucopia has said they also are sending me photographic evidence via FedEx. Jason Cole wrote to me that it would arrive today, but it hasn't yet.
> - The complaints I've received are only letters. I've skimmed them and each follows a similar format.

- If the complaint concerns a poultry or egg operation, the complaint discusses the photos, describes the size of the operation and the flock, and alleges violations of outdoor access requirements. Some, and maybe all, of the poultry/egg complaints, also contain a request that the NOP conduct “surprise inspections” at seven additional egg operations. It is unclear if these requests constitute additional complaints.
- If the complaint concerns a dairy operation, the complaint discusses the photos, describes the size of the operation and the herd, and alleges violations of outdoor access and pasture requirements.

We will review the complaints more thoroughly once the evidence Cornucopia has cited arrives.
Have a nice weekend.

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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Michael, Matthew - AMS

From: Michael, Matthew - AMS
Sent: Monday, December 22, 2014 11:43 AM
To: Jason Cole
Subject: RE: Cornucopia complaints

Hi Jason:

The package just arrived.

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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From: Jason Cole [mailto:cole@cornucopia.org]
Sent: Friday, December 19, 2014 4:51 PM
To: Michael, Matthew - AMS
Subject: RE: Cornucopia complaints

Matthew,

Sorry about this. It was supposed to arrive this morning. Tracking says it's in a facility in Tennessee. We'll get it to you soon.

Jason

Jason Cole
Research Associate
The Cornucopia Institute
(608) 637-8278
cole@cornucopia.org

CORNUCOPIA
INSTITUTE

P.O. Box 126

Cornucopia, WI 54827
www.cornucopia.org

From: Michael, Matthew - AMS [mailto:Matthew.Michael@ams.usda.gov]
Sent: Friday, December 19, 2014 3:40 PM
To: Jason Cole
Subject: RE: Cornucopia complaints

Hi Jason:

A FedEx delivery arrived, but your complaints were not included. I will be in the office next week, Monday-Wednesday, and will let you know if they don't show up.

Have a nice weekend.

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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From: Jason Cole [mailto:cole@cornucopia.org]
Sent: Friday, December 19, 2014 11:09 AM
To: Michael, Matthew - AMS
Subject: Cornucopia complaints

Dear Matthew,

Hardcopies of all 14 of our complaints were sent via fed ex and should arrive to you today. Let me know if you don't receive them.

Best,

Jason

Jason Cole
Research Associate
The Cornucopia Institute
(608) 637-8278
cole@cornucopia.org

CORNUCOPIA
INSTITUTE

P.O. Box 126
Cornucopia, WI 54827
www.cornucopia.org

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Schurkamp, Lynnea - AMS

From: McEvoy, Miles - AMS
Sent: Monday, May 11, 2015 12:59 PM
To: Michael, Matthew - AMS
Cc: French, Karin R - AMS; Tucker, Jennifer - AMS
Subject: RE: Cornucopia drone complaints

Looks good. I deleted the last sentence. Please send Monday, May 18. Thanks.

Miles

From: Michael, Matthew - AMS
Sent: Monday, May 11, 2015 12:38 PM
To: McEvoy, Miles - AMS
Cc: French, Karin R - AMS
Subject: Cornucopia drone complaints

Hi Miles:

Here is the latest draft of the closure letter:

(b) (7)(E) [redacted] Closure to complainant Cornucopia clean 051815.docx

Let me know if you have any changes; feel free to redline and save a version. I will send it out once you've cleared it.

Thanks.

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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Schurkamp, Lynnea - AMS

From: Michael, Matthew - AMS
Sent: Wednesday, April 22, 2015 12:07 PM
To: French, Karin R - AMS
Subject: RE: Cornucopia drone complaints

Nice job. Please review my redline when you finish with class today and let me know what you think. Thanks.

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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From: French, Karin R - AMS
Sent: Monday, March 02, 2015 11:19 AM
To: Michael, Matthew - AMS
Subject: Cornucopia drone complaints

Hi Matthew,

I've created a folder in the (b) (7)(E) for the Cornucopia drone complaints:
(b) (7)(E) Cornucopia drones

When you have a chance, could you copy over the original complaint they sent you?

I've also started a draft of the informational memo. It has a summary of the complaints but I was not sure where to go from there. Would like to discuss with you.
(b) (7)(E) DRAFT Info Memo drones.docx

Thanks.

Karin French
Compliance Officer, National Organic Program
Agricultural Marketing Service, USDA
1400 Independence Avenue SW
Stop 0268, Room 2648-South
Washington, DC 20250-0268
KarinR.French@ams.usda.gov
Mobile: 202-536-7517

Schurkamp, Lynnea - AMS

From: Michael, Matthew - AMS
Sent: Monday, March 02, 2015 11:46 AM
To: French, Karin R - AMS
Subject: RE: Cornucopia drone complaints

I copied the emails into the folder. I'll look at the memo today. Thanks.

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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From: French, Karin R - AMS
Sent: Monday, March 02, 2015 11:19 AM
To: Michael, Matthew - AMS
Subject: Cornucopia drone complaints

Hi Matthew,

I've created a folder in the (b) (7)(E) for the Cornucopia drone complaints:
(b) (7)(E) Cornucopia drones

When you have a chance, could you copy over the original complaint they sent you?

I've also started a draft of the informational memo. It has a summary of the complaints but I was not sure where to go from there. Would like to discuss with you.
(b) (7)(E) DRAFT Info Memo drones.docx

Thanks.

Karin French
Compliance Officer, National Organic Program
Agricultural Marketing Service, USDA
1400 Independence Avenue SW
Stop 0268, Room 2648-South
Washington, DC 20250-0268
KarinR.French@ams.usda.gov
Mobile: 202-536-7517

Schurkamp, Lynnea - AMS

From: Michael, Matthew - AMS
Sent: Monday, May 11, 2015 1:00 PM
To: McEvoy, Miles - AMS
Cc: French, Karin R - AMS; Tucker, Jennifer - AMS
Subject: RE: Cornucopia drone complaints

Will do. Thanks.

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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From: McEvoy, Miles - AMS
Sent: Monday, May 11, 2015 12:59 PM
To: Michael, Matthew - AMS
Cc: French, Karin R - AMS; Tucker, Jennifer - AMS
Subject: RE: Cornucopia drone complaints

Looks good. I deleted the last sentence. Please send Monday, May 18. Thanks.

Miles

From: Michael, Matthew - AMS
Sent: Monday, May 11, 2015 12:38 PM
To: McEvoy, Miles - AMS
Cc: French, Karin R - AMS
Subject: Cornucopia drone complaints

Hi Miles:

Here is the latest draft of the closure letter:

(b) (7)(E) Closure to complainant Cornucopia clean 051815.docx

Let me know if you have any changes; feel free to redline and save a version. I will send it out once you've cleared it.

Thanks.

Matthew Michael
Director, Compliance and Enforcement Division

USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
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matthew.michael@ams.usda.gov

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Michael, Matthew - AMS

From: Michael, Matthew - AMS
Sent: Wednesday, December 24, 2014 10:37 AM
To: Jones, Samuel - AMS; Tucker, Jennifer - AMS
Subject: RE: Cornucopia

Hi Sam:

Yes. We've received 14 complaints from Cornucopia. As with all complaints we receive, we are reviewing these to determine whether investigation is warranted.

Let me know if you need anything else. I should be in the office until about 12:30 today, but then I'm out until 1/7.

Happy Holidays.

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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From: Jones, Samuel - AMS
Sent: Wednesday, December 24, 2014 10:12 AM
To: Michael, Matthew - AMS; Tucker, Jennifer - AMS
Subject: Cornucopia

Hi Matthew/Jenny,

Received a call from Hutchinson News about the Cornucopia complaint. Cornucopia has officially submitted complaints to us, right? I was going to send along some info from our talking points and how the complaint process works. Just wanted to verify that they submitted the latest complaint to us. I can draft up a response and share. Thanks!

Sam Jones-Ellard
Public Affairs Specialist
USDA | Agricultural Marketing Service
202.660.2268

Michael, Matthew - AMS

From: French, Karin R - AMS
Sent: Wednesday, December 23, 2015 10:29 AM
To: Michael, Matthew - AMS
Subject: RE: Emailing: 2016-AMS-00095-F - initial enforcement actions for cases closed between 091514 and 093015

Yes, they're all there.

Karin French
Compliance Officer, National Organic Program USDA, Washington DC

-----Original Message-----
From: Michael, Matthew - AMS
Sent: Wednesday, December 23, 2015 10:27 AM
To: French, Karin R - AMS
Subject: Emailing: 2016-AMS-00095-F - initial enforcement actions for cases closed between 091514 and 093015

Hi Karin:

Please check this list for all of the initial drone complaints; they should be there.

Thanks.

Case Number	Initial Enforcement Action
NOPC-337-14	Other Administrative Action
NOPC-309-14	Notice of Warning
NOPC-401-14	Notice of Closure - No Violation
NOPC-179-14	Notice of Closure - No Violation
NOPC-173-13	Notice of Closure - No Violation
NOPC-255-14	Other Administrative Action
NOPC-355-14	Notice of Warning
NOPC-276-14	Notice of Closure - No Violation
NOPC-367-14	Referral to CA SOP
NOPC-376-14	Referral to CA SOP
NOPC-386-14	Referral to CA SOP
NOPC-163-13	Notice to Cease and Desist
NOPC-329-14	Notice of Warning
NOPC-349-14	Notice of Warning
NOPC-323-14	Request to Investigate - ACA
NOPC-285-14	Notice of Warning
NOPC-207-14	Notice of Warning
NOPC-220-14	Request to Investigate - ACA
NOPC-399-14	Other Administrative Action
NOPC-405-14	Referral to CA SOP
NOPC-303-14	Notice to Cease and Desist
NOPC-282-14	Notice of Warning
NOPC-340-14	Referral to CA SOP
NOPC-143-11	Request to Investigate - ACA
NOPC-160-14	Notice of Warning
NOPC-327-14	Notice of Closure - No Violation
NOPC-388-14	Notice of Warning
NOPC-011-15	Request to Investigate - ACA
NOPC-017-15	Referral to CA SOP
NOPC-022-15	Referral to CA SOP
NOPC-331-14	Notice to Cease and Desist
NOPC-195-14	Notice of Warning
NOPC-310-14	Notice of Closure - No Violation
NOPC-311-14	Other Administrative Action
NOPC-312-14	Other Administrative Action
NOPC-064-14	Request to Investigate - ACA
NOPC-366-14	Request to Investigate - ACA
NOPC-348-14	Referral to CA SOP
NOPC-377-14	Other Administrative Action
NOPC-118-11	Other Administrative Action
NOPC-319-14	Referral to EU
NOPC-190-14	Notice to Cease and Desist
NOPC-133-14	Referral to Canada
NOPC-057-15	Proposed Settlement
NOPC-035-15	Referral to CA SOP
NOPC-157-14	Notice of Warning

NOPC-317-14	Notice of Closure - No Violation
NOPC-332-14	Notice of Warning
NOPC-286-14	Request to Investigate - ACA
NOPC-140-12	Request to Investigate - ACA
NOPC-222-14	Other Administrative Action
NOPC-291-14	Notice of Warning
NOPC-350-14	Referral to CA SOP
NOPC-397-14	Referral to CA SOP
NOPC-305-14	Notice to Cease and Desist
NOPC-313-14	Notice of Warning
NOPC-025-15	Notice of Closure - No Violation
NOPC-033-15	Notice of Closure - No Violation
NOPC-116-14	Request to Investigate - ACA
NOPC-398-14	Notice of Closure - No Violation
NOPC-198-14	Notice to Cease and Desist
NOPC-203-14	Notice of Closure - No Violation
NOPC-408-14	Notice to Cease and Desist
NOPC-379-14	Notice of Warning
NOPC-287-14	Notice of Warning
NOPC-289-14	Notice to Cease and Desist
NOPC-280-14	Notice of Warning
NOPC-279-14	Notice of Warning
NOPC-352-14	Notice to Cease and Desist
NOPC-228-14	Notice of Warning
NOPC-335-14	Notice of Closure - No Violation
NOPC-026-13	Notice of Warning
NOPC-131-14	Notice of Warning
NOPC-155-14	Other Administrative Action
NOPC-382-14	Referral to India
NOPC-325-14	Notice of Warning
NOPC-148-14	Notice of Closure - No Violation
NOPC-357-14	Notice of Warning
NOPC-306-14	Notice of Warning
NOPC-320-14	Other Administrative Action
NOPC-032-15	Notice of Warning
NOPC-383-14	Request to Investigate - ACA
NOPC-338-14	Notice of Closure - No Violation
NOPC-016-15	Notice of Closure - No Violation
NOPC-037-15	NOPC-037- Notice of Warning
NOPC-070-15	Notice of Warning
NOPC-100-15	Request to Investigate - ACA
NOPC-373-14	Notice of Warning
NOPC-143-14	Notice to Cease and Desist
NOPC-058-15	Referral - Other
NOPC-014-15	Notice of Closure - No Violation
NOPC-071-15	Notice of Warning
NOPC-081-14	Notice of Warning

NOPC-371-14	Referral to CA SOP
NOPC-206-14	Referral to EU
NOPC-048-15	Referral - Other
NOPC-056-15	Notice of Warning
NOPC-055-15	Notice of Closure - No Violation
NOPC-054-15	Notice of Warning
NOPC-078-15	Notice to Cease and Desist
NOPC-126-14	Notice of Warning
NOPC-073-15	Notice to Cease and Desist
NOPC-326-14	Other Administrative Action
NOPC-080-15	Notice of Closure - No Violation
NOPC-098-15	Request to Investigate - ACA
NOPC-094-15	Request to Investigate - ACA
NOPC-005-15	Other Administrative Action
NOPC-169-15	Notice of Warning
NOPC-007-15	Notice of Closure - No Violation
NOPC-358-14	Other Administrative Action
NOPC-304-14	Notice of Warning
NOPC-177-15	Referral to CA SOP
NOPC-378-14	Proposed Settlement
NOPC-345-14	Request to Investigate - ACA
NOPC-078-14	Other Administrative Action
NOPC-103-15	Notice of Warning
NOPC-034-15	Notice of Warning
NOPC-046-15	Notice of Closure - No Violation
NOPC-081-15	Notice of Closure - No Violation
NOPC-369-14	Notice of Closure - No Violation
NOPC-116-15	Notice of Warning
NOPC-130-15	Notice of Closure - No Violation
NOPC-290-14	Referral to CA SOP
NOPC-150-15	Notice of Closure - No Violation
NOPC-099-15	Request to Investigate - ACA
NOPC-107-15	Notice of Warning
NOPC-161-15	Notice of Warning
NOPC-059-15	Request to Investigate - ACA
NOPC-068-15	Notice of Warning
NOPC-339-14	Notice of Warning
NOPC-151-15	Notice of Warning
NOPC-040-15	Notice of Warning
NOPC-341-14	Notice of Warning
NOPC-160-15	Notice of Warning
NOPC-105-14	Notice to Cease and Desist
NOPC-144-14	Request to Investigate - ACA
NOPC-180-15	Request to Investigate - ACA
NOPC-148-15	Notice of Warning
NOPC-146-15	Notice of Warning
NOPC-145-15	Notice of Warning

NOPC-374-14	Notice of Closure - No Violation
NOPC-333-14	Notice of Warning
NOPC-143-15	Request to Investigate - ACA
NOPC-173-15	Notice of Closure - No Violation
NOPC-097-15	Request to Investigate - ACA
NOPC-226-15	Notice of Closure - No Violation
NOPC-236-15	Notice of Warning
NOPC-353-14	Notice of Warning
NOPC-147-15	Notice of Warning
NOPC-153-15	Notice of Warning
NOPC-228-15	Notice of Warning
NOPC-336-14	Notice of Warning
NOPC-169-14	Notice to Cease and Desist
NOPC-067-15	Notice of Warning
NOPC-210-15	Notice of Warning
NOPC-131-15	Notice to Cease and Desist
NOPC-061-14	Notice of Warning
NOPC-232-14	Notice to Cease and Desist
NOPC-234-14	Notice to Cease and Desist
NOPC-044-15	Notice of Warning
NOPC-385-14	Notice of Closure - No Violation
NOPC-218-14	Other Administrative Action
NOPC-004-15	Notice to Cease and Desist
NOPC-279-15	Other Administrative Action
NOPC-380-14	Notice of Warning
NOPC-051-15	Notice of Warning
NOPC-356-14	Notice of Warning
NOPC-307-15	Other Administrative Action
NOPC-234-15	Notice of Warning
NOPC-158-15	Request to Investigate - ACA
NOPC-010-15	Notice to Cease and Desist
NOPC-334-14	Request to Investigate - ACA
NOPC-168-14	Referral to India
NOPC-008-13	Notice to Cease and Desist
NOPC-278-15	Notice of Closure - No Violation
NOPC-293-14	Notice of Warning
NOPC-297-15	Notice of Closure - No Violation
NOPC-124-15	Notice to Cease and Desist
NOPC-137-14	Request to Investigate - ACA
NOPC-077-15	Notice of Closure - No Violation
NOPC-106-15	Notice of Closure - No Violation
NOPC-110-15	Other Administrative Action
NOPC-111-15	Other Administrative Action
NOPC-109-15	Other Administrative Action
NOPC-108-15	Other Administrative Action
NOPC-123-15	Other Administrative Action
NOPC-085-15	Other Administrative Action

NOPC-083-15	Other Administrative Action
NOPC-113-15	Other Administrative Action
NOPC-084-15	Other Administrative Action
NOPC-086-15	Other Administrative Action
NOPC-087-15	Other Administrative Action
NOPC-088-15	Other Administrative Action
NOPC-089-15	Other Administrative Action
NOPC-082-15	Other Administrative Action
NOPC-107-13	Notice to Cease and Desist
NOPC-079-15	Notice of Closure - No Violation
NOPC-394-14	Notice of Closure - No Violation
NOPC-206-15	Notice of Warning
NOPC-246-15	Notice of Warning
NOPC-324-14	Request to Investigate - ACA
NOPC-162-15	Notice of Closure - No Violation
NOPC-207-15	Notice of Closure - No Violation
NOPC-123-14	Notice of Warning
NOPC-159-15	Other Administrative Action
NOPC-129-15	Notice of Warning
NOPC-149-15	Other Administrative Action
NOPC-291-15	Notice of Closure - No Violation
NOPC-157-15	Request to Investigate - ACA
NOPC-240-15	Notice of Closure - No Violation
NOPC-275-14	Notice of Warning
NOPC-187-14	Notice of Warning
NOPC-340-15	Notice of Closure - No Violation
NOPC-174-15	Referral to CA SOP
NOPC-171-15	Notice of Warning
NOPC-341-15	Referral to CA SOP
NOPC-329-15	Referral to CA SOP
NOPC-262-15	Other Administrative Action
NOPC-270-15	Other Administrative Action
NOPC-181-15	Referral - Other
NOPC-400-14	Other Administrative Action
NOPC-121-15	Notice of Closure - No Violation
NOPC-087-14	Request to Investigate - ACA
NOPC-173-14	Notice of Warning
NOPC-049-15	Request to Investigate - ACA
NOPC-195-15	Other Administrative Action
NOPC-080-14	Request to Investigate - ACA
NOPC-287-15	Notice of Warning
NOPC-259-15	Notice of Warning
NOPC-281-15	Notice of Warning
NOPC-264-15	Notice of Closure - No Violation
NOPC-128-15	Request to Investigate - ACA
NOPC-096-15	Request to Investigate - ACA
NOPC-129-14	Request to Investigate - ACA

NOPC-090-15	Request to Investigate - ACA
NOPC-093-15	Request to Investigate - ACA
NOPC-095-15	Request to Investigate - ACA
NOPC-250-15	Notice of Warning
NOPC-094-13	Request to Investigate - ACA
NOPC-364-14	Other Administrative Action
NOPC-263-15	Notice of Warning
NOPC-092-15	Request to Investigate - ACA
NOPC-102-15	Referral to CA SOP
NOPC-344-15	Referral to CA SOP
NOPC-343-15	Other Administrative Action
NOPC-355-15	Other Administrative Action
NOPC-288-15	Notice of Warning
NOPC-392-14	Notice of Warning
NOPC-354-14	Notice to Cease and Desist
NOPC-003-14	Referral to CA SOP
NOPC-356-15	Notice of Warning
NOPC-104-15	Notice of Warning
NOPC-156-15	Referral to CA SOP
NOPC-204-15	Notice of Closure - No Violation
NOPC-200-15	Notice of Closure - No Violation
NOPC-272-15	Notice of Warning
NOPC-203-15	Notice of Closure - No Violation
NOPC-296-15	Notice of Warning
NOPC-137-15	Notice of Closure - No Violation
NOPC-012-15	Notice of Warning
NOPC-227-15	Request to Investigate - ACA
NOPC-235-15	Notice of Warning
NOPC-136-15	Notice of Closure - No Violation
NOPC-091-15	Request to Investigate - ACA
NOPC-195-12	Notice of Warning
NOPC-266-15	Notice of Closure - No Violation
NOPC-268-15	Notice of Closure - No Violation
NOPC-289-15	Request to Investigate - ACA
NOPC-257-15	Notice of Closure - No Violation
NOPC-323-15	Notice of Closure - No Violation
NOPC-115-15	Notice of Closure - No Violation
NOPC-253-15	Request to Investigate - ACA
NOPC-135-15	Notice of Closure - No Violation
NOPC-352-15	Other Administrative Action
NOPC-390-14	Other Administrative Action
NOPC-161-14	Notice to Cease and Desist
NOPC-181-14	Other Administrative Action
NOPC-362-15	Notice of Warning
NOPC-274-15	Notice of Warning
NOPC-406-15	Referral to Canada
NOPC-065-15	Notice to Cease and Desist

NOPC-392-15	Notice of Warning
NOPC-319-15	Notice of Warning
NOPC-178-15	Notice to Cease and Desist
NOPC-288-14	Request to Investigate - ACA
NOPC-013-15	Request to Investigate - ACA
NOPC-412-15	Notice of Warning
NOPC-342-15	Notice of Warning
NOPC-245-15	Notice of Warning
NOPC-029-15	Notice of Closure - No Violation
NOPC-260-14	Notice of Closure - No Violation
NOPC-028-15	Notice of Closure - No Violation
NOPC-206-13	Notice of Warning
NOPC-225-15	Notice to Cease and Desist
NOPC-324-15	Notice of Closure - No Violation
NOPC-233-15	Notice of Closure - No Violation
NOPC-370-14	Other Administrative Action
NOPC-238-15	Notice of Warning
NOPC-330-15	Notice of Closure - No Violation
NOPC-393-15	Notice of Warning
NOPC-251-15	Request to Investigate - ACA
NOPC-247-14	Notice of Warning
NOPC-258-14	Notice of Warning
NOPC-263-14	Notice of Warning
NOPC-245-14	Notice of Warning
NOPC-125-15	Notice of Closure - No Violation
NOPC-451-15	Other Administrative Action
NOPC-453-15	Other Administrative Action
NOPC-053-15	Notice to Cease and Desist
NOPC-368-14	Notice to Cease and Desist
NOPC-199-15	Referral - Other
NOPC-015-14	Request to Investigate - ACA
NOPC-248-14	Notice of Warning
NOPC-271-14	Notice of Closure - No Violation
NOPC-240-14	Notice of Warning
NOPC-191-14	Notice of Warning
NOPC-462-15	Notice of Warning
NOPC-074-15	Notice of Warning
NOPC-256-15	Notice of Warning
NOPC-394-15	Notice of Warning
NOPC-385-15	Notice of Warning
NOPC-257-14	Notice of Warning
NOPC-003-15	Notice of Warning
NOPC-409-15	Notice of Warning
NOPC-130-14	Notice of Warning
NOPC-202-15	Notice to Cease and Desist
NOPC-152-15	Notice to Cease and Desist
NOPC-026-15	Notice of Warning

NOPC-440-15	Notice of Closure - No Violation
NOPC-449-15	Notice of Closure - No Violation
NOPC-255-15	Notice of Warning
NOPC-411-15	Notice of Warning
NOPC-410-15	Notice of Warning
NOPC-249-15	Notice of Warning
NOPC-008-15	Referral to CA SOP
NOPC-403-15	Referral to CA SOP
NOPC-286-15	Notice of Warning
NOPC-445-15	Referral to CA SOP
NOPC-270-14	Notice of Warning
NOPC-303-15	Notice of Warning
NOPC-272-14	Notice of Closure - No Violation
NOPC-268-14	Notice of Warning
NOPC-265-14	Notice of Warning
NOPC-052-15	Request to Investigate - ACA
NOPC-269-15	Request to Investigate - ACA
NOPC-117-15	Notice of Warning
NOPC-389-15	Notice of Warning
NOPC-066-15	Request to Investigate - ACA
NOPC-155-15	Referral to EU
NOPC-420-15	Request to Investigate - ACA
NOPC-165-15	Referral to India
NOPC-528-15	Notice of Warning
NOPC-365-15	Notice of Warning
NOPC-373-15	Notice of Closure - No Violation
NOPC-334-15	Notice of Warning
NOPC-404-14	Notice of Warning
NOPC-408-15	Notice of Warning
NOPC-244-15	Request to Investigate - ACA
NOPC-253-14	Notice of Warning
NOPC-172-15	Referral to CA SOP
NOPC-321-15	Request to Investigate - ACA
NOPC-242-15	Request to Investigate - ACA
NOPC-298-15	Notice of Closure - No Violation
NOPC-261-15	Notice of Warning
NOPC-179-15	Notice of Closure - No Violation
NOPC-075-15	Request to Investigate - ACA
NOPC-079-14	Request to Investigate - ACA
NOPC-038-11	Notice to Cease and Desist
NOPC-275-15	Referral to CA SOP
NOPC-415-15	Notice of Warning
NOPC-508-15	Referral - Other
NOPC-527-15	Notice of Closure - No Violation
NOPC-205-15	Referral to CA SOP
NOPC-450-15	Notice of Closure - No Violation
NOPC-314-14	Referral to Canada

NOPC-346-15	Notice of Warning
NOPC-027-15	Notice of Closure - No Violation
NOPC-526-15	Notice of Closure - No Violation
NOPC-316-15	Request to Investigate - ACA
NOPC-036-15	Notice to Cease and Desist
NOPC-184-15	Other Administrative Action
NOPC-185-15	Other Administrative Action
NOPC-521-15	Notice of Warning
NOPC-192-15	Other Administrative Action
NOPC-188-15	Other Administrative Action
NOPC-198-15	Other Administrative Action
NOPC-183-15	Other Administrative Action
NOPC-186-15	Other Administrative Action
NOPC-191-15	Other Administrative Action
NOPC-197-15	Other Administrative Action
NOPC-190-15	Other Administrative Action
NOPC-189-15	Other Administrative Action
NOPC-193-15	Other Administrative Action
NOPC-194-15	Other Administrative Action
NOPC-196-15	Other Administrative Action
NOPC-499-15	Notice of Warning
NOPC-276-15	Notice of Warning
NOPC-317-15	Notice of Closure - No Violation
NOPC-126-15	Request to Investigate - ACA
NOPC-300-15	Notice to Cease and Desist
NOPC-127-15	Notice of Warning
NOPC-164-14	Notice to Cease and Desist
NOPC-418-15	Request to Investigate - ACA
NOPC-141-15	Notice to Cease and Desist

Michael, Matthew - AMS

From: Jones, Samuel - AMS
Sent: Wednesday, May 20, 2015 2:15 PM
To: McEvoy, Miles - AMS; Michael, Matthew - AMS
Subject: RE: Following up on Cornucopia complaint

Thanks! Let me run this past OC.

Sam Jones-Ellard
Public Affairs Specialist
USDA | Agricultural Marketing Service
202.660.2268

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From: McEvoy, Miles - AMS
Sent: Wednesday, May 20, 2015 1:59 PM
To: Michael, Matthew - AMS; Jones, Samuel - AMS
Subject: RE: Following up on Cornucopia complaint

I think the paragraph at the bottom of the first page summarizes our comments. We could reiterate those comments.
Miles

From: Michael, Matthew - AMS
Sent: Wednesday, May 20, 2015 1:56 PM
To: Jones, Samuel - AMS
Cc: McEvoy, Miles - AMS
Subject: RE: Following up on Cornucopia complaint

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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From: Jones, Samuel - AMS
Sent: Wednesday, May 20, 2015 1:46 PM
To: McEvoy, Miles - AMS; Michael, Matthew - AMS
Cc: Bailey, Shayla - AMS

Subject: FW: Following up on Cornucopia complaint
Importance: High

What do you think of this inquiry from Peter? Should we let the letter speak for itself? Also, could I get a copy? Thanks,

Sam Jones-Ellard
Public Affairs Specialist
USDA | Agricultural Marketing Service
202.660.2268

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From: Whoriskey, Peter [mailto:Peter.Whoriskey@washpost.com]
Sent: Wednesday, May 20, 2015 1:43 PM
To: Jones, Samuel - AMS
Subject: Following up on Cornucopia complaint

Sam:

I hope all is well. I am writing a story based on the NOP decision not to investigate the 14 egg and dairy operations cited by Cornucopia in its December complaint.

I have a copy of the letter sent to Cornucopia. Would you all like to comment further?

The story will likely go up in about an hour. If it comes in late, we can add.

Thanks.

Peter

Michael, Matthew - AMS

From: Jones, Samuel - AMS
Sent: Wednesday, May 20, 2015 3:08 PM
To: Michael, Matthew - AMS; McEvoy, Miles - AMS
Subject: RE: Following up on Cornucopia complaint

Thanks. Story is below. Peter said he would add our statement to the story if provided. He posted his story 6 minutes after he reached out to us…unbelievable.

[USDA declines to investigate alleged violations at major organic farms]

Aerial photographs taken last summer of some of the largest organic egg and dairy farms in the United States showed few animals outside on pasture, but the USDA will not investigate whether these operations are violating rules for organic agriculture, officials wrote Tuesday.

The photographs of the 14 operations, according to the watchdog group that had them taken, is evidence that these large farms were not really "organic." Under USDA rules, organic farms must allow animals to engage in their natural behavior and have free access to the outdoors. Cows, goats and sheep are supposed to be able to get to pastures for grazing.

While the investigations will not go on, the photography presented by the group belied the picturesque images of red barns and green fields that organic brands often present to consumers. The photographs show industrial-scaled operations, a distinct contrast to advertising. The farms - five dairies and nine chicken operations - supply well-known store brands such as Walmart, Target and Costco, according to the group.

In declining to follow up on the complaints made by the group, USDA officials said all of the fourteen farms are in good standing with their inspectors, and that the photographs weren't enough to prompt an official inquiry.

"The photographic information submitted is insufficient to warrant investigation," according to the letter from Matthew Michael, director of compliance in the USDA's organic program. "The photographs depict a single moment in time and do not demonstrate that the operations denied outdoor access to livestock."

When the photographs were released by the Cornucopia Institute in December, some of the companies argued that their animals did indeed get outside on the days the photographs were taken - they just didn't happen to be outside when the plane flew over.

Officials with the watchdog group, the Cornucopia Institute, said it likely wasn't just coincidence that that there were no animals outside, however. The timing of the photographs was left to chance - they were done at the discretion of the photography company, and that as a random sample it suggests that cows and chickens were not getting outdoors.

Current organic rules, in addition to prohibiting the use of antibiotics and hormones, call for animals to have access to the "outdoors," a seemingly straightforward term that has become subject to intricate interpretations.

Cornucopia officials said they will appeal the USDA decision not to investigate.

They noted that while these operations are in good standing with inspectors, the inspection process is flawed: organic farms hire their own, and the inspections are typically announced long in advance.

"There's an inherent conflict of interest when you hire your own inspector," said Mark Kastel, co-founder of the group. "What Congress designed as a remedy was rigorous oversight by the USDA."

He said, however, that whatever oversight the USDA holds over organic operations is just "an illusion."

"Many of these operations should not have been certified as organic from day one," Kastel said. "They're big industrial operations that don't have enough acreage to comply with the law."

The Organic Trade Association, an industry group, has said it believes there are enough checks on the organic inspection system to make sure that farmers are abiding by the rules.

“We continue to have confidence in the oversight of organic operations and in the checks and balances built into the organic certification system which includes regular inspections of operations, regular accreditation audits of certifiers, and complaint investigation procedures,” it said in statement after the photos were released.

Sam Jones-Ellard
Public Affairs Specialist
USDA | Agricultural Marketing Service
202.660.2268

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From: Michael, Matthew - AMS
Sent: Wednesday, May 20, 2015 3:02 PM
To: McEvoy, Miles - AMS; Jones, Samuel - AMS
Subject: RE: Following up on Cornucopia complaint

I agree. Thanks.

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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From: McEvoy, Miles - AMS
Sent: Wednesday, May 20, 2015 3:02 PM
To: Jones, Samuel - AMS
Cc: Michael, Matthew - AMS
Subject: Re: Following up on Cornucopia complaint

Sounds good to me.

Miles V McEvoy
Deputy Administrator
USDA National Organic Program

On May 20, 2015, at 2:47 PM, "Jones, Samuel - AMS" <Samuel.Jones@ams.usda.gov> wrote:

> OC said we could let the letter speak for itself or provide this:
>
> "These operations are certified organic and in good standing with the independent organizations that verify their organic practices. The recent photos submitted do not provide sufficient evidence to demonstrate violations to USDA organic standards. One photo captures only a moment without context and does not effectively demonstrate that producers are denying outdoor access at all times. Under USDA organic regulations, certifiers are required to check a full year of records, inspect all production and handling sites, and audit production records to ensure organic integrity."

What do you think?

Sam Jones-Ellard
Public Affairs Specialist
USDA | Agricultural Marketing Service
202.660.2268

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From: McEvoy, Miles - AMS
Sent: Wednesday, May 20, 2015 1:59 PM
To: Michael, Matthew - AMS; Jones, Samuel - AMS
Subject: RE: Following up on Cornucopia complaint

I think the paragraph at the bottom of the first page summarizes our comments. We could reiterate those comments.
Miles

From: Michael, Matthew - AMS
Sent: Wednesday, May 20, 2015 1:56 PM
To: Jones, Samuel - AMS
Cc: McEvoy, Miles - AMS
Subject: RE: Following up on Cornucopia complaint

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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From: Jones, Samuel - AMS
Sent: Wednesday, May 20, 2015 1:46 PM
To: McEvoy, Miles - AMS; Michael, Matthew - AMS
Cc: Bailey, Shayla - AMS
Subject: FW: Following up on Cornucopia complaint
Importance: High

What do you think of this inquiry from Peter? Should we let the letter speak for itself? Also, could I get a copy? Thanks,

Sam Jones-Ellard
Public Affairs Specialist
USDA | Agricultural Marketing Service
202.660.2268

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From: Whoriskey, Peter [mailto:Peter.Whoriskey@washpost.com]
Sent: Wednesday, May 20, 2015 1:43 PM
To: Jones, Samuel - AMS
Subject: Following up on Cornucopia complaint

Sam:

I hope all is well. I am writing a story based on the NOP decision not to investigate the 14 egg and dairy operations cited by Cornucopia in its December complaint.

I have a copy of the letter sent to Cornucopia. Would you all like to comment further?

The story will likely go up in about an hour. If it comes in late, we can add.

Thanks.

Peter

Michael, Matthew - AMS

From: McEvoy, Miles - AMS
Sent: Thursday, December 18, 2014 4:52 PM
To: (b) (6)
Cc: Tucker, Jennifer - AMS; Rakola, Betsy - OSEC; Michael, Matthew - AMS
Subject: RE: request

Hi (b) (6)

I hope the holiday season is treating you well.

The NOP has standard operating procedures in place to make sure that all complaints alleging violations of the USDA organic regulations are consistently handled. Evidence provided by the complainant determines whether a complaint will be investigated, and if so, the direction of that investigation. The NOP collaborates directly with accredited certifying agents to investigate complaints against certified operations and takes enforcement actions, as appropriate.

The recent photos submitted by Cornucopia do not provide any new evidence that would indicate violations to the USDA organic operations. As you know, on any given day, how an organic operation manages its livestock can vary considerably, based on weather, time of day, number of animals, milking schedule, age of the animals and other factors. One photo captures only a moment without context. That is why, under the USDA organic regulations, certifiers are required to check a full year of records, inspect all production and handling sites, and audit production records to ensure organic integrity.

The operations cited by Cornucopia are certified organic and in good standing. USDA accredited certifiers inspect each operation to verify that organic livestock operations provide outdoor access and that organic ruminant operations obtain at least 30 percent of their dry matter intake from organic pasture during the grazing season.

The organic regulations require that all livestock producers accommodate the health and natural behavior of their animals.
Organic livestock must be allowed year-round access to the outdoors except under specific conditions such as inclement weather, raised on certified organic land, raised per animal health and welfare standards, fed 100 percent certified organic feed – except for trace minerals and vitamins used to meet the animal's nutritional requirements - and managed without antibiotics, added growth hormones, mammalian or avian byproducts, or other prohibited feed ingredients.

There are a wide variety of certified organic operations around the world. They don't all look the same and they utilize a variety of practices to comply with the organic standards based on the local environment.

Happy Holidays,
Miles

Miles McEvoy
Deputy Administrator
National Organic Program

-----Original Message-----
From: (b) (6)
Sent: Sunday, December 14, 2014 11:35 AM

To: McEvoy, Miles - AMS
Subject: request

Dear Miles,

I trust you are holding up and doing well.

I am hoping that the NOP could provide the official information, it has regarding these recently released aerial photographed livestock operations and whether any complaints have been filed or any investigations are underway.

As someone who helped shape the Organic Foods Production Act in 1990 and get it passed, the pictured organic operations in the photos do not seem to be what we had in mind.

I am also hoping that some NOP investigation may already be underway opposed to this having to be pointed out by outsiders - if indeed this turns out, to be out of compliance.

I think having NOP step out and make official statements concerning the status of these operation may help clear the air?

All the best,

(b) (6)

Michael, Matthew - AMS

From: McEvoy, Miles - AMS
Sent: Sunday, October 18, 2015 11:21 AM
To: Alonzo, Anne - AMS
Cc: Eckhouse, Sara - AMS; Barnes, Rex - AMS; Tucker, Jennifer - AMS; Michael, Matthew - AMS
Subject: Re: Statement

(b) (5) [redacted]

Miles V McEvoy
Deputy Administrator
USDA National Organic Program

On Oct 17, 2015, at 8:04 AM, "Alonzo, Anne - AMS" <Anne.Alonzo@ams.usda.gov> wrote:

> Internal Deliberative:
>
> Good summary!
> -(b) (5) [redacted]
> -Like the change to statement but may be too late to add.
> -(b) (5) [redacted]
> Nice weekend!
>
> On Oct 17, 2015, at 7:42 AM, McEvoy, Miles - AMS <Miles.McEvoy@ams.usda.gov> wrote:
>
> > Internal Deliberative
> > Suggested strategy
> > 1. (b) (5) [redacted]

(b) (5) [redacted]

Miles V McEvoy
Deputy Administrator
Agricultural Marketing Service
National Organic Program

Michael, Matthew - AMS

From: Jones, Samuel - AMS
Sent: Tuesday, December 15, 2015 10:00 AM
To: Maloney, Wayne - AMS; Michael, Matthew - AMS; McEvoy, Miles - AMS; Tucker, Jennifer - AMS
Cc: French, Karin R - AMS
Subject: RE: USDA Organic Inquiry

Will do. Thanks!

Sam Jones-Ellard
Public Affairs Specialist
USDA | Agricultural Marketing Service
202.660.2268

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From: Maloney, Wayne - AMS
Sent: Tuesday, December 15, 2015 9:49 AM
To: Michael, Matthew - AMS; Jones, Samuel - AMS; McEvoy, Miles - AMS; Tucker, Jennifer - AMS
Cc: French, Karin R - AMS
Subject: RE: USDA Organic Inquiry

Sam,

Slight amendment. Please send this to Sara for review and CC Rex and Erin.

Thanks,

Wayne

The October 2015 complaint is still under review and because it is active, USDA will not comment.

Generally, when the National Organic Program (NOP) receives a complaint that alleges violation of the organic standards, it follows a standard process of evaluation. In determining how to proceed, the NOP assesses the nature of the complaint, the evidence provided by the complainant and other information it might already have regarding the complained party. When a complaint is about a certified operation, the NOP contacts the operation's certifying agent to request that the certifier investigate the matter. The certifier then submits its findings, as well as details of any actions it may have taken, to the NOP, who then determines whether any additional investigation or other action is necessary.

Certifiers are a vital part of a complete and scalable system that supports organic integrity. In addition to conducting investigations when necessary, they inspect their certified organic operations as the standards require. The NOP in turn audits its certifying agents. This oversight ensures that certifying agents fully understand the USDA organic regulations and apply them appropriately and consistently across the organic

farms and businesses that they certify. When the NOP identifies areas of concern, it provides training and publishes additional guidance to enhance uniformity among the accredited certifying agents.

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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From: Jones, Samuel - AMS
Sent: Tuesday, December 15, 2015 8:59 AM
To: Michael, Matthew - AMS; McEvoy, Miles - AMS; Tucker, Jennifer - AMS
Cc: French, Karin R - AMS; Maloney, Wayne - AMS
Subject: RE: USDA Organic Inquiry

Thanks, Matthew. He also asked what we mean by "thorough review" in our statement below. How does this response sound?

The October 2015 complaint is still under review. When the NOP receives a complaint that alleges a violation of the organic standards, it follows a standard process of evaluation. First, it assesses the nature of the complaint and the evidence provided by the complainant. When a complaint is about a certified operation, the NOP contacts the operation's certifying agent to request that the certifier investigate the matter. The certifier then submits its findings to the NOP so the program can determine if it needs to conduct follow-up investigations.

Certifiers are a vital part of a complete and scalable system that supports organic integrity. In addition to conducting investigations when necessary, they regularly audit their certified organic operations as the standards require. The NOP in turn audits its certifying agents. This oversight ensures that certifying agents fully understand the USDA organic regulations and apply them appropriately and consistently across the organic farms and businesses that they certify. When the NOP identifies areas of concern, it provides training and publishes additional guidance to enhance uniformity among the accredited certifying agents.

Sam Jones-Ellard
Public Affairs Specialist
USDA | Agricultural Marketing Service
202.660.2268

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From: Michael, Matthew - AMS
Sent: Tuesday, December 15, 2015 8:54 AM
To: Jones, Samuel - AMS; McEvoy, Miles - AMS; Tucker, Jennifer - AMS
Cc: French, Karin R - AMS
Subject: RE: USDA Organic Inquiry

Hi Sam:

Cornucopia refiled their original complaint (minus one operation that is no longer certified), but complained against the certifiers instead of the operations. (b) (5) [redacted]

[redacted]

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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From: Jones, Samuel - AMS
Sent: Monday, December 14, 2015 5:13 PM
To: McEvoy, Miles - AMS; Tucker, Jennifer - AMS; Michael, Matthew - AMS
Subject: FW: USDA Organic Inquiry

I sent along the statement to the WaPo. Is there anything additional we can provide on the Oct. 2015 complaint? It might be best to leave it with what was already provided.

Thanks for your guidance.

Sam Jones-Ellard
Public Affairs Specialist
USDA | Agricultural Marketing Service
202.660.2268

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From: Whoriskey, Peter [mailto:Peter.Whoriskey@washpost.com]
Sent: Monday, December 14, 2015 5:04 PM
To: Jones, Samuel - AMS
Subject: RE: USDA Organic Inquiry

Thanks.

There was also a complaint on this filed in October 2015 – regarding QAI and Herbrucks. Can you all address that as well?

From: Jones, Samuel - AMS [mailto:Samuel.Jones@ams.usda.gov]
Sent: Monday, December 14, 2015 4:59 PM
To: Whoriskey, Peter
Subject: USDA Organic Inquiry

Hi Peter,

USDA's Office of Communications asked me to follow-up with you regarding your request for comment on a recent Cornucopia complaint. Below is information that should be helpful for your story. Thanks for reaching out.

On the Record Statement:
"When the Cornucopia Institute filed this complaint in late 2014, USDA's Agricultural Marketing Service launched a thorough review and ultimately found and determined that the operations were in compliance and there was not sufficient evidence to conduct additional investigations." – *USDA Spokesperson or Sam Jones-Ellard, USDA spokesperson.*

Additional information on background, to inform your reporting (OK to use but please no direct quotation):
USDA looks into any formal complaints issued by outside entities. USDA's National Organic Program is the bedrock regulatory program responsible for developing national standards for organically-produced agricultural products. These standards assure consumers that products with the USDA organic seal meet consistent, uniform standards. The USDA organic seal and the NOP program itself have helped organic producers and businesses achieve unprecedented levels of growth for organically produced goods. The retail market for organic products has nearly doubled in value since 2009 while USDA certified organic operations continue to grow year to year. USDA's National Organic Program is a leading global standard and major factor in this success.

In terms of compliance, in FY 2015 alone[ams.usda.gov], the National Organic Program:

- Reviewed or investigated 390 complaints alleging violations of the USDA organic regulations, supporting consumer confidence that the USDA is protecting the organic seal. This investigation count well exceeded last year's total of 286. The program also levied $1,872,875 in civil penalties to businesses knowingly violating organic rules.
- Conducted 34 audits of accredited certifiers to verify their ability to certify farms and businesses to the USDA organic standards. Certifiers are assessed every 2.5 years; these audits build consistency across certifiers.
- Provided due process rights for both certifiers and operations, AMS accepted 35 appeals this year; appeals cases closed in FY 2015 were completed in an average of 121 days; 95 percent of FY 2015 appeals were closed within 180 days.
- To further support consistency across certifiers, conducted in-person certifier training to address key issues in sound and sensible certification, enforcement, appeals, and mediation.
- You can view this data online at: www.ams.usda.gov/sites/default/files/media/Compliance%20%26%20Enforcement%20Report_FY15.pdf[ams.usda.gov]

Sam Jones-Ellard
Public Affairs Specialist

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202.660.2268

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Michael, Matthew - AMS

From: Jason Cole <cole@cornucopia.org>
Sent: Friday, December 19, 2014 4:51 PM
To: Michael, Matthew - AMS
Subject: RE: Cornucopia complaints

Matthew,

Sorry about this. It was supposed to arrive this morning. Tracking says it's in a facility in Tennessee. We'll get it to you soon.

Jason

Jason Cole
Research Associate
The Cornucopia Institute
(608) 637-8278
cole@cornucopia.org

CORNUCOPIA
INSTITUTE

P.O. Box 126
Cornucopia, WI 54827
www.cornucopia.org

From: Michael, Matthew - AMS [mailto:Matthew.Michael@ams.usda.gov]
Sent: Friday, December 19, 2014 3:40 PM
To: Jason Cole
Subject: RE: Cornucopia complaints

Hi Jason:

A FedEx delivery arrived, but your complaints were not included. I will be in the office next week, Monday-Wednesday, and will let you know if they don't show up.

Have a nice weekend.

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657

matthew.michael@ams.usda.gov

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From: Jason Cole [mailto:cole@cornucopia.org]
Sent: Friday, December 19, 2014 11:09 AM
To: Michael, Matthew - AMS
Subject: Cornucopia complaints

Dear Matthew,

Hardcopies of all 14 of our complaints were sent via fed ex and should arrive to you today. Let me know if you don't receive them.

Best,

Jason

Jason Cole
Research Associate
The Cornucopia Institute
(608) 637-8278
cole@cornucopia.org

CORNUCOPIA
INSTITUTE

P.O. Box 126
Cornucopia, WI 54827
www.cornucopia.org

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Michael, Matthew - AMS

From: McEvoy, Miles - AMS
Sent: Monday, December 15, 2014 4:32 PM
To: Michael, Matthew - AMS
Subject: statement

Follow Up Flag: Follow up
Flag Status: Completed

P:\Comm-Outreach\Talking Points\Cornucopia complaints.docx

Miles McEvoy
Deputy Administrator
National Organic Program

Michael, Matthew - AMS

From: Michael, Matthew - AMS
Sent: Wednesday, December 17, 2014 12:31 PM
To: Atkins, Patricia - AMS
Subject: Three more cornucopia complaints
Attachments: Complaints; Complaint; Amended Smart Chicken complaint

CORNUCOPIA
INSTITUTE

December 11, 2014

NOP Compliance and Enforcement Branch
Attn: Mr. Matthew Michael
Agricultural Marketing Service
United States Department of Agriculture
1400 Independence Avenue, S.W.
Mail Stop 0268, Room 2648-S
Washington, D.C. 20250-0268

Dear Mr. Michael:

For the past 10 years we have observed systemic violations of the law at numerous industrial-scale livestock facilities representing themselves as "organic." Although we have documented these with site visits, photographs, satellite imagery, first-hand witness accounts, and other documentary evidence, in most cases either no enforcement action whatsoever was taken by the USDA or minor sanctions were imposed.

In some cases the National Organic Program failed to carry out any independent investigation and instead delegated this function to the operation's certifier (which could have been deceived, could have acted incompetently, or could have been a co-conspirator in the violations). We're asking that NOP staff directly conduct investigations associated with this complaint.

In an effort to document the current improprieties, The Cornucopia Institute, facilitated by the generosity of a number of our individual, major donors, hired a firm that specializes in agricultural and industrial aerial photography to document some of the alleged abuses.

We respectfully request that your office thoroughly investigate the history of past potential illegalities at the Redland Dairy located near Farwell, Texas. This operation is certified by the Texas Department of Agriculture.

The aerial photography images (contained on the computer discs forwarded to you via Federal Express and available in a lower resolution on our website) indicate worn-out pasture with many of the irrigated fields with some grass lacking fencing and waterers that would facilitate grazing. Some of the fields appear to have been mechanically harvested. Many have no vegetation growing at all. Even though it is early in the season, due to an exceedingly high stocking level and mechanical harvesting, or mismanagement, there appears to be little usable pasture accessible to the milking herd.

This particular dairy might personify the statement we have made publicly before: "Some

geographic locations and climates might not be conducive to organic livestock agriculture." If you are farming in the desert and do not have access to adequate irrigation water, and cannot graze your cattle, you are not in a location that can support organic dairy production.

According to filings with the state of Texas, this dairy is currently managing 3,800 head of cattle on a mere 450 acres. Although some of these are young stock, without harvesting any forage off of these acres, that would equate to an overall stocking level of 8.44 cows per acre (a much higher effective rate depending how much of the growth was harvested for hay on an annual basis).

Even if you just took the number of cows being milked (3,600 based on state permits), and not including any older heifers or dry cows, that would still be an effective stocking rate of 8.0 cows per acre.

No cows (zero) were visible, out on pasture, in any of the photographs that included much more than the 450 acres the dairy specified as managing as part of this CAFO. The high temperature on the date these photos were taken, May 17, 2014, was 82°F (a pleasant day for late spring in Texas).

This stocking density contrasts with the data gathered from a Cornucopia Institute organic dairy producer study, in 2005, indicating the average available pasture for organic dairy cattle, across the country, was approximately one cow per acre.

As you know, there are provisions for the "temporary" confinement of cattle, primarily due to health or environmental factors, as detailed in §205.238 and §205.239. However, confining cattle in order to increase milk production, or because the size of the herd requires walking too far to access fresh pasture, or because of the need to produce stored feed, would not be among the enumerated legal exemptions from requiring "access to the outdoors/access to pasture."

Furthermore, keeping cattle confined in feedlots, for the majority of their lives, does not meet the requirement in the standards to accommodate the health and natural instinctive behaviors of the animals.

We respectfully request NOP investigators thoroughly review all records and interview relevant personnel based on this and prior complaints.

The Cornucopia Institute requests that the NOP's Compliance and Enforcement Branch make a timely, full, and good faith effort in their investigation of these allegations. In fact, failure to take such action will only encourage future scofflaws and corner cutting by organic operators, and will make a mockery of the federal organic regulations that are so diligently observed by the vast majority of participants in the nation's organic agriculture and food sector.

The USDA enjoys some investigative tools and access that The Cornucopia Institute does not have in further evaluating whether this facility is operating legally. Examining the operation, and their Organic Systems Plan (OSP), should be able to confirm how many of the "pasture" acres are managed with irrigation (in this climate unirrigated pasture would have a very short window for providing a material contribution to the dry matter intake required to maintain organic dairy cattle). Importantly, investigators should be able to review history for the last few years to determine what percentage of annual growth was cut as stored feed versus provided as pasture for livestock.

Investigators should be able to ascertain how much milk is produced by each animal on the farm. Relatively high production would indicate that intensively grazing the cattle would be unlikely. (Although we haven't seen hard data it seems that most organic dairy producers have a rolling herd average from 13,000 to 18,000 pounds, with those managing on 100% grass below that. Production well above 20,000 pounds would be atypical for organic dairy producers complying with the regulations.)

It should be noted that nothing in this formal complaint shall be interpreted as a waiver of our right to appeal under the Adverse Action Appeals Process cited above.

You may contact us at your convenience.

Sincerely,

Will Fantle, Codirector
715-839-7731

§205.238 Livestock health care practice standard.

(a) The producer must establish and maintain preventive livestock health care practices, including:

(4) Provision of conditions which allow for exercise, freedom of movement, and reduction of stress appropriate to the species;

§205.239 Livestock living conditions.

(a) The producer of an organic livestock operation must establish and maintain year-round livestock living conditions which accommodate the health and **natural behavior** of animals, including [emphasis added]:

(1) Year-round access for all animals to the outdoors, shade, shelter, exercise areas, fresh air, clean water for drinking, and direct sunlight, suitable to the species, its stage of life, the climate, and the environment: Except, that, animals may be temporarily denied access to the outdoors in accordance with §§205.239(b) and (c). Yards, feeding pads, and feedlots may be used to provide ruminants with access to the outdoors during the non-grazing season and supplemental feeding during the grazing season. Yards, feeding pads, and feedlots shall be large enough to allow all ruminant livestock occupying the yard, feeding pad, or feedlot to feed simultaneously without crowding and without competition for food. Continuous total confinement of any animal indoors is prohibited. Continuous total confinement of ruminants in yards, feeding pads, and feedlots is prohibited.

(2) For all ruminants, management on pasture and **daily grazing throughout the grazing season**(s) to meet the requirements of §205.237, except as provided for in paragraphs (b), (c), and (d) of this section [emphasis added].

(b) The producer of an organic livestock operation may provide temporary confinement or shelter for an animal because of:

(1) Inclement weather;
(2) The animal's stage of life: Except, that lactation is not a stage of life that would exempt ruminants from any of the mandates set forth in this regulation;
(3) Conditions under which the health, safety, or well-being of the animal could be jeopardized;
(4) Risk to soil or water quality;
(5) Preventive healthcare procedures or for the treatment of illness or injury (neither the various life stages nor lactation is an illness or injury);
(6) Sorting or shipping animals and livestock sales: *Provided,* that, the animals shall be maintained under continuous organic management, including organic feed, throughout the extent of their allowed confinement;
(7) Breeding: Except, that, bred animals shall not be denied access to the outdoors and, once bred, ruminants shall not be denied access to pasture during the grazing season; or
(8) 4-H, Future Farmers of America and other youth projects, for no more than one week prior to a fair or other demonstration, through the event and up to 24 hours after the animals have arrived home at the conclusion of the event. These animals must have been maintained under continuous organic management, including organic feed, during the extent of their allowed confinement for the event.

(c) The producer of an organic livestock operation may, in addition to the times permitted under §205.239(b), temporarily deny a ruminant animal pasture or outdoor access under the following conditions:

(1) One week at the end of a lactation for dry off (for denial of access to pasture only), three weeks prior to parturition (birthing), parturition, and up to one week after parturition;
(2) In the case of newborn dairy cattle for up to six months, after which they must be on pasture during the grazing season and may no longer be individually housed: *Provided,* That, an animal shall not be confined or tethered in a way that prevents the animal from lying down, standing up, fully extending its limbs, and moving about freely;

(4) In the case of dairy animals, for short periods daily for milking. Milking must be scheduled in a manner to ensure sufficient grazing time to provide each animal with an average of at least 30 percent DMI from grazing throughout the grazing season. Milking frequencies or duration practices cannot be used to deny dairy animals pasture.

(d) Ruminant slaughter stock, typically grain finished, shall be maintained on pasture for each day that the finishing period corresponds with the grazing season for the geographical location: Except, that, yards, feeding pads, or feedlots may be used to provide finish feeding rations. During the finishing period, ruminant slaughter stock shall be exempt from the minimum 30 percent DMI requirement from grazing. Yards, feeding pads, or feedlots used to provide finish feeding rations shall be large enough to allow all ruminant slaughter stock occupying the yard, feeding pad, or feed lot to feed simultaneously without crowding and without competition for food. The finishing period shall not exceed one-fifth (⅕) of the animal's total life or 120 days, whichever is shorter.

§205.240 Pasture practice standard.

The producer of an organic livestock operation must, for all ruminant livestock on the operation, demonstrate through auditable records in the organic system plan, a functioning management plan for pasture.

(a) Pasture must be managed as a crop in full compliance with §§205.202, 205.203(d) and (e), 205.204, and 205.206(b) through (f). Land used for the production of annual crops for ruminant grazing must be managed in full compliance with §§205.202 through 205.206. Irrigation shall be used, as needed, to promote pasture growth when the operation has irrigation available for use on pasture.

(b) Producers must provide pasture in compliance with §205.239(a)(2) and manage pasture to comply with the requirements of: §205.237(c)(2), to annually provide a **minimum of 30 percent of a ruminant's dry matter intake (DMI), on average, over the course of the grazing season(s)** [emphasis added]; §205.238(a)(3), to minimize the occurrence and spread of diseases and parasites; and §205.239(e) to refrain from putting soil or water quality at risk.

(c) A pasture plan must be included in the producer's organic system plan, and be updated annually in accordance with §205.406(a). The producer may resubmit the previous year's pasture plan when no change has occurred in the plan. The pasture plan may consist of a pasture/rangeland plan developed in cooperation with a Federal, State, or local conservation office: *Provided*, that, the submitted plan addresses all of the requirements of §205.240(c)(1) through (8). When a change to an approved pasture plan is contemplated, which may affect the operation's compliance with the Act or the regulations in this part, the producer shall seek the certifying agent's agreement on the change prior to implementation. The pasture plan shall include a description of the:

(1) Types of pasture provided to ensure that the feed requirements of §205.237 are being met.
(2) Cultural and management practices to be used to ensure pasture of a sufficient quality and quantity is available to graze throughout the grazing season and to provide all ruminants under the organic system plan, except exempted classes identified in §205.239(c)(1) through (3), **with an average of not less than 30 percent of their dry matter intake from grazing throughout the grazing season** [emphasis added].
(3) Grazing season for the livestock operation's regional location.
(4) Location and size of pastures, including maps giving each pasture its own identification.
(5) The types of grazing methods to be used in the pasture system.
(6) Location and types of fences, except for temporary fences, and the location and source of shade and the location and source of water.
(7) Soil fertility and seeding systems.
(8) Erosion control and protection of natural wetlands and riparian areas practices.

Schurkamp, Lynnea - AMS

From: McEvoy, Miles - AMS
Sent: Friday, October 23, 2015 7:22 AM
To: AMS - Washington DC NOP
Subject: USDA statement

USDA Statement on Complaints (10/21/2015)
USDA takes any complaints regarding our operations seriously, and that is why AMS looks into any formal complaints issued by outside groups. This was the case when the Cornucopia Institute filed a complaint earlier this year. AMS launched a thorough review and ultimately found and determined that the operations were in compliance and there was not sufficient evidence to conduct additional investigations. Furthermore, there is no investigation of the National Organic Program or its staff happening by USDA's Inspector General—that is inaccurate. The focus on any one public servant in an attempt to damage his or her credibility is inappropriate and without merit. USDA values and has faith in Deputy Administrator Miles McEvoy's leadership of the National Organic Program.

USDA's National Organic Program is the bedrock regulatory program responsible for developing national standards for organically-produced agricultural products. These standards assure consumers that products with the USDA organic seal meet consistent, uniform standards. The USDA organic seal and the NOP program itself have helped organic producers and businesses achieve unprecedented levels of growth for organically produced goods. The retail market for organic products is now valued at more than $39 billion while USDA organic operations have grown more than 250% since 2002. USDA's National Organic Program is a leading global standard and major factor in this success.

We plan to post the statement on the AMS website later today. Thanks for your support.

Miles V McEvoy
Deputy Administrator
Agricultural Marketing Service
National Organic Program

Michael, Matthew - AMS

From: Michael, Matthew - AMS
Sent: Wednesday, December 17, 2014 7:50 AM
To: Thornblad, Kristin - AMS
Subject: FW: writeup in Wisc Gazette on Cornucopia complaint
Attachments: Cornucopia complaints.docx

FYI

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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From: McEvoy, Miles - AMS
Sent: Tuesday, December 16, 2014 5:59 PM
To: Jones, Samuel - AMS
Cc: Brownlee, Jim - AMS; Tucker, Jennifer - AMS; Michael, Matthew - AMS; Rakola, Betsy - OSEC
Subject: RE: writeup in Wisc Gazette on Cornucopia complaint

With attachment

From: McEvoy, Miles - AMS
Sent: Tuesday, December 16, 2014 5:58 PM
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Subject: RE: writeup in Wisc Gazette on Cornucopia complaint

I have received a few inquiries concerning the Cornucopia complaints. We have drafted the attached statement that we could use to answer questions if asked.
Please review, thanks.

Miles

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Sent: Monday, December 15, 2014 12:03 PM
To: McEvoy, Miles - AMS; Tucker, Jennifer - AMS; Michael, Matthew - AMS
Cc: Nelson, Kristen - AMS; Hale, Demeteris - AMS
Subject: FW: writeup in Wisc Gazette on Cornucopia complaint

Hi NOP Team,

I received the email below from Aurora asking that USDA seek a correction to the article below. (b) (5) [redacted] Thanks.

OTA Request:
if you could dig up the number of complaints Cornucopia has filed over the years, and what number were with merit, that would be great.

Sam Jones-Ellard
Public Affairs Specialist
USDA | Agricultural Marketing Service
202.660.2268

From: (b) (6) [redacted]@aodmilk.com]
Sent: Friday, December 12, 2014 11:47 AM
To: Jones, Samuel - AMS
Subject: FW: writeup in Wisc Gazette on Cornucopia complaint

Hi Sam,

The Wisconsin Gazette is running a story based on the Cornucopia press release.

http://www.wisconsingazette.com/wisconsin-gaze/wisconsin-group-exposes-factory-farms-producing-organic-food.html

It says Aurora still being investigated for improprieties as a result of complaints filed several years ago by Cornucopia. It looks like this was taken directly from Cornucopia's release on their complaint.

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I can contact the Wisconsin Gazette to let them know this is not accurate and to demand a correction, but it would be more meaningful if USDA either asked for the correction, or if I could direct them to you to confirm there are no ongoing investigations of Aurora Organic Dairy by the USDA.

Please let me know if this is possible.

(b) [redacted]

Michael, Matthew - AMS

From: Jones, Samuel - AMS
Sent: Wednesday, December 17, 2014 1:42 PM
To: Michael, Matthew - AMS
Subject: Re: writeup in Wisc Gazette on Cornucopia complaint

Thanks!
Sam Jones-Ellard

From: Michael, Matthew - AMS
Sent: Wednesday, December 17, 2014 06:28 PM Coordinated Universal Time
To: Jones, Samuel - AMS; McEvoy, Miles - AMS
Cc: Brownlee, Jim - AMS; Tucker, Jennifer - AMS; Rakola, Betsy - OSEC; Thornblad, Kristin - AMS
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2019 should be 2010. Thanks.

Matthew Michael
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Thanks again,
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202.660.2268

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Please let me know if this is possible.

(b)

Michael, Matthew - AMS

From: Jones, Samuel - AMS
Sent: Wednesday, December 17, 2014 8:31 AM
To: McEvoy, Miles - AMS
Cc: Brownlee, Jim - AMS; Tucker, Jennifer - AMS; Michael, Matthew - AMS; Rakola, Betsy - OSEC
Subject: RE: writeup in Wisc Gazette on Cornucopia complaint

We will take a look and get these cleared. Thanks, Miles!

Sam Jones-Ellard
Public Affairs Specialist
USDA | Agricultural Marketing Service
202.660.2268

From: McEvoy, Miles - AMS
Sent: Tuesday, December 16, 2014 5:59 PM
To: Jones, Samuel - AMS
Cc: Brownlee, Jim - AMS; Tucker, Jennifer - AMS; Michael, Matthew - AMS; Rakola, Betsy - OSEC
Subject: RE: writeup in Wisc Gazette on Cornucopia complaint

With attachment

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(b)

Michael, Matthew - AMS

From: Jones, Samuel - AMS
Sent: Thursday, December 18, 2014 9:31 AM
To: McEvoy, Miles - AMS
Cc: Brownlee, Jim - AMS; Tucker, Jennifer - AMS; Michael, Matthew - AMS; Rakola, Betsy - OSEC
Subject: RE: writeup in Wisc Gazette on Cornucopia complaint
Attachments: Cornucopia Complaints - TPS.docx

Attached is the version with that year fixed. Thanks!

Sam Jones-Ellard
Public Affairs Specialist
USDA | Agricultural Marketing Service
202.660.2268

From: Jones, Samuel - AMS
Sent: Wednesday, December 17, 2014 1:03 PM
To: McEvoy, Miles - AMS
Cc: Brownlee, Jim - AMS; Tucker, Jennifer - AMS; Michael, Matthew - AMS; Rakola, Betsy - OSEC
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202.660.2268

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Please let me know if this is possible.

(b)
(6)

NOP000129

NOP000130

NQP000142

NOP000145

Michael, Matthew - AMS

From: Michael, Matthew - AMS
Sent: Wednesday, January 14, 2015 12:52 PM
To: Mark Kastel
Subject: complaints

Hi Mark:

I received the additional information related to your aerial photo/flyover complaints. We have added it to the complaint files.

In regard to the coconut water case, if I remember, that's a fairly complicated matter with multiple complainants. I will check on the status and get back to you.

Sincerely,

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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Michael, Matthew - AMS

From: French, Karin R - AMS
Sent: Thursday, February 19, 2015 12:28 PM
To: Michael, Matthew - AMS
Subject: Draft (b) (5) Poultry/Dairy operation complaints

Follow Up Flag: Follow up
Flag Status: Completed

Hi Matthew— (b) (5)

(b) (5)

Best,

Karin French
Compliance Officer, National Organic Program
Agricultural Marketing Service, USDA
1400 Independence Avenue SW
Stop 0268, Room 2648-South
Washington, DC 20250-0268
KarinR.French@ams.usda.gov
Mobile: 202-536-7517

Michael, Matthew - AMS

From: Jones, Samuel - AMS
Sent: Wednesday, December 24, 2014 10:51 AM
To: Michael, Matthew - AMS; Tucker, Jennifer - AMS
Subject: RE: Cornucopia

Might add this as well. I did say this on background. Thanks!

- The operations cited by Cornucopia are certified organic and in good standing. USDA accredited certifiers inspect each operation to verify that organic livestock operations provide outdoor access and that organic ruminant operations obtain at least 30 percent of their dry matter intake from organic pasture during the grazing season.

Sam Jones-Ellard
Public Affairs Specialist
USDA | Agricultural Marketing Service
202.660.2268

From: Jones, Samuel - AMS
Sent: Wednesday, December 24, 2014 10:47 AM
To: Michael, Matthew - AMS; Tucker, Jennifer - AMS
Subject: RE: Cornucopia

Thanks, Matthew.

I will send this along. I did speak with the reporter on background using the talking points that were developed. I will also point her to OTA's response. It seemed to help with the Packer article. If you have anything additional you think we should add, please let me know. Thanks and happy holidays!

Yes, the complaints have been received by the National Organic Program (NOP). The NOP has standard operating procedures in place to make sure that all complaints alleging violations of the USDA organic regulations are consistently handled. Evidence provided by the complainant determines whether a complaint will be investigated, and if so, the direction of that investigation. The NOP collaborates directly with accredited certifying agents to investigate complaints against certified operations and takes enforcement actions, as appropriate.

Sam Jones-Ellard
Public Affairs Specialist
USDA | Agricultural Marketing Service
202.660.2268

From: Michael, Matthew - AMS
Sent: Wednesday, December 24, 2014 10:37 AM
To: Jones, Samuel - AMS; Tucker, Jennifer - AMS
Subject: RE: Cornucopia

Hi Sam:

Yes. We've received 14 complaints from Cornucopia. As with all complaints we receive, we are reviewing these to determine whether investigation is warranted.

Let me know if you need anything else. I should be in the office until about 12:30 today, but then I'm out until 1/7.

Happy Holidays.

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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From: Jones, Samuel - AMS
Sent: Wednesday, December 24, 2014 10:12 AM
To: Michael, Matthew - AMS; Tucker, Jennifer - AMS
Subject: Cornucopia

Hi Matthew/Jenny,

Received a call from Hutchinson News about the Cornucopia complaint. Cornucopia has officially submitted complaints to us, right? I was going to send along some info from our talking points and how the complaint process works. Just wanted to verify that they submitted the latest complaint to us. I can draft up a response and share. Thanks!

Sam Jones-Ellard
Public Affairs Specialist
USDA | Agricultural Marketing Service
202.660.2268

Michael, Matthew - AMS

From: Michael, Matthew - AMS
Sent: Friday, January 16, 2015 8:09 AM
To: McEvoy, Miles - AMS
Subject: RE: If you want a friend in Washington....

Just FYI – I wrote him earlier this week.

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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From: McEvoy, Miles - AMS
Sent: Friday, January 16, 2015 7:31 AM
To: Mark Kastel
Cc: Michael, Matthew - AMS
Subject: RE: If you want a friend in Washington....

Hi Mark and Happy New Year!
I spoke to Matthew and he said he would send you confirmation that he received the additional information.
Thanks,

Miles V McEvoy
Deputy Administrator
Agricultural Marketing Service
National Organic Program

From: Mark Kastel [mailto:kastel@cornucopia.org]
Sent: Monday, January 12, 2015 12:28 PM
To: McEvoy, Miles - AMS; Miles McEvoy (Miles.McEvoy@usda.gov)
Subject: If you want a friend in Washington....

"If you want a friend in Washington …. Get a dog," Harry Truman

Good morning Miles,

I can imagine a few reasons why you might not consider us friends any longer, and there are probably more to come, but as a public official you need to treat every citizen (including our over

10,000 members) with respect. We were happy to work, collaboratively, with you when we thought you were also willing to do so. That no longer seems to be the case.

You may or may not be aware of this but since filing our "flyover complaints" in December I sent a large amount of additional information to Matthew Michael and received no confirmation of receipt.

Furthermore, we've had additional industry participants come forward and offer documentation on the alleged large-scale scandal in the coconut water business. I emailed Matthew with a few questions regarding the status and hoping to make an arrangement for someone to come forward on a confidential basis and have received no response.

Please let me know if we need to contact the media and/or congressional offices, bringing them into a public dialogue, in order to receive service from the NOP.

Sincerely yours,

Mark

Mark A. Kastel
The Cornucopia Institute
Kastel@cornucopia.org
608-625-2042 Voice
866-861-2214 Fax

CORNUCOPIA
INSTITUTE

P.O. Box 126
Cornucopia, WI 54827
www.cornucopia.org

Michael, Matthew - AMS

From: Michael, Matthew - AMS
Sent: Tuesday, January 13, 2015 12:23 PM
To: McEvoy, Miles - AMS
Subject: RE: If you want a friend in Washington....

Do want me to send him a quick acknowledgement before you and I meet?

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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From: McEvoy, Miles - AMS
Sent: Monday, January 12, 2015 6:13 PM
To: Michael, Matthew - AMS
Subject: Fwd: If you want a friend in Washington....

Let's check in this week on Cornucopia's complaints and responding to Mr. Kastel.

Miles V McEvoy
Deputy Administrator
USDA National Organic Program

Begin forwarded message:

> **From:** Mark Kastel <kastel@cornucopia.org>
> **Date:** January 12, 2015 at 12:28:17 PM EST
> **To:** "McEvoy, Miles - AMS (Miles.McEvoy@ams.usda.gov)" <Miles.McEvoy@ams.usda.gov>, "Miles McEvoy (Miles.McEvoy@usda.gov)" <Miles.McEvoy@usda.gov>
> **Subject: If you want a friend in Washington....**
>
> "If you want a friend in Washington …. Get a dog," Harry Truman
>
> Good morning Miles,
>
> I can imagine a few reasons why you might not consider us friends any longer, and there are probably more to come, but as a public official you need to treat every citizen (including our over 10,000 members) with respect. We were happy to work, collaboratively, with you when we thought you were also willing to do so. That no longer seems to be the case.

You may or may not be aware of this but since filing our "flyover complaints" in December I sent a large amount of additional information to Matthew Michael and received no confirmation of receipt.

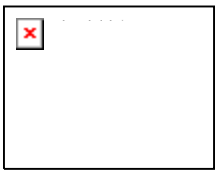
Furthermore, we've had additional industry participants come forward and offer documentation on the alleged large-scale scandal in the coconut water business. I emailed Matthew with a few questions regarding the status and hoping to make an arrangement for someone to come forward on a confidential basis and have received no response.

Please let me know if we need to contact the media and/or congressional offices, bringing them into a public dialogue, in order to receive service from the NOP.

Sincerely yours,

Mark

Mark A. Kastel
The Cornucopia Institute
Kastel@cornucopia.org
608-625-2042 Voice
866-861-2214 Fax



P.O. Box 126
Cornucopia, WI 54827
www.cornucopia.org

Michael, Matthew - AMS

From: Mark Kastel <kastel@cornucopia.org>
Sent: Friday, January 16, 2015 10:38 AM
To: McEvoy, Miles - AMS
Cc: Michael, Matthew - AMS
Subject: RE: If you want a friend in Washington....

Good morning Miles,

Yes, Matthew has contacted me confirming the receipt of the additional materials we sent. However, I am still waiting to learn what the status of the investigation into the alleged major-league fraud in imported coconut water is.

I'm not sure that any answer from you will be meaningful at this point (as you know we have a pending FOIA intending to learn about the history of recent enforcement actions — which was not fully fulfilled and we are now preparing an appeal — and looking at legal options addressing systemic abuse of the public's right for access by the NOP). My experience with other federal and state law enforcement agencies is everyone is interested in "numbers" and clearing cases.

My guess is that a lot of the complaints you get are minor and they're pretty easy to clear. My interest is in the largest cases which can, in themselves, be market-movers.

In my humble opinion, you should be focusing resources on the largest alleged fraud cases (biggest economic impact). It's been years since I personally delivered documentary evidence to your investigators regarding fraudulent imports from Québec. The allegations concerning fraud and coconut water are large.

Quite frankly, when I hear about a small farm that's cheating it upsets the hell out of me but I can't spend much of our resources chasing the case the when there is wholesale fraud taking place.

Thanks for your response,

Mark

Mark A. Kastel
The Cornucopia Institute
Kastel@cornucopia.org
608-625-2042 Voice
866-861-2214 Fax

CORNUCOPIA
INSTITUTE

P.O. Box 126
Cornucopia, WI 54827
www.cornucopia.org

From: McEvoy, Miles - AMS [mailto:Miles.McEvoy@ams.usda.gov]
Sent: Friday, January 16, 2015 6:31 AM
To: Mark Kastel
Cc: Michael, Matthew - AMS
Subject: RE: If you want a friend in Washington....

Hi Mark and Happy New Year!
I spoke to Matthew and he said he would send you confirmation that he received the additional information.
Thanks,

Miles V McEvoy
Deputy Administrator
Agricultural Marketing Service
National Organic Program

From: Mark Kastel [mailto:kastel@cornucopia.org]
Sent: Monday, January 12, 2015 12:28 PM
To: McEvoy, Miles - AMS; Miles McEvoy (Miles.McEvoy@usda.gov)
Subject: If you want a friend in Washington....

"If you want a friend in Washington …. Get a dog," Harry Truman

Good morning Miles,

I can imagine a few reasons why you might not consider us friends any longer, and there are probably more to come, but as a public official you need to treat every citizen (including our over 10,000 members) with respect. We were happy to work, collaboratively, with you when we thought you were also willing to do so. That no longer seems to be the case.

You may or may not be aware of this but since filing our "flyover complaints" in December I sent a large amount of additional information to Matthew Michael and received no confirmation of receipt.

Furthermore, we've had additional industry participants come forward and offer documentation on the alleged large-scale scandal in the coconut water business. I emailed Matthew with a few questions regarding the status and hoping to make an arrangement for someone to come forward on a confidential basis and have received no response.

Please let me know if we need to contact the media and/or congressional offices, bringing them into a public dialogue, in order to receive service from the NOP.

Sincerely yours,

Mark

Mark A. Kastel
The Cornucopia Institute
Kastel@cornucopia.org
608-625-2042 Voice
866-861-2214 Fax

P.O. Box 126
Cornucopia, WI 54827
www.cornucopia.org

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Michael, Matthew - AMS

From: Michael, Matthew - AMS
Sent: Friday, April 10, 2015 10:01 AM
To: Nelson, Kristen - AMS
Subject: RE: NOP Hot Topics Briefing Paper

(b) (5) the Cornucopia complaints involving the drone photos and alleging violation of the outdoor access and pasture requirements. (b) (5)

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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From: Nelson, Kristen - AMS
Sent: Thursday, April 09, 2015 1:33 PM
To: McEvoy, Miles - AMS; JonesKing, Stacy - AMS; Courtney, Cheri - AMS; Michael, Matthew - AMS
Cc: Tucker, Jennifer - AMS; Rakola, Betsy - OSEC
Subject: NOP Hot Topics Briefing Paper

The attached document is my short list of what could be “NOP Hot Topics” for Administrator Alonzo at the OTA Policy conference. Please add or delete topics that you think are “hot or not so hot” for your Division.

Once we have agreed to the topics I will develop Q’s and A’s for each bullet.

Thanks.

Sincerely,
Kristen Nelson, Chief of Staff
USDA National Organic Program
1400 Independence Ave SW; Room 2640
Washington, DC 20250-0268
Phone: (202) 260-8079
Kristen.Nelson@ams.usda.gov

Michael, Matthew - AMS

From: Jones, Samuel - AMS
Sent: Tuesday, December 15, 2015 9:31 AM
To: Michael, Matthew - AMS; McEvoy, Miles - AMS; Tucker, Jennifer - AMS
Cc: French, Karin R - AMS; Maloney, Wayne - AMS
Subject: RE: USDA Organic Inquiry

Thanks, Matthew.

Sam Jones-Ellard
Public Affairs Specialist
USDA | Agricultural Marketing Service
202.660.2268

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From: Michael, Matthew - AMS
Sent: Tuesday, December 15, 2015 9:28 AM
To: Jones, Samuel - AMS; McEvoy, Miles - AMS; Tucker, Jennifer - AMS
Cc: French, Karin R - AMS; Maloney, Wayne - AMS
Subject: RE: USDA Organic Inquiry

These changes better address how we handled the original Cornucopia drone complaints and similar complaints --

The October 2015 complaint is still under review.

When the NOP receives a complaint that alleges violation of the organic standards, it follows a standard process of review to determine whether investigation is warranted. The NOP assesses the nature of the complaint, the evidence provided by the complainant and other information it might already have regarding the complained party. If the evidence warrants investigation of the complaint, the NOP either initiates its own investigation or refers the complaint to one of its accredited organic certifiers. If a complaint needing investigation concerns a certified operation, the NOP typically contacts the operation's certifier to request that it investigate the matter. The certifier then submits findings from its investigation, as well as details of any compliance action it may have taken, to the NOP, who then determines whether any additional investigation or other action is necessary.

Certifiers are a vital part of a complete and scalable system that supports organic integrity. In addition to conducting investigations when necessary, they inspect their certified organic operations as the standards require. The NOP in turn audits its certifying agents. This oversight ensures that certifying agents fully understand the USDA organic regulations and apply them appropriately and consistently across the organic farms and businesses that they certify. When the NOP identifies areas of concern, it provides training and publishes additional guidance to enhance uniformity among the accredited certifying agents.

Matthew Michael
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From: Jones, Samuel - AMS
Sent: Tuesday, December 15, 2015 9:17 AM
To: Michael, Matthew - AMS; McEvoy, Miles - AMS; Tucker, Jennifer - AMS
Cc: French, Karin R - AMS; Maloney, Wayne - AMS
Subject: RE: USDA Organic Inquiry

Thanks, Matthew. Does this accurately reflect how the original complaint was handled? Miles – are you good with us provided this?

Sam Jones-Ellard
Public Affairs Specialist
USDA | Agricultural Marketing Service
202.660.2268

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From: Michael, Matthew - AMS
Sent: Tuesday, December 15, 2015 9:10 AM
To: Jones, Samuel - AMS; McEvoy, Miles - AMS; Tucker, Jennifer - AMS
Cc: French, Karin R - AMS; Maloney, Wayne - AMS
Subject: RE: USDA Organic Inquiry

A few minor, suggested revisions and additions – Thanks.

The October 2015 complaint is still under review. When the NOP receives a complaint that alleges violation of the organic standards, it follows a standard process of evaluation. In determining how to proceed, the NOP assesses the nature of the complaint, the evidence provided by the complainant and other information it might already have regarding the complained party. When a complaint is about a certified operation, the NOP contacts the operation's certifying agent to request that the certifier investigate the matter. The certifier then submits its findings, as well as details of any actions it may have taken, to the NOP, who then determines whether any additional investigation or other action is necessary.

Certifiers are a vital part of a complete and scalable system that supports organic integrity. In addition to conducting investigations when necessary, they inspect their certified organic operations as the standards require. The NOP in turn audits its certifying agents. This oversight ensures that certifying agents fully understand the USDA organic regulations and apply them appropriately and consistently across the organic farms and businesses that they certify. When the NOP identifies areas of concern, it provides training and publishes additional guidance to enhance uniformity among the accredited certifying agents.

Matthew Michael
Director, Compliance and Enforcement Division
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matthew.michael@ams.usda.gov

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From: Jones, Samuel - AMS
Sent: Tuesday, December 15, 2015 8:59 AM
To: Michael, Matthew - AMS; McEvoy, Miles - AMS; Tucker, Jennifer - AMS
Cc: French, Karin R - AMS; Maloney, Wayne - AMS
Subject: RE: USDA Organic Inquiry

Thanks, Matthew. He also asked what we mean by “thorough review” in our statement below. How does this response sound?

The October 2015 complaint is still under review. When the NOP receives a complaint that alleges a violation of the organic standards, it follows a standard process of evaluation. First, it assesses the nature of the complaint and the evidence provided by the complainant. When a complaint is about a certified operation, the NOP contacts the operation’s certifying agent to request that the certifier investigate the matter. The certifier then submits its findings to the NOP so the program can determine if it needs to conduct follow-up investigations.

Certifiers are a vital part of a complete and scalable system that supports organic integrity. In addition to conducting investigations when necessary, they regularly audit their certified organic operations as the standards require. The NOP in turn audits its certifying agents. This oversight ensures that certifying agents fully understand the USDA organic regulations and apply them appropriately and consistently across the organic farms and businesses that they certify. When the NOP identifies areas of concern, it provides training and publishes additional guidance to enhance uniformity among the accredited certifying agents.

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Public Affairs Specialist
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202.660.2268

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From: Michael, Matthew - AMS
Sent: Tuesday, December 15, 2015 8:54 AM
To: Jones, Samuel - AMS; McEvoy, Miles - AMS; Tucker, Jennifer - AMS
Cc: French, Karin R - AMS
Subject: RE: USDA Organic Inquiry

Hi Sam:

Cornucopia refiled their original complaint (minus one operation that is no longer certified), but complained against the certifiers instead of the operations. (b) (5) [redacted]

[redacted]

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
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Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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From: Jones, Samuel - AMS
Sent: Monday, December 14, 2015 5:13 PM
To: McEvoy, Miles - AMS; Tucker, Jennifer - AMS; Michael, Matthew - AMS
Subject: FW: USDA Organic Inquiry

I sent along the statement to the WaPo. Is there anything additional we can provide on the Oct. 2015 complaint? It might be best to leave it with what was already provided.

Thanks for your guidance.

Sam Jones-Ellard
Public Affairs Specialist
USDA | Agricultural Marketing Service
202.660.2268

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From: Whoriskey, Peter [mailto:Peter.Whoriskey@washpost.com]
Sent: Monday, December 14, 2015 5:04 PM

To: Jones, Samuel - AMS
Subject: RE: USDA Organic Inquiry

Thanks.

There was also a complaint on this filed in October 2015 – regarding QAI and Herbrucks. Can you all address that as well?

From: Jones, Samuel - AMS [mailto:Samuel.Jones@ams.usda.gov]
Sent: Monday, December 14, 2015 4:59 PM
To: Whoriskey, Peter
Subject: USDA Organic Inquiry

Hi Peter,

USDA's Office of Communications asked me to follow-up with you regarding your request for comment on a recent Cornucopia complaint. Below is information that should be helpful for your story. Thanks for reaching out.

On the Record Statement:
"When the Cornucopia Institute filed this complaint in late 2014, USDA's Agricultural Marketing Service launched a thorough review and ultimately found and determined that the operations were in compliance and there was not sufficient evidence to conduct additional investigations." – *USDA Spokesperson or Sam Jones-Ellard, USDA spokesperson.*

Additional information on background, to inform your reporting (OK to use but please no direct quotation):
USDA looks into any formal complaints issued by outside entities. USDA's National Organic Program is the bedrock regulatory program responsible for developing national standards for organically-produced agricultural products. These standards assure consumers that products with the USDA organic seal meet consistent, uniform standards. The USDA organic seal and the NOP program itself have helped organic producers and businesses achieve unprecedented levels of growth for organically produced goods. The retail market for organic products has nearly doubled in value since 2009 while USDA certified organic operations continue to grow year to year. USDA's National Organic Program is a leading global standard and major factor in this success.

In terms of compliance, in FY 2015 alone[ams.usda.gov], the National Organic Program:

- Reviewed or investigated 390 complaints alleging violations of the USDA organic regulations, supporting consumer confidence that the USDA is protecting the organic seal. This investigation count well exceeded last year's total of 286. The program also levied $1,872,875 in civil penalties to businesses knowingly violating organic rules.
- Conducted 34 audits of accredited certifiers to verify their ability to certify farms and businesses to the USDA organic standards. Certifiers are assessed every 2.5 years; these audits build consistency across certifiers.
- Provided due process rights for both certifiers and operations, AMS accepted 35 appeals this year; appeals cases closed in FY 2015 were completed in an average of 121 days; 95 percent of FY 2015 appeals were closed within 180 days.
- To further support consistency across certifiers, conducted in-person certifier training to address key issues in sound and sensible certification, enforcement, appeals, and mediation.
- You can view this data online at: www.ams.usda.gov/sites/default/files/media/Compliance%20%26%20Enforcement%20Report_FY15.pdf[ams.usda.gov]

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Complaints

General

Case Number	NOPC-113-15
Staff Assigned	French
(b) (7)(E)	[redacted]
Complained Party	Redland Dairy
(b) (7)(E)	[redacted]
Address	
City	Farwell
State	Texas
Zip Code	
Country	USA
Certifying Agent	Texas Department of Agriculture
Complainant	Will Fantle, The Cornucopia Institute
(b) (7)(E)	[redacted]

(b) (7)(E) [redacted]

Allegations	Operation is violating the regulations requiring outdoor access and pasture feeding.

(b) (7)(E)

(b) (7)(E)