



Access to Pasture Proposed Rule Summary

This is a summary of the NOP Proposed Pasture Rule. The proposal has a number of new concepts and requirements that will significantly change organic livestock standards and certification procedures if implemented as written. Some of the significant changes include:

1. Prohibition of dry lots and feedlots.
2. Requirement of a sacrificial pasture that must be used to provide outdoor access for ruminants during the winter months.
3. Requirement that ruminants have access to the outdoors at all times including during inclement weather.
4. Requirement that ruminants are fed at least 30% of the Dry Matter Intake that comes from pasture during the growing season. This must be documented through a new monthly recordkeeping system to determine the % Dry Matter Fed.
5. Requirements that affect bedding - When hay, straw, ground cobs, or other crop matter typically fed to the animal species is used as bedding, it must comply with the feed requirements, ie; organically produced and certified.

The following summary overviews important definitions and then reviews each section of the organic livestock standards highlighting the proposed changes. The summary also describes some of the new proposed certification requirements regarding recordkeeping for livestock feed in determining the percent Dry Matter Fed to ruminants.

205.2 Definitions

Dry matter – The amount of a feedstuff remaining after all the free moisture is evaporated out.

Dry lot – A confined area that may be covered with concrete, but that has no vegetative cover.

Excipients – Any ingredients that are intentionally added to livestock medications but do not exert therapeutic or diagnostic effects at the intended dosage.

Feedlot – A confined area for the controlled feeding of ruminants.

Growing season – The period of time between the average date of the last killing frost in the spring to the average date of the first killing frost in the fall or early winter in the local area of production.

Inclement weather – Weather that is violent, or characterized by temperatures (high or low), that can kill or cause permanent physical harm to a given species of livestock.

Livestock – New definition adds bees, fish and wild or domesticated game.

Sacrificial pasture – A pasture or pastures within the pasture system, of sufficient size to accommodate all animals in the herd without crowding, where animals are kept for short periods during saturated soil conditions to confine pasture damage to an area where potential environmental impacts can be controlled. This pasture is then deferred from grazing until it has been restored through active pasture management. Sacrificial pastures are located where soils have good trafficability, are well-drained, have low risk of soil erosion, have low or no potential of manure runoff, are surrounded by vegetated areas, and are easily restored. A sacrificial pasture is land used for livestock grazing that is managed to provide feed value and maintain or improve soil, water, and vegetative resources; it is not a dry lot or feedlot.

Temporary or temporarily – Occurring for a limited time only (e.g. overnight, throughout a storm, during a period of illness, the period of time specified by the Administrator when granting a temporary variance), not permanent or lasting.

205.236 Origin of livestock



No major changes in this section. The proposed rule clarifies that there is a two-track method of bring replacement animals onto an organic dairy operation.

- 80-20 conversion – Organic dairies that converted under the 80-20 conversion rule must have all replacement animals managed organically from the last third of gestation.
- 100%, one year conversion – Organic dairies that converted with 100% organic feed and organic practices for 12 months prior to milking may continue to bring in replacement animals that have been converted with 100% organic feed/practices for 12 months prior to organic milk production.

The Federal Register states that USDA intends to address the two-track replacement issue in separate rule making procedures.

205.237 Livestock feed

1. Clarifies that all agricultural ingredients in feed supplements and feed additives must be organically produced. In the past there was room for debate concerning the requirement that minor agricultural ingredients (e.g. excipients, carriers) had to be organic. This clarifies that the NOP's intent and guidance is that all agricultural ingredients have to be organically produced.
2. Requires producers to provide ruminants access to pasture during the growing season.
3. Requires producers to provide at least 30% of the dry matter intake of all ruminants to come from pasture. The 30% can not be fed to the ruminants; the ruminants must graze pasture to obtain the 30% dry matter feedstuff.
4. Required recordkeeping for ruminant feeding to include monthly calculations for the Percent Dry Matter Fed to each identified class of animals on the farm. The following is a list of information that a producer must maintain on a monthly basis to verify they are meeting the 30% dry matter intake requirement:
 - Type of Animal (For example Beef Cattle, Dairy Cattle, Goats)
 - Class of Animal(For example: Calf, Dry Cow, Lactating Cow, Bull, Growing Cattle; Calf, Heifer, Springer, Lactating Cow, Bull; Bucks, Dry Does, Late Gestation, Lactation, Weaning, Yearlings
 - Number of Animals in Class of Animal
 - Amount of Dry Matter Required Daily by this Class of Animal (Calculate using the formula: Average Weight Per Animal(pounds) x 0.3= Pounds Dry Matter Per Head Per Day x Number of Animals=Total Dry Matter Demand in Pounds Per Day.
 - Amount of Dry Matter Fed Daily to Identified Class of Animal
 - Percentage of Dry Matter Fed Daily to Identified Class of Animal (Calculate using the formula (Dry Matter Fed/Dry Matter Demand in Pounds Per Day) x 100=Percent Dry Matter Fed.

WSDA will prepare an example recordkeeping form/table when the rule is final. Producers and/or their nutritionists will also be able to use a system of their choice that meets the above required information.

205.238 Livestock health care practice standard

No changes

205.239 Livestock living conditions

1. Organic livestock producers must provide year-round access for all animals to the outside. The outdoor environment should include shade, shelter, exercise areas, water for drinking and direct sunlight suitable to the species, its stage of life, the climate, and the environment.



2. Ruminants must have access to pasture during the growing season for grazing.
3. Ruminants must have access to the outdoors throughout the year, including during the non-growing season.
4. Dry lots are prohibited.
5. Feedlots are prohibited.
6. Bedding consisting of agricultural crops (e.g. hay, straw, ground cobs) must be organic.
7. Producers may temporarily confine non-ruminants for:
 - a. Inclement weather
 - b. The animals stage of life
 - c. Conditions where the health, safety, or well being of the animal could be jeopardized
 - d. Risk to soil or water quality.
8. Producers may temporarily confine ruminants for:
 - a. Treatment of illness or injury
 - b. One week before and after parturition
 - c. Up to 6 months of age.
 - d. Goats during inclement weather
 - e. Dairy animals during milking. Milking practices can not be used to deny access to pasture.

Note: Ruminants may not be temporarily confined due to inclement weather or risk to soil or water quality!

9. Ruminants must be provided with:
 - a. A lying area with clean, dry,(organically produced and certified) bedding during temporary confinement
 - b. Yards and passageways kept in good condition
 - c. Shade and in the case of goats shelter open on at least one side
 - d. Water at all times except during milking; water must be protected from fouling
 - e. Feed and watering equipment must be cleaned weekly
 - f. Hay in a rack off the ground for calves beginning 7 days after birth, unless on pasture, and pasture for grazing not later than 6 months after birth.
10. Producers must prevent ruminants and their waste products from entering ponds, streams, and other bodies of water.

205.240 Pasture practice standard.

The Organic system plan must include a comprehensive pasture plan that includes:

1. Crops grown in the pasture and the haymaking system.
2. Cultural practices to be used to ensure pasture of a sufficient quality and quantity is available to graze and is available to provide not less than 30% Dry Matter Intake from grazing during the growing season.
3. The haymaking system.
4. The location of pasture and haymaking fields. Each field must have its own identity.
5. The type of grazing methods to be used in the pasture system.
6. The location and types of fences and the location and source of shade and water.
7. The soil fertility, seeding and crop rotation systems.
8. The pest, weed, and disease control practices.
9. The erosion control and protection of natural wetlands, riparian areas, and soil and water quality practices.
10. Pasture and soil sustainability practices.
11. Restoration of pastures practices.

205.240 Sacrificial pasture requirement



1. A sacrificial pasture must be provided, for grazing to protect other pastures from excessive damage during periods when saturated soil conditions render the pastures too wet for animals to graze.
2. The sacrificial pasture must be sufficient in size to accommodate all animals in the herd without crowding.
3. The sacrificial pasture must be located where soils have good trafficability, are well drained, where there is a low risk of soil erosion, where there is low or no potential of manure runoff, where they are surrounded by vegetated areas, and where they are easily restored.
4. Sacrificial pastures must be managed to provide feed value and maintain or improve soil, water and vegetative resources.
5. Sacrificial pastures must be restored through active pasture management.

Your comments are important!

These proposed pasture rules have a specific time period for comments. The NOP will receive comments until 12/23/08. Interested persons may comment on this proposed updated rule. *Individuals are specifically encouraged to submit comments as individual responses are weighted more than group responses.* The WSDA Organic Program will also be submitting a response.

Submit comments by mail to:

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NOP
Transportation & Marketing Program
USDA-AMS-TMP-NOP
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Submit comments via Internet:

<http://www.regulations.gov>

Comments on this proposed rule should be identified with the docket number AMS-TM-06-0198; TM-05-14

You may view the Proposed Rule in it's entirety at the following websites:

USDA link to Federal Register:

<http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5073426>

WSDA Organic Food Program: <http://agr.wa.gov/FoodAnimal/Organic/default.htm>