



United States
Department of
Agriculture

JUL 18 2007

Marketing and
Regulatory
Programs

Will Fantle
The Cornucopia Institute
P.O. Box 126
Cornucopia, Wisconsin 54827

Agricultural
Marketing
Service

In reply, please
refer to FOIA 86-07

Washington, DC
20250

Dear Mr. Fantle:

This is the response to your Freedom of Information Act request dated June 26, 2007. You requested, "...a copy of the written notice of non-compliance sent by Quality Assurance International to the Case Vander Eyk, Jr. Dairy preceding the effective date of the suspension of organic certification." Your request was received on June 28, 2007.

The response includes a copy of the 6-page notice of noncompliance issued by Quality Assurance International to Case Vander Eyk, Jr. Dairy on February 22, 2007. The contents of the notification letter that are protected from release per FOIA exemption are described in the attached Vaughn Index. The FOIA exemptions applicable to portions of the responsive document include: 5 U.S.C. 552 (b)(4), which protects information that is commercial or financial and privileged or confidential; 5 U.S.C. 552 (b)(6), where release of this information would constitute a clearly unwarranted invasion of personal privacy and 5 U.S.C. 552 (b)(7)(C), where release of this information could reasonably be expected to constitute an unwarranted invasion of personal privacy.

You may appeal this response within 45 days from the date of this letter. Any such appeal should be in writing and addressed to the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, Room 3071-South Building, 1400 Independence Avenue, S.W., Washington, DC 20250. If you decide to file an appeal please print the words "FOIA Appeal" on the envelope and provide specific reasons why you believe your request should be granted.

Sincerely,

Maria A. Sanders
Freedom of Information Officer



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 www.qai-inc.com

February 22, 2007

Mr. Case Vander Eyk Jr.
 Case Vander Eyk, Jr. Dairy
 P.O. Box 897
 Tipton, CA 93272
 USA

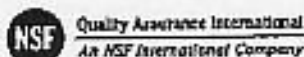
Dear Case:

As part of your obligation for ongoing participation in the QAI Organic Certification Program, the Certification Department has asked us to convey to you that your program will require the following corrective action and/or improvement. Please address each item within the noted time frame.

Within Five Days

Before QAI is able to proceed with the evaluation of your organic certification, the deficiencies identified below must be addressed. Please provide information about how you will correct each deficiency, or documentation that it has been corrected, within **Five Days** (5 days) of receipt of this letter. Alternatively, you may provide additional information to demonstrate that your operation complies with the referenced section of the National Organic Program:

1. An audit trail must be in place to ensure that all activities and transactions are disclosed in sufficient detail as to be readily understood and audited. During your inspection, the following record keeping deficiencies were noted:
 - There are no pasture records to document when animals (those at Shamrock where the milking is done, and those at Chamberlain, Maples and White River Ranches) are or not provided access to pasture. Without pasture records, the inspector was unable confirm total time spent on pasture, amount of feed provided via pasture and/or reasons for temporary confinement when animals are off pasture;
 - There are no records to track individual animals from birth. There are no birthing records (that track specific calves to specific cows). There is no documentation showing the transfer of calves from the conventional calf raiser 5 U.S.C. 552(b)(4) Chamberlain, Maples and White River Ranches, or from these ranches to CVE;
 - There are no health records and there are no cull or death records for the herd. It is not possible to determine the reasons why individual animals are leaving the herd.
- Inspector noted that "it is not possible to verify that no edible livestock products have been removed from the organic operation, managed on a non-organic operation, and later sold, labeled or represented as organic." Specifically:



- The inspector notes there is no documentation maintained after the transport to the Ducor Ranch (Maples, Chamberlain and White River Ranches) to verify that red-tagged (born to organic cows) calves do not enter the organic herd;
- During the dairy farm tour, the organic heifer pen included red-tagged young stock (that is, calves born to organic cows).

Please explain these apparent non-compliances with the USDA NOP standards and, if available, please forward to QAI all appropriate historical documentation from 2003 to date demonstrating compliance.

7 CFR Part 205.103(b)(2)

2. Please provide information justifying your current pasture practices to demonstrate compliance with the USDA NOP Standards given the concerns raised below. Your information should address the requirement for access to pasture for all ruminant livestock, and be consistent with the definition of pasture: "Land used for livestock grazing that is managed to provide feed value and maintain or improve soil, water, and vegetative resources." Please be advised that USDA NOP standards require all ruminant animals to have access to pasture. It was noted during your inspection that:

At Shamrock Ranch:

- There was an average [] head of cattle (including 'close-up dry', fresh, "close up bred heifers" and the organic milking string) at the milking facility on two pastures - totaling [] acres. This allows each cow access to .027 acres of pasture during the rotation of the [] cow pens;
- On inspection day it noted that the 120 acre pasture was disced up, in preparation for the planting of winter wheat. The inspector was informed that the pasture is out of production for 140 days per year to allow rotating crops of winter wheat and sudan grass to be planted and grow. In the OSP submitted, it is stated that the pastures are irrigated for a 5 day period, twice per month, in which the livestock are not permitted access. This means that access to pasture is limited to roughly 160 days per year;

[5 U.S.C. 552(b)(6)
" 552(b)(7)(E)]

And at the Ducor Ranch (Maples, Chamberlain, and White River Ranches):

- The inspector notes that "at the time of the inspection all heifers at the White River Ranch were housed at the feedlot; the animals were not out on the pasture provided at this location because the grass was not ready and 'would not provide feed value'." The inspector adds "The inspection of the other ranches showed some animals out on pasture, maybe [] total. There were approximately [] head at these three ranches."

At all locations:

- It was not possible to confirm the time spent on pasture per cow, per age group, as pasture records (when the animals are or are not on pasture, or a temporary confinement log, etc) are not maintained.

7 CFR Part 205.2, 205.239 (a)(1)(2)

Within Thirty Days

Before QAI is able to proceed with the evaluation of your organic certification, the deficiencies identified below must be addressed. Please provide information about how you will correct each deficiency, or documentation that it has been corrected, within **Thirty Days** (30 days) of receipt of this letter. Alternatively, you may provide additional information to demonstrate that your operation complies with the referenced section of the National Organic Program:

Both Dairy and Crop Producer:

3. Please update your Organic Compliance Plan (OCP) to include current/relevant written descriptions of the following:

Dairy:

- The number of animals in the herd (by age group and stage of production);
- The source and management of replacement heifers;
- The amount of time on and location of pasture for the heifers and bred heifers, lactating cows, dry cows, "close-up" cows, and fresh cows;
- The pasture management plan (including inputs, crops to be harvested, irrigation);

Producer:

- The current crops and crop acres;
- Treated seed is listed as a potential input; the OCP doesn't mention that the treatment will need be on the National List.

7 CFR Part 205.201(a)(1)(3)&(5)

4. Manure cleanup and disposition records must be kept for all organic livestock operations verifying that manure does not contribute to the contamination of crops, soil or water and optimizes the recycling of nutrients.

7 CFR Part 205.239(c)

Dairy:

5. Please update your flow chart to clearly describe the movement of organic cattle from birth. Please include the movement of calves sent to the conventional calf raiser [

5 U.S.C. 552(b)(4)

] 24 hours post-birth through 110 days.

7 CFR Part 205.201(a)(1)

6. Please send to QAI a copy of the current organic certification documentation for the following supplier:

[5 U.S.C. 552(b)(4)]

5 U.S.C. 552(b)(4)

In addition, please explain how your record keeping system verifies the current organic status for all inputs prior to receiving.

7 *CFR Part 205.103(b)(4), 205.237(a)*

7. Please send detailed information and/or label for the mineral pack from ^{5 U.S.C. 552(b)(4)} to QAI for review. Please include documentation that verifies the use of this material is consistent with materials allowed on the National List for livestock (including GMO status).

7 *CFR Part 205.201(a)(2), 205.238, 205.602, 205.603*

Crop Producer:

8. Please establish and maintain a trackable lot numbering system to ensure that organic product can be tracked back to the field of origin. The lot number should be sufficient to record accurate yields from each production area (or field). Once this is completed, send an example to QAI for review.

7 *CFR Part 205.103(b)(2,4), 205.201(a)(6)*

9. Please provide documentation of your attempts to source commercially available organic seed prior to using non-organic seed. Please note the following resources are available for sourcing: Organic Materials Review Institute Seed List, http://www.omri.org/OMRI_SEED_list.html, and the Saving Our Seed website, www.savingourseed.org. During your recent inspection, the following issues were noted:
- Wheat and triticale: the letters on file are generic and do not note the type of seed, nor do they list the suppliers that were contacted;
 - Sudan grass, wheat, and corn: there was no documentation on file to indicate that these seeds were commercially unavailable as organic;
 - Sudan grass, wheat, and corn: there was no documentation on file to indicate that these seeds were not genetically modified, and were not untreated.
- 7 CFR Part 205.201(a)(2), 205.204(a)(1-5)*
10. Please explain in writing how your record keeping system allows for the auditing of your organic feed ingredients from the harvest and/or purchase of inputs through use.
- 7 CFR Part 205.103(b)(2)(4)*

Prior to Annual Monitoring Date

Please include a written response to each item listed below when you submit next year's application for continuation of certification:

11. Please update the attached Individual Field Profiles (IFP) for Shamrock Ranch to list the correct number of acres, as is indicated on the map.
- 7 CFR Part 205.103(b)(2), 205.201(a)(1,2,6)*
12. Please update your Individual Feed Rations (IFRs) annually, to include all feed components and their current suppliers. The entire feed ration, including all agricultural products, pasture, forage, feed supplements additives and minerals, must be detailed on the Individual Feed Profile (IFP).
- 7 CFR Part 205.103(b)*

We at QAI appreciate your effort and dedication to the organic process and look forward to continuing to work together. **Deficiencies requiring correction within 30 days must be addressed before we can resume consideration of your certification. If an adequate response is not received within the specified time, we will assume you no longer wish to be certified by QAI, and a Notice of Proposed Suspension of your certification will be sent to the National Organic Program.** Responses must be sent to the corporate office in San Diego via a delivery service that provides dated return receipts.

If you have any questions, or require any assistance, please contact me by phone at (858) 792-3531 or fax at (858) 792-8665.

Sincerely,

[]

Account Coordinator

5 U.S.C. 552(b)(6)
552(b)(7)(C)

cc: National Organic Program Administrator
Ray Green - California Organic Program Supervisor
[] Inspector

Vaughn Index
AMS FOIA 86-07

Indexed Page Number(s)	Description of Document or Information Withheld	Exemption(s)	Justification
01	Identity of conventional calf raiser	552(b)(4)	The information is commercial or financial and privileged or confidential.
02	Number of livestock units (4 times); number of cow-pens; quantity of pasture acreage (2 times)	552(b)(6) 552(b)(7)(C)	Release of this information would constitute a clearly unwarranted invasion of personal privacy or could reasonably be expected to constitute an unwarranted invasion of personal privacy.
03 -04	Identity of conventional calf raiser; identity of suppliers	552(b)(4)	The information is commercial or financial and privileged or confidential.
06	Name of non-management employee and inspector	552(b)(6) 552(b)(7)(C)	Release of this information would constitute a clearly unwarranted invasion of personal privacy or could reasonably be expected to constitute an unwarranted invasion of personal privacy.