



2/10/05

TO: Eileen Broomell, Office of Compliance, National Organic Program

RE: Complaint concerning violation of the NOP pasture rule by the Horizon Organic Dairy farm in Idaho

Dear Ms. Broomell,

The Cornucopia Institute is filing this complaint with your office concerning the apparent violation of the pasture rules for ruminants by the Horizon Organic Dairy farm, located near the community of Paul in Jerome County, Idaho. We are asking that you investigate this complaint and undertake all warranted enforcement actions to bring this dairy into compliance with NOP pasture rules in a timely fashion.

Specifically, we believe that the Horizon Organic Dairy farm is violating the spirit and intent of portions of the following **Subpart C** provisions of the NOP regulations:

§ 205.237 Livestock feed.

- (a) The producer of an organic livestock operation must provide livestock with a total feed ration composed of agricultural products, **including pasture** and forage, that are organically produced and, if applicable, organically handled ... (emphasis added)

§ 205.238 Livestock health care practice standard

- (3) Establishment of appropriate housing, **pasture conditions**, and sanitation practices to minimize the occurrence and spread of diseases and parasites; (emphasis added),
- (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 livestock living conditions which accommodate the health and **natural behavior of animals**, including (emphasis added):

(1) Access to the outdoors, shade, shelter, exercise areas, fresh air, and direct sunlight suitable to the species, its stage of production, the climate, and the environment;

(2) Access to pasture for ruminants;

The Cornucopia Institute contends that the Horizon Organic Dairy farm is a drylot operation that does not provide sufficient pasture for their lactating herd numbering approximately 4000 head. The Horizon Organic Dairy farm totals 3885 acres. This acreage has been described as “desert country” by the farm’s general manager in 2001. Any pasture available during the year is reportedly used by dry cows. Feed for lactating cows, which are milked 3 times a day, is delivered to the herd’s corrals by truck.

Additional support for this complaint is provided in the June 12, 2001 edition of The Capitol Press Agriculture Weekly, “*Pasture rule brings change to large organic dairy.*” (http://www.pmac.net/AM/pasture_rule.html)

The Cornucopia Institute recognizes that certified organic dairy operations can remove cows from pasture for "temporary" considerations based on weather, environmental, or health considerations as noted in the following portion of **Subpart C**:

§ 205.239 Livestock living conditions

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

(1) Inclement weather;

(2) The animal's stage of production;

(3) Conditions under which the health, safety, or well being of the animal could be jeopardized; or

(4) Risk to soil or water quality.

The Cornucopia Institute contends, however, that geographic or climatic conditions— which makes pasture impractical or not cost-effective—cannot be used to justify year-round noncompliance with the pasture rule.

The Horizon Organic Dairy farm appears to have been certified by Quality Assurance International, Inc. (QAI). QAI may be contacted at 858-792-3531.

Contact information for the Horizon Organic Dairy is:

Horizon Organic Dairy
2589 E 500 S
Paul, ID 83347-5019
208-438-8450 (p)

The Cornucopia Institute also believes that similar violations of the Subpart C pasture provisions are occurring on other certified dairy operations. We are investigating and collecting information on these farms and intend to file separate formal complaints regarding their violations with your office in the near future.

Please keep The Cornucopia Institute apprised of the status of and progress of your investigation into this formal complaint. We take this matter very seriously. Farmers who have made the difficult conversion to organics and consumers who are paying premium prices for organic foods rely upon the USDA and its approved certifying agents to uniformly and fairly enforce the nation's organic law.

Lastly, pursuant to **Subpart C** and the following provision:

§ 205.680 General

- (a) Persons subject to the Act who believe they are adversely affected by a noncompliance decision of the National Organic Program's Program Manager may appeal such decision to the Administrator.

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
Director of Research
715-839-7731