



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

VIA EMAIL

September 27, 2017

Will Fantle  
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The Cornucopia Institute  
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### Complaint Closure Notice

Re: NOPC-253/254-17, Aurora High Plains Dairy and Colorado Department of Agriculture

Dear Mr. Fantle:

We are writing to you today because the U.S. Department of Agriculture (USDA), National Organic Program (NOP) has concluded its investigation of the complaint you filed on May 2, 2017 against Aurora Organic Dairy (Aurora) and Colorado Department of Agriculture (CDA). Your complaint alleged that Aurora's High Plains dairy in Colorado is not complying with USDA organic standards. You also alleged that CDA violated the USDA organic regulations through failure to enforce the USDA organic regulations in its oversight of Aurora. You based this complaint on information contained in the May 2, 2017 article in The Washington Post, *Why Your 'Organic' Milk May Not Be Organic*.

While NOP often refers complaints to accredited certifying agents for investigation, in this case, NOP directly investigated the complaint. NOP conducted an on-site audit of CDA in June of 2017. The audit included interviews with CDA staff that specifically addressed Aurora livestock and pasture management practices.

The NOP also completed an on-site audit at Aurora's facility, which included observing the dairy operation and practices and conducting a detailed review of Aurora records. This on-site visit and records review focused on the following requirements of the pasture practice standards of the USDA organic regulations at 7 CFR 205.240:

- Ruminant livestock must graze on certified organic pasture throughout the entire grazing season for the geographic region.
- Outside the grazing season, ruminants must have free access to the outdoors year-round except under specified conditions (e.g. inclement weather).
- During the grazing season, all livestock must obtain a significant amount of their feed and nutrition from grazing. Supplemental feeding is allowed but cannot exceed 70% of the quantity of feed (measured as dry matter intake or DMI) that the livestock consume. At least 30% of the feed (measured as DMI) must be obtained from grazing on organic pasture.

NOP's investigation did not find violations of existing USDA organic regulations by Aurora. We found that Aurora was providing 30% DMI from grazing on pasture during the grazing season. Aurora was using and following an approved Organic System Plan. The dairy is certified organic and in good standing under the USDA organic regulations.

NOP's investigation further determined that CDA's oversight of Aurora's livestock and pasture management practices is generally compliant with the USDA organic regulations and NOP policies. CDA has conducted annual inspections of Aurora's production facilities and ensured compliance with grazing season and other pasture requirements. As part of AMS' oversight of each USDA accredited certifying agent, final audit reports from on-site evaluations are published on the NOP's website.

As with all complaints, NOP's evaluation was based on whether there was clear and substantive evidence that the existing organic regulations have been violated. The photographs and observations referenced in the news article, while reviewed as supporting information, did not provide sufficient evidence to substantiate such violations. Similarly, while residue testing for prohibited substances is an important part of the organic regulations, testing based on nutrient levels is not part of the existing organic standards, and therefore, cannot serve as a criteria for assessing compliance.

Our mission is to ensure the integrity of the USDA organic seal. We do this through a robust global organic control system that includes standards, accreditation, certification, and enforcement. The USDA organic regulations are developed through an open and public process. AMS implements a rigorous and well-documented accreditation process, and oversees the certification activities of certifiers around the world. We conduct objective investigations based on standards and evidence; we post information about our enforcement activities, and we provide due process rights provided for under U.S. law.

Based on NOP's investigation of the allegations, we determined that Aurora's livestock and pasture management practices comply with existing USDA organic regulations and NOP policies. Our review further determined that CDA's oversight of Aurora's practices is generally

compliant with the USDA organic regulations and NOP policies. Therefore, the case is hereby closed.

Sincerely,



Betsy Rakola  
Director, Compliance and Enforcement  
USDA Agricultural Marketing Service, National Organic Program