

## Northeast Organic Dairy Producers Alliance



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March 19<sup>th</sup> 2013

National Organic Standards Board,  
Ms. Ann Michelle Arsenault, Special Assistant,  
USDA-AMS-NOP, 1400 Independence Ave. SW.,  
Room 2648-S, Mail Stop 0268,  
Washington, DC 20250-0268

**Docket No: AMS-NOP-12-0070; NOP-12-17**

National Organic Standards Board:

NODPA is the largest organic dairy farmer organization in the country and has a membership of eight hundred and thirty six organic dairy farmers. NODPA's mission is to **"enable organic dairy family farmers, situated across an extensive area, to have informed discussion about matters critical to the well being of the organic dairy industry as a whole."** NODPA is not aligned with any one processor or cooperative and is therefore able to represent the views and needs of many different farmers in the northeast and across the country by working with its sister organizations, MODPA and WODPA, under the umbrella organization of the Federation of Organic Dairy Farmers (FOOD Farmers).

NODPA is a member of the National Organic Coalition (NOC), comprised of consumer organizations, organic farmers, organic food companies, and organic certifiers. The goal of the coalition is to assure that organic integrity is maintained, that consumers confidence is preserved and that policies are fair, equitable and encourage diversity of participation and access.

Our comments on various issues in front of the National Organic Standards Board (NOSB) and the National Organic Program (NOP) follow.

Respectively submitted by Ed Maltby, NODPA Executive Director

### **§205.236 Origin of Livestock**

We understand that the NOP is in the process of writing a Proposed Rule on **§205.236 Origin of Livestock** and we urge the NOP to complete the process as soon as possible as this is a critical issue for organic dairy farm families.

### **Vaccines Working Group Interim Report: Identifying Vaccines Made with Excluded Methods Submitted to the National Organic Standards Board Livestock Subcommittee**

We welcome the dedicated work of this Group in looking at the specific issues of vaccines but also at a better definition of excluded methods that will help inform certifiers on how to evaluate different vaccines produced from a variety of methods. Producers want a safe, consistent and easy to understand criteria for what they can and cannot use. They have neither the time nor the scientific knowledge to assess what vaccine are produced by what method; especially as different professional organizations have varying definitions for commonly used terminology. It should be pointed out that OMRI was created to assist producers and growers with knowing what products can be used and they, unlike a federal agency, can ask a manufacturer for proprietary information on the process and methods.

### **Petitioned Material Proposal for Oxytetracycline**

**A Petition to the National Organic Standards Board (NOSB) was received for Removal of the Expiration Date (October 21, 2014) for the Authorized Use of Tetracycline for the Control of Fire Blight in Apples and Pears. It was furthermore requested by the petitioner to reinstate Tetracycline to the sunset process.**

NODPA opposes the majority recommendation of the NOSB Crops Sub-Committee which proposes a new expiration date of October 21, 2016 for the use of oxytetracycline in apples and pears for the control of fire blight. We also oppose a typical 5-year listing with re-review at sunset.

The regulation of organic certification is a work in progress, and the NOSB plays an essential role in balancing the tension between scientific analysis and justification; the perception and the demands of the organic consumer and farming practices. This tension between consumer expectations and the practicality of organic production has been particularly evident in this petition before the NOSB to extend the use of antibiotics in organic tree fruit. All surveys of consumers show that the lack of antibiotics, growth hormones, GE contamination, herbicides and pesticides are key issues for consumers in deciding to purchase organic. While NODPA does not agree that the use of antibiotics is benign, we acknowledge that the entire organic community – farmers, advocacy groups, scientists and consumers – is willing to discuss the question of whether this antibiotic may be necessary for a little while longer in order for serious work to continue on finding alternatives that perform in organic

systems. To be credible to the organic community and to organic consumers, any decision for extension must include:

- **An absolute expiration date**, with the Board committing to not accepting any further petitions for extension of use. The NOSB “intent” is necessary to inform future Boards that any use extension must be crystal clear to all involved that this use will not be extended.
- **Specific use annotation** to document a grower’s movement up the disease management hierarchy
- **A resolution detailing how oversight from certifiers and the NOP will be carried out**, to be placed in the NOP program manual or other mandatory certification directions given to certified operations and their agencies.

In the early 1990’s, the NOSB was going to allow the use of antibiotics in livestock with extended withdrawal periods. Organic livestock farmers saw the danger in that and the inherent conflict with organic principles of having antibiotics in organic production. In 1998, producers advocated to the NOSB that antibiotics should be banned for livestock production because “they (producers) report that good health maintenance practices gradually eliminate the need for antibiotic use except in extremely rare instances.” In retrospect, this action has helped to preserve the integrity of organic certification in dairy products in the eyes of consumers.

For organic tree fruit farmers, the NOP and NOSB have continued to allow the use of antibiotics in tree fruit while providing no research dollars for alternatives. The marketplace has continued to demand varieties of fruit that are susceptible to fire blight without providing any dollars for on-farm research to enable growers to provide product without using antibiotics. Some tree fruit growers have been able to adapt to not using antibiotics, but that depends a great deal on environment and climate as well as production practices and variety selection. The NOSB now needs to reassure consumers that no matter what the effect is on farmers, acres under organic certification or domestic supply to the market, that organic certification will guarantee that there is no permitted use of antibiotics at any level in organic production.

The use of antibiotics in tree fruit will have a significant, negative effect on the organic brand going beyond the direct effect on the market for organic tree fruit production. Dedicated consumers who purchase organic have specific expectations of their organic products, including the oft-repeated phrase that organic does not include the use of antibiotics. This prohibition is true for all but two antibiotics only allowed to be used to treat fire blight in apples and pears, but there is no doubt that most consumers would expect antibiotics to be prohibited in all organic systems. Details about whether or not antibiotics may or may not be used in a given year, or that it may only be sprayed on the bloom – prior to fruiting, does little to allay consumer concerns about organic products.

Inevitably this will affect consumers of organic dairy products.

Whatever the injustice to growers, and, as always it will be the growers who are most affected by the decision to end this particular practice, we cannot allow the NOSB to yet again approve a continuation of a practice that they have said should be ended since 2006. The NOSB needs to refuse this petition and ban the use of antibiotics in tree fruit from October 2014. Perhaps marketers and buyers can provide funds to growers to assist with these changes as organic dairy buyers have done to

assist with the financial challenges of transition from non-organic production which includes the use of antibiotics to a system that does not but relies on prevention, genetics, operating practices and alternative remedies.

### **GMOs and seed purity**

We agree with the subcommittee that preventing contamination of organic crops by genetically engineered (GE) organisms is important to maintaining organic integrity. We also agree about the importance of GE-free seeds as a basic requirement for organic production. It is a tremendous challenge to maintain high quality organic seeds free from GE contamination while not burdening organic growers, who are the victims of contamination of their seed stock. NOC encourages creative approaches that take into account that organic growers need seeds that are not contaminated by GE genes, are diverse and regionally-adapted to their growing conditions, and that costs to prevent contamination should be borne by the GE seed patent holders, who should be held accountable for the costs associated with their products.