

## Implementation date for Origin of Livestock Final Rule – April 5, 2023

by Jade Archer, Certification Specialist

The USDA National Organic Program (NOP) published the Origin of Livestock (OOL) final rule on April 6, 2022. The rule took effect on June 6, 2022, and all certified organic producers are required to fully comply by April 5, 2023, 10 months from the effective date.

The new rule:

- Allows a dairy livestock operation transitioning to organic, or starting a new organic farm, to transition non-organic animals one time.
- Prohibits organic dairies from sourcing transitioned animals. Once a dairy is certified organic, all animals must be managed as organic from the last third of gestation, including purchased animals.

After April 5, 2023, certified livestock producers can only source animals that have been managed organic from the last third of gestation (transitioned animals can't enter the farm's organic production system). Additionally, all livestock farms that are already certified organic will not be able to transition animals, even if they have never transitioned animals before.

All certified organic dairy operations must comply with the OOL rule by April 5, 2023. Certified operations that began transitioning livestock before April 5, 2022, may complete these transitions. All transitions must be complete by April 5, 2023.

MCS will be working with producers to ensure that the Origin of Livestock rule is understood and implemented. Please read through these two brief examples of how the OOL will be implemented:

**Example 1:** Farmer Jim used to be certified for dairy production. He had started off by purchasing certified organic Jersey cows and never transitioned any animals. After many years farming, he sold the herd and

surrendered his certification for dairy. He maintained livestock certification for his poultry. Now, he would like to return to dairy production and transition a herd for organic certification. Can he transition a new herd?

**Answer:** No, Jim can't transition a new herd because his operation was certified for dairy production. Operations that have been previously certified for dairy production are not eligible to transition a herd, even if they have never transitioned a herd.

**Example 2:** Opal Farms Inc. is a certified organic goat dairy farm. They began farming 10 years ago, when they transitioned a conventional goat herd into organic. Now, they would like to integrate dairy cows into their production system. Can they transition a conventional cow herd into organic production?

**Answer:** No, once an operation completes its one-time transition allowance, it is not permitted to then transition any other nonorganic dairy animals, including other dairy species.

**Example 3:** Farmer Jane has a certified organic dairy farm and would like to purchase a few more cows to expand her herd. She contacts a nearby certified organic dairy farm and asks if they have any cows for sale. Jane is told that they have a few transition cows they would like to sell. Can Jane buy the transition cows?

**Answer:** No, Jane can't buy the transition cows. After April 5, 2023, a farm that is certified organic for livestock production can only purchase animals managed organically from the last third of gestation.

Some small businesses may be issued a variance by the Agricultural Marketing Service (AMS) administrator for purchasing transitioned animals if certain conditions are met. The operation sourcing animals may request a variance to the OOL sourcing rule if either the buyer or seller in a transaction is a "small business" as determined by the U.S. Small Business Administration. These guidelines may change over time.

The operation that is purchasing livestock may request a variance to purchase transitioned animals under any of the following conditions:

- If the seller is a certified operation selling the animals as part of a bankruptcy proceeding or forced sale.
- If the seller is a certified operation that has become insolvent, must liquidate its assets, and as a result has begun the process necessary to cease operations.
- If the seller is a certified operation that wishes to conduct an intergenerational transfer of transitioned animals to an immediate family member.

Additional information about the Origin of Livestock rule is available at: [ams.usda.gov/rules-regulations/national-organic-program-origin-livestock](https://ams.usda.gov/rules-regulations/national-organic-program-origin-livestock). If you have questions about the new rule please contact your MCS certification specialist.



### ORIGIN OF LIVESTOCK FINAL RULE

The Origin of Livestock (OOL) final rule revises the USDA organic regulations to clarify the one-time transition of dairy animals to organic production

**WHAT DOES THE RULE DO?**

- Describes how and when nonorganic dairy animals can be **transitioned into organic production**
- Harmonizes the market by ensuring all organic dairy producers use the **same transition practices**

**HOW WILL THE RULE BENEFIT FARMERS?**

- Ensures more consistent production and **certification practices**
- Promotes the ability to **compete more fairly** in the organic market

**OOL IN PRACTICE**

**New or transitioning dairy operations may:**

(a) Purchase or raise organic animals, or

(b) Transition nonorganic animals to organic production **ONCE**.

a)

b)

Purchase or Raise

→

**New or Transitioning Operation**

1x Transition per Operation

**Once certification is complete:**

(a) The operation may only add animals that have been organically managed from the last third of gestation.

(b) The operation cannot source transitioned animals from another operation.\*

a)

b)

Purchase or Raise

→

**Certified Operation**

NO Purchase or Transition

\*Some small businesses may be granted limited exceptions by the AMS Administrator

**WHO IS AFFECTED?**

- Producers
- Certifiers
- Inspectors
- Consumers

To learn more about the rule, please see AMS's website: [www.ams.usda.gov/organic](https://www.ams.usda.gov/organic)

