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After the implementation date of the Origin of Livestock final rule on April 5, 2023, organic dairy producers will be prohibited from purchasing cows transitioned from conventional into certified organic status.* Organic dairy livestock producers must maintain herd records that show if an animal is transitioned or certified brood offspring, i.e., a last-third of gestation certified organic animal.

**Some small businesses may be granted limited exceptions by the Agricultural Marketing Services (AMS) director.*

Purchasing Requirements

Producers purchasing organic livestock must have the following records for the purchased livestock:

- Current organic certificate from the operation you are purchasing from.
- Animal list, which must include ID, dam, and date of birth of each animal.
- Health records.
- Individual animal slaughter eligibility status.

As noted above, current organic certificates must accompany the purchase of cattle. The organic certificate helps to identify if there are transition cows in a herd. **Purchasing of transitioned cows after April 5, 2023, will be prohibited.** Unlike certified organic offspring of brood stock managed organically through the last third of gestation, transition cows are not eligible for organic slaughter.

MOFGA Certification Services (MCS) lists slaughter eligibility on a producer's organic certificate in three ways.

- Dairy cattle for slaughter – all eligible
- Dairy cattle for slaughter – some eligible
- Dairy cattle for slaughter – none eligible

All eligible written on a producer's organic product verification means that all livestock in the herd were managed organically from the last third of gestation. All eligible for organic slaughter determinations also verify that parasiticides or prohibited medications were not used on organic livestock. Parasiticides and prohibited medications disqualify livestock from organic slaughter eligibility, but not organic dairy production.

Some eligible slaughter status listed on a product verification could mean some of the livestock in the farm's herd are transition cows, the herd contains cows treated with parasiticides, or that inadequate herd records are kept as required to verify organic slaughter status of each animal. **If** purchasing cattle from a producer with **dairy cattle for slaughter – some eligible** listed on the farm's organic product verification, it is important to obtain the seller's livestock records showing the purchased cow's date of birth, dam, and health care records. **After April 5, 2023,** records must be reviewed prior to purchase, to ensure **you are not purchasing a transition cow.** Additionally, health care records must be kept to show purchased animals were not treated with prohibited medications or parasiticides.

None eligible listed on a product verification means that there are no animals in the herd that are eligible for organic slaughter. None eligible listed on a producer's organic product verification may be the certifier's determination if

the entire herd consists of transitioned livestock, all livestock were treated with parasiticides or prohibited medications, or if records are not in place to verify the origin of livestock and health histories.

Always review a producer's organic certificate and product verification prior to purchasing cattle to ensure you are not purchasing a transition cow (after April 5, 2023). It is your responsibility to verify and retain records that show the origin of livestock (date of birth and dam) as well as health care records for all livestock purchased or born on your farm.

National Organic Program (NOP) rule references:

§205.236 Origin of livestock.

(a) Livestock products that are to be sold, labeled, or represented as organic must be from livestock under continuous organic management from the last third of gestation or hatching: Except, That:

(2) Dairy animals. Subject to the requirements of this paragraph, an operation that is not certified for organic livestock and that has never transitioned dairy animals to organic production only once. After the one-time transition is complete, the operation may not transition additional animals or source transitioned animals from other operations; the operation must source only animals that have been under continuous organic management from the last third of gestation.

§ 205.603 Synthetic substances allowed for use in organic livestock production

In accordance with restrictions specified in this section the following synthetic substances may be used in organic livestock production:

(23) Parasiticides - prohibited in slaughter stock, allowed in emergency treatment for dairy and breeder stock when organic system plan-approved preventive management does not prevent infestation. In breeder stock, treatment cannot occur during the last third of gestation if the progeny will be sold as organic and must not be used during



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the lactation period for breeding stock. Allowed for fiber bearing animals when used a minimum of 36 days prior to harvesting of fleece or wool that is to be sold, labeled, or represented as organic.

(i) **Fenbendazole (CAS #43210-67-9)** - milk or milk products from a treated animal cannot be labeled as provided for in subpart D of this part for: 2 days following treatment of cattle; 36 days following treatment of goats, sheep, and other dairy species.

(ii) **Moxidectin (CAS #113507-06-5)** - milk or milk products from a treated animal cannot be labeled as provided for in subpart D of this part for: 2 days following treatment of cattle; 36 days following treatment of goats, sheep, and other dairy species.



The End of Organic Farming

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- reciprocity agreements can be amended.
6. Support local and regional organic producers — Buy from local and regional organic growers who follow all OFPA and regulatory requirements. Plant organic gardens and orchards.
 7. Support the Real Organic Project and Rodale's Regenerative Organic Certification, both of which highlight operations that fully comply with all requirements of OFPA and 7 CFR 205, including those which require soil building, crop rotation, protection of biodiversity and natural resource management.
 8. Amend the Law — As a Big Plan B, amend the OFPA to make it clear that hydroponics, genetic engineering and food irradiation are not allowed in organic. Period.

While the USDA would like us to believe that this is a "settled issue," it will not be settled until the USDA enforces the soil fertility provisions of 6513(b)(1) and

uses its accreditation program to stop certification of hydroponic operations as "organic."

Jim Riddle was founding chair of the International Organic Inspectors Association. He served on the National Organic Standards Board and on the boards of the International Organic Accreditation Service and the Organic Farmers Association. Jim currently serves as chair of Minnesota's Organic Advisory Task Force, which advises the MDA and UMN on organic policy and research priorities.



Jim Riddle making compost at Blue Fruit Farm. (Photo credit: Jim Riddle)



Material Inputs (Cont'd)

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References:

- NOP §205.201 — www.ecfr.gov/current/title-7/subtitle-B/chapter-I/subchapter-M/part-205/subpart-C/section-205.201
NOP §205.105 — www.ecfr.gov/current/title-7/subtitle-B/chapter-I/subchapter-M/part-205/subpart-B/section-205.105
NOP §205.602 — www.ecfr.gov/current/title-7/subtitle-B/chapter-I/subchapter-M/part-205/subpart-G/subject-group-EC-FRoebc5d139b750cd/section-205.602
NOP §205.603 — www.ecfr.gov/current/title-7/subtitle-B/chapter-I/subchapter-M/part-205/subpart-G/subject-group-EC-FRoebc5d139b750cd/section-205.603
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NOP §205.206 — www.ecfr.gov/current/title-7/subtitle-B/chapter-I/subchapter-M/part-205/subpart-C/section-205.206
NOP §205.238 — www.ecfr.gov/current/title-7/subtitle-B/chapter-I/subchapter-M/part-205/subpart-C/section-205.238
NOP §205.271 — www.ecfr.gov/current/title-7/subtitle-B/chapter-I/subchapter-M/part-205/subpart-C/section-205.271
National List of Allowed and Prohibited Substances — www.ecfr.gov/current/title-7/subtitle-B/chapter-I/subchapter-M/part-205/subpart-G/subject-group-ECFRoebc5d139b750cd
OMRI — www.omri.org
WSDA — cms.agr.wa.gov/WSDAKentico/Documents/FSCS/Organic/Pubs_organic/WSDA_Organic_Input_Material_List.pdf
CDFA — www.cdfr.ca.gov/is/fldr/pdfs/RegisteredOrganicInputMaterial2022.pdf

