



**CORNUCOPIA**  
I N S T I T U T E

February 10, 2014

USDA National Organic Program  
1400 Independence Ave., SW  
Room 2646, Ag Stop 0268  
Washington, DC 20250

Dear Mr. McEvoy and Ms. Alonzo,

The Cornucopia Institute is calling your attention to the consistent lack of serious attention paid to enforcement of specific organic regulations concerning §205.240, the pasture practice standard, and its application at the former Dean Foods/WhiteWave factory-scale dairy located in Paul, ID. In December, ownership and operation of the dairy was transferred to John Reitsma, who lives in Twin Falls, Idaho.

In 2005 and in 2006, The Cornucopia Institute filed legal complaints with the NOP alleging the illegal confinement of the thousands of cows in the dairy herd at this operation (then owned by Dean Foods). Based on correspondence from the USDA, and the review of records obtained through a FOIA, complaints were closed by the NOP without a site visit and investigation.

The performance and the National Organic Program, during both the Bush and Obama administrations, should be an embarrassment to all USDA political appointees and staff. It appears that the NOP is making accommodations for industrial-scale dairies, and their owners and commercial patrons, to operate outside of the spirit and letter of the law while materially damaging the ability of family-scale farmers to compete in the marketplace.

Our latest complaint alleges a continued pattern of abuse of the pasture practice standard and mandated access to the outdoors. Thousands of cows are being milked at the facility are being milked three times a day with the animals confined between two of the three milking sessions.

Furthermore, reports from more than one individual intimately involved in the operation state that a percentage of the lactating cows, "high producers," are being milked four times per day and being afforded no access to pasture whatsoever. It was reported to us that Dean/WhiteWave management claimed that they could "average" the entire herd in an effort to meet the 30% minimum dry matter intake.

Averages might be appropriate if their use was not to intentionally subvert the intent of the standards which require all livestock to have access to the outdoors and for all ruminants to have access to pasture.

We once again reiterate our interest in having the department carefully scrutinize the work of the operation's certifier, Quality Assurance International (QAI), to ascertain whether or not they were part of a conspiracy to undermine the integrity of the certification process on dairies.

It is unclear, based on the testimony we have received, whether the high production animals were afforded the minimum 120 days on pasture or if the farm operators were using the same averaging technique and violating the standards in that regard as well.

As you know, there are provisions to "temporarily" confine cattle, primarily due to health or environmental factors. Confining cattle in order to increase milk production, or because the size of the milk herd (currently 2400) requires walking too far to access fresh pasture, would not be one of the legally allowed exemptions from requiring "access to pasture."

We also submit that there is no statute of limitations regarding the allegations previously raised by Cornucopia in the complaints filed in 2005 and 2006 regarding this particular dairy and its operation. We request that NOP investigators closely scrutinize the current management practices in place at the Paul, ID dairy and examine past records regarding management practices to ensure compliance with all pertinent organic regulations and apply appropriate penalties if justified.

Should Cornucopia's allegations prove true, the lack of judicious enforcement by the USDA will have allowed major corporate agribusiness concerns to use their ill-gotten gains to develop commanding market shares and place their competitors, purchasing milk from ethical family-scale farmers, at a competitive disadvantage.

We request that you keep Cornucopia apprised of the status of your investigation and contact us for corroborating information.

Sincerely,



Will Fantle, Codirector  
The Cornucopia Institute