

United States Department of Agriculture
Agricultural Marketing Service
National Organic Program
Compliance and Enforcement Division

REPORT OF INVESTIGATION

Investigation Number(s): NOPI-LS-00240-2024

Date of Complaint: 04/15/2024

Investigation Type: Livestock

Complained Party:

Alexandre Family Farms
8371 Lower Lake Road,
Crescent City, California, United States 95531

Complainant:

John Millspaugh

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john@farmforward.com

Farm Forward
PO Box 4120,
Portland, Oregon, USA 97208

Relevant Regulation:

7 CFR 205.201 - Organic production and handling system plan

7 CFR 205.238 - Livestock health care practice standard

7 CFR 205.239 - Livestock living conditions

Compliance Specialist: Judith Ragonesi

Date of Report: 11/05/2024

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I. Introduction and Initial Allegations:

The U.S. Department of Agriculture (USDA), Agricultural Marketing Service (AMS), National Organic Program (NOP) reviews and verifies compliance to the NOP's regulations and standards. On April 16, 2024, the U.S. Department of Agriculture (USDA), Agricultural Marketing Service (AMS), National Organic Program (NOP) received an email complaint alleging that Alexandre Family Farm, located in Crescent City, California, had committed "...many severe animal welfare violations over the past five years...". The complainant also requested that NOP "...investigate CDFA's failure to report any such violations when CDFA was asked to investigate the operation...". As evidence, the complainant linked a 53 page report their organization (Farm Forward) wrote about "Corruption and Consumer Fraud at Alexandre Family Farm."

On April 16, 2024, the NOP searched the USDA Organic Integrity Database (OID) for Alexandre Family Farm and found three results. Alexandre Family Farm was listed as certified by CCOF effective June 26, 2003. Alexandre Family Farm dba Alexandre Kids Eggs was listed as certified by CCOF effective May 02, 2007. Alexandre Family Creamery DbA Alexandre Family Farm was listed as surrendered effective October 17, 2017.

On April 16, 2024, the NOP reviewed its investigation records and found a related investigation NOPC-00009060-23. NOPC-00009060-23 was against the same operation for the same issues. The investigation was closed on September 21, 2023 with the statement "Allegations were not substantiated; complaint was referred to and investigated by the SOP."

II. Investigative Summary

III. Findings of Fact

National Organic Program (NOP) received a complaint alleging that Alexandre Family Farm (Alexandre), which is certified by CCOF Certification Services, LLC

(CCOF),

between 2019 and 2023 violated the USDA organic regulations at 7 CFR Part 205 by contaminating soil with carcasses, using prohibited substances on organic livestock, and multiple

noncompliant animal welfare instances.

Specifically, the complaint alleges the following:

- Hip lifters were used to move, or drag, non-ambulatory animals on at least 2 occasions.
- Approximately 800 animals that were 3-4 years of age were dehorned by cutting with no

pain minimization.

- Approximately 80 pregnant heifers were euthanized due to, “heifers were so skinny, and their calves were so big that the heifers couldn’t successfully calve.”

- A non-ambulatory cow was denied care for approximately two weeks.

- A calf was stuck in a headlock for approximately three days, injured herself and was without water.

- One cow’s teat was cut off with a dirty pocketknife and without pain minimization.

- One cow was stuck in a feed trough and died.

- There was no routine hoof care for lameness and foot rot.

- Animals sick, injured, lame, or unfit, were loaded for transport to move them to auction, or sale. These animals were described as having cancer eyes, eye infections or injuries, injured legs, poor body condition, weak, lame, and with spinal cord injury.

- Salt was used on eyes with patches to heal eye illnesses.

- Diesel fuel with mineral oil was sprayed on livestock for fly prevention.

- Tetracycline was used on hooves as a topical treatment.

- Dead animals were composted in pastures where livestock grazed.

- Additionally, the complainant alleged that in 2018, when Alexandre won the Organic Trade Association’s organic farmer of the year award, approximately 40 cows were trampled and 20 were injured when 800 animals were fed after being without feed for several days. National Organic Program (NOP) received a complaint alleging that Alexandre

Family Farm (Alexandre), which is certified by CCOF Certification Services, LLC (CCOF),

between 2019 and 2023 violated the USDA organic regulations at 7 CFR Part 205 by contaminating soil with carcasses, using prohibited substances on organic livestock, and multiple

noncompliant animal welfare instances.

Specifically, the complaint alleges the following:

- Hip lifters were used to move, or drag, non-ambulatory animals on at least 2 occasions.
- Approximately 800 animals that were 3-4 years of age were dehorned by cutting with no

pain minimization.

- Approximately 80 pregnant heifers were euthanized due to, “heifers were so skinny, and their calves were so big that the heifers couldn’t successfully calve.”

- A non-ambulatory cow was denied care for approximately two weeks.

- A calf was stuck in a headlock for approximately three days, injured herself and was without water.

- One cow's teat was cut off with a dirty pocketknife and without pain minimization.
- One cow was stuck in a feed trough and died.
- There was no routine hoof care for lameness and foot rot.
- Animals sick, injured, lame, or unfit, were loaded for transport to move them to auction, or sale. These animals were described as having cancer eyes, eye infections or injuries, injured legs, poor body condition, weak, lame, and with spinal cord injury.
- Salt was used on eyes with patches to heal eye illnesses.
- Diesel fuel with mineral oil was sprayed on livestock for fly prevention.
- Tetracycline was used on hooves as a topical treatment.
- Dead animals were composted in pastures where livestock grazed.
- Additionally, the complainant alleged that in 2018, when Alexandre won the Organic Trade Association's organic farmer of the year award, approximately 40 cows were trampled and 20 were injured when 800 animals were fed after being without feed for several days. These items should be verified at the next opportunity for reviewing Alexandre. These items should be verified at the next opportunity for reviewing Alexandre.

IV. **Exhibits**

Description: National Organic Program (NOP) received a complaint alleging that Alexandre Family Farm (Alexandre), which is certified by CCOF Certification Services, LLC (CCOF), between 2019 and 2023 violated the USDA organic regulations at 7 CFR Part 205 by contaminating soil with carcasses, using prohibited substances on organic livestock, and multiple noncompliant animal welfare instances.

Specifically, the complaint alleges the following:

- Hip lifters were used to move, or drag, non-ambulatory animals on at least 2 occasions.
- Approximately 800 animals that were 3-4 years of age were dehorned by cutting with no pain minimization.
- Approximately 80 pregnant heifers were euthanized due to, "heifers were so skinny, and their calves were so big that the heifers couldn't successfully calve."
- A non-ambulatory cow was denied care for approximately two weeks.
- A calf was stuck in a headlock for approximately three days, injured herself and was without water.
- One cow's teat was cut off with a dirty pocketknife and without pain minimization.
- One cow was stuck in a feed trough and died.
- There was no routine hoof care for lameness and foot rot.
- Animals sick, injured, lame, or unfit, were loaded for transport to move them to auction, or sale. These animals were described as having cancer eyes, eye infections or injuries, injured legs, poor body condition, weak, lame, and with spinal cord injury.
- Salt was used on eyes with patches to heal eye illnesses.
- Diesel fuel with mineral oil was sprayed on livestock for fly prevention.
- Tetracycline was used on hooves as a topical treatment.

- Dead animals were composted in pastures where livestock grazed.
- Additionally, the complainant alleged that in 2018, when Alexandre won the Organic Trade Association's organic farmer of the year award, approximately 40 cows were trampled and 20 were injured when 800 animals were fed after being without feed for several days.

Date Obtained:

Log Number: 1 Original complaint

Description: CCOF Investigation and Information RESPONSE, to each allegation

- CCOF observed Alexandre's new protocol (b) (4). Alexandre acknowledged that an animal had been improperly moved with hip lifters.
- CCOF verified (b) (4).
- CCOF and Validus did not observe concerns with body condition score for any animals.
- CCOF confirmed that there was no record that Alexandre neglected a non-ambulatory animal and, Alexandre denied this action.
- CCOF confirmed that there was no record of a calf stuck in a headlock with injuries and, Alexandre denied this action.
- CCOF confirmed that Alexandre protocols prohibit cutting teats for any reason.
- CCOF confirmed that there was no record of a cow that was stuck in a feed trough and died.
- CCOF confirmed that Alexandre animals had severe lameness and hoof rot. After the settlement agreement was implemented, CCOF confirmed that Alexandre had implemented a preventative lameness protocol.
- CCOF confirmed that Alexandre transported unfit for transport animals to auction or sale. After the settlement agreement was implemented, CCOF confirmed that Alexandre will complete new forms that comply with the new Organic Livestock and Poultry Standards regulations.
- CCOF confirmed that (b) (4). CCOF confirmed that (b) (4).
- CCOF confirmed that Alexandre used diesel fuel for fly control. After the settlement agreement was implemented, CCOF confirmed that treated animals were removed from the herd and sold as nonorganic.
- CCOF confirmed that Alexandre did not have tetracycline onsite in 2023 and 2024, and Alexandre denied this action.
- CCOF confirmed that Alexandre does not allow animals to graze near cow composting sites and Alexandre is being evaluated by the California Department of Agriculture regarding maintenance of natural resources. CCOF confirmed that Alexandre is aware of carcass disposal requirements.
- CCOF confirmed that Alexandre animals were without feed and some animals died from trampling. CCOF confirmed that Alexandre implemented new protocols and there has not been a reoccurrence of this type of incident.
- CCOF confirmed that Alexandre has significantly improved their practices and

hired a veterinary animal welfare consultant who has trained staff on new healthcare protocols.

Date Obtained:

Log Number: 2

Description: Alexandre Submission to NOP – List of Inspections and Audits

- National Dairy FARM Program – 1) March 19,20, 2024 Passed Unannounced inspection, 2) May 9,10, 2024 Passed Inspected every 3 years, 3) May 28-30, 2024 Passed expecting additional unannounced inspection for follow up
- Certified Humane – 1) July 7-9, 2022 Passed, 2) March 25, 2024 Passed, 3) May 2-4, 2024 Passed
- Validus – 1) July 18, 2023 Passed, 2) May 15-16, 2024 Passed
- California Department of Food and Agriculture (CDFA) – May 2023 Passed
- CCOF Certified Organic – 1) Sept 18-19, 2023 Compliant annual inspection, 2) Nov 28, 2023 Compliant Unannounced inspection, 3) June 3-5, 2024 Compliant Unannounced inspection feedback to Alexandre in letter
- ROA Regenerative Organic Certified (ROC) – Mar 4, 2024 Suspended, May 29, 2024 requested additional inspection to lift suspension
- Organic Trust Plus – Dec 20, 2023 Passed

Date Obtained:

Log Number: 3

Description: Alexandre Submission to NOP - Response specific to allegations

- Alexandre confirmed that employees were incorrectly moving cows with hip clamps. Employees have been retrained and new protocols are in place to prevent this from happening again.
- Alexandre confirmed that animals were to be horn-tipped in 2019 however some animals were inappropriately horn-tipped. The current protocol is to (b) (4). Additionally, Alexandre has never used caustic paste for dehorning.
- Alexandre denied that body condition of animals was a concern and that animals were not euthanized due to being too thin for calving.
- Alexandre did not have record of a non-ambulatory cow without care for approximately two weeks however, they did acknowledge that the animal was likely on their property. Alexandre procedures are to (b) (4).
- Alexandre did not have record of a calf stuck in a headlock for approximately three days however they did acknowledge the photo of the animal was from their farm. Alexandre stated that the animal look healthy in the photo and the protocol would be to immediately release the animal.
- Alexandre stated that their protocols have never allowed cutting teats off however, in 2018 or 2019 an individual allowed to be on the farm cut the teat off an animal with mastitis. Alexandre spoke with all employees that may have witnessed the activity and told them that the behavior was not allowed and that it was unethical.
- Alexandre stated that they were not aware of the animal that died in the feed

trough and that the feed manager in the photo was removed in 2018 or 2019.

- Alexandre stated that employees have been trained to trim and treat hooves. They have worked with multiple veterinarians for lameness treatment plans. Lameness animals are treated before they are sold. Alexandre stated that they do not withhold treatment to maintain an animal's organic status. Due to their certifiers fall 2023 inspection, they have focused on preventative hoof care management.

- Regarding loading unfit for transport and sale animals, Alexandre stated that they had a (b) (4) and determined that this was low for the industry and a testament to longevity in their herd. Alexandre stated that they follow the Beef Quality Assurance Guidelines and the National Dairy FARM Program guidelines for animals leaving the farm. (b) (4)

(b) (4)

Alexandre stated that a nutritionist and a veterinarian visit bi-monthly, while each certifying agency visits up to two times per year and their cows were never described as malnourished. Alexandre included a letter from the California Department of Food and Agriculture stating that Alexandre was in compliance with state and federal regulations.

- Alexandre stated that the cancer eye cow that was sold at auction was a healthy cow however she could have gone to auction sooner. Alexandre also stated that there was only one cow in 2023 sold for cancer eye and one cow in 2022 sold for the same reason.

(b) (4)

- Alexandre stated that (b) (4), and approved by the certifier. (b) (4)

- Alexandre acknowledged that diesel fuel was used for fly prevention and that treated animals were removed from the herd. Protocols were implemented and training occurred to ensure this does not reoccur.

- Alexandre stated that they had not used tetracycline in over 25 years.

- Alexandre acknowledged that (b) (4)

(b) (4)

Alexandre acknowledged that 30 head, not 40 head, died or were euthanized when there was an equipment break down, staff were unavailable, and animals were held in an area that typically did not hold animals. Alexandre stated that this was a one-time tragic event that resulted in added back up feeding systems, emergency contacts, and new protocols to prevent reoccurrence.

- All protocols and procedures are available in English and Spanish.

Date Obtained:

Log Number: 4

Description: CDFA Submission to NOP

- 2023 Alexandre protocols and procedures for: (b) (4)

(b) (4)

- Alexandre animal source and tracking information
- Alexandre animal treatments for each dairy, (b) (4)

• Alexandre records for calving, showing the date of calving and the Dam ID associated with the calf for all dairies

- Alexandre records for (b) (4)

• Records of animal purchases in 2021 and 2022

- Records of animal sales in 2023, 2021, to (b) (4)

- PROVIDE TO CCOF, feedback to Alexandre in letter: Animal sale to (b) (4)

Date Obtained:

Log Number: 5

Description: Settlement Agreement 2.16.2024 – effective for 2 years, CCOF and Alexandre

- One unannounced inspection per year during the SA to evaluate compliance with 205.238 and 205.239
- Quarterly submission of healthcare treatment records during the SA
- Quarterly submission of cull cow records including all animals culled, reasons for culling and culled as organic or nonorganic during the SA
- All healthcare practices and protocols for animal living conditions per the OSP must be followed
- Animals treated with diesel fuel for fly control would no longer be considered organic

Date Obtained:

Log Number: 6

Description: CCOF Annual inspection – 11.14.2021

- Findings: “Conditions of Ongoing Certification” were issued for these findings – 1) Smith River Dairy herd was standing in water in free stall barn from a flush system backup, 2) The majority of calf hutches had clean and dry bedding of shavings however, several calves in hutches did not have clean and dry bedding at one of the locations – Alexandre Dairy, not the AA location.

- Findings: “Demonstrate at Next Inspection” included – 1) calf treatment records for natural treatments were not documented however other treatments were documented.

- (b) (4)
- CCOF Annual inspection – 9.28.2022
- No findings or NONC's
 - "Leave ample buffer zones for manure watering." "Several areas dedicated to wildlife" (b) (4)
 - "All calf hutches viewed during the 2-day walk through were clean and dry."
 - "The flush system at SRR now works appropriately."
 - "Calf treatment records were verified during the annual audit. Natural and homeopathic remedies are now included."
 - SIDE NOTE (b) (4)
- CCOF Annual inspection – 9.22.2023
- Findings: Some larger calves in hutches were cramped and did not have clean dry bedding. (b) (4). Calf mortality rate averages (b) (4)
 - In 2022 (b) (4)
 - Algae growth in water trough at (b) (4)
 - Operation works to conserve and restore habitat and properly manage nutrient cycling on farm. (b) (4)
 - SIDE NOTE (b) (4) -not certified organic - bought organic and nonorganic cows from Alexandre in 2022)
 - (b) (4) buys nonorganic cows, (b) (4) gets organic and nonorganic animals
- CCOF Unannounced inspection – 11-28-2023 to 11-30-2023
- Combined Notice of NONC and NOPS issued on 12.21.2023 for 205.239, 205.201, 201, 205.238
 - Calves in hutches had wet bedding and dried manure on their bodies, Alexandre Acre Dairy and Alexandre Family Farm free stall barns bedding was wet and dirty. Alexandre Eco Dairy and Smith River Ranch free stall barns were clean and dry.
 - Alexandre Acres had flooded and muddy areas even though the weather had been dry for a week.
 - (b) (4). A high amount of biodiversity was noted.
 - (b) (4)
 - Most animals had an average 3plus body condition score
 - Several animals at Alexandre Acres had severe hoof rot, trimming and treatment records were available. One of these animals was set for sale to slaughter.
 - The operation (b) (4)
 - There is a (b) (4) calf mortality rate and a (b) (4) general mortality rate for older animals.

- (b) (4)

CCOF Unannounced inspection – 6-3 and 4-2024

- Condition of Ongoing Certification issued on 6.20.2024 for 1) 205.238(a)(5) not removing an eye patch after the treatment is complete, 2) (205.238(c)(7) hoof bath not in use at (b) (4)

- All calves in hutches were bedded and appropriately aged for the size of hutches. Calves were healthy with few incidences of scours and pink eye. (b) (4)

- Hoof health was “markedly improved” at all facilities and less lameness was observed with the use of foot baths and more regular trimming. A lame cow pen was created.

- Updated health protocols and medicines were in use.

- A veterinarian was contracted with an animal welfare focus.

- (b) (4)

- (b) (4)

- A new protocol for (b) (4)

- (b) (4). Only the tip of the horn was meant to be trimmed however some employees trimmed too much. Instead the operation (b) (4)

- Skinny heifer allegation, body condition scores are adequate for all animals.

- Teat removal allegation, Alexandre believes the person who took the photo performed the practice and no longer works there. Employees are to report animal welfare violations and have the option to report them anonymously.

- Alexandre has no record of a non-ambulatory animal denied care for two weeks and a calf stuck in a headlock for three days.

- Routine hoof care and lameness care is now occurring.

- No tetracycline was used on hooves and no tetracycline was found onsite or as a prescription by the local veterinarian.

- The 2018 allegation of animals being trampled due to hunger did occur and protocols were put in place to prevent reoccurrence.

- (b) (4) and animals are receiving care.

- (b) (4)

- Alexandre provided Validus Animal Welfare Review – Dairy Audit Findings Summary dated May 16, 2024 which included the following items of note: (b) (4)

Date Obtained:

Log Number: 7

V. **Conclusion**

Some of the allegations were substantiated by the investigation process and some were not substantiated. Due to systemic failures found at Alexandre, they received a Combined Notice of Noncompliance and Proposed Suspension from their certifier, CCOF. Alexandre changed multiple practices and procedures, trained staff, hired an animal welfare consultant and corrected all noncompliances. Alexandre entered into a Settlement Agreement with CCOF and is receiving additional oversight and monitoring for two years. Alexandre received an unannounced inspection by CCOF in June 2024 and showed correction of substantiated allegations.

VI. **Recommendation**

The NOP recommends closing this complaint and sending a Case Closure Notice to the complainant, to the certifier, to the California State Organic Program, and to the operation. The notices for each recipient will outline the results of this investigation and put the operation on notice that future violations may result in the suspension of its organic certification per the settlement agreement. Additionally, the NOP recommends opening a Case Management System oversight tracking surveillance to monitor the operation's progress through the settlement agreement process to ensure continued compliance.

VII. **Referrals**

Reviewed and approved by:

[dbUser.supervisorUser.firstName] [dbUser.supervisorUser.lastName]
[dbUser.supervisorUser.jobTitle][list:oigcase.investigators],
Compliance and Enforcement Division
National Organic Program