
Demand for, and the production of organic milk and dairy products grew substantially for a number of years, decreased somewhat with the recession during the last few years, and has increased again during the past year. There are few recent surveys of why consumers of organic milk buy it. Surveys from nearly 10 years ago suggested what most of us would probably expect, those who bought organic milk perceived it as “healthy” or “nutritious” because of “absence of chemicals”. A secondary reason was that they “expect it to taste better”. We have reported in the past in this newsletter that in fact, some taste panels have found organic milk more likely to have off-flavors than conventionally produced milk. It is also true that some taste panels have rated some brands of organic milk as having better taste than some brands of conventionally produced milk, as well as the other way around.

Consumers are once again paying a substantial premium for organic milk according to a recent survey reported by the New York Times and the GazeboNews of Lake Forest, IL. Organic milk can cost from $8.00 to nearly $9.00 per gallon in markets where conventional milk costs $2.50 per gallon. Consumers paying such prices probably expect that regulation of organic milk production reasonably assures the “absence of chemicals” they are paying for, as well as the performance of other organic dairying practices.

Some of the Responsibilities of the NOP

The recent audit states that legislation regarding organic milk production “- requires that the NOP provide for public access to certification documents and laboratory analyses that pertain to certification. In response, NOP publishes a yearly list of USDA certified organic operations. We found, however, that NOP’s list is an annual snapshot in time and, given the current annual posting schedule, does not contain the organic certificates that have been newly issued, suspended, surrendered, or revoked. As NOP officials explained, these problems occurred because the list of USDA certified organic operations is a work in progress, and needs to be revised to make it more user-friendly. Due to the current limitations of the list of certified organic operations, certifying agents and inspectors bypass NOP’s list and instead rely on each other for validation of organic certificates. This should not be the case; NOP’s list of USDA certified organic operations should be authoritative, transparent, and publicly accessible.”

I suppose there must be some consumers who would investigate whether individual organic farms are on the NOP list, especially if they buy directly from an organic dairy farm. If so, according to the above it could be a year or
more before they would know whether a particular farm’s certification had been revoked. The report does not address what I think is the more common situation where consumers buy milk and other dairy products labeled as organic at a supermarket or other retail store that may come from a number of different organic farms. How anyone can readily be assured that every farm shipping organic milk is still currently certified by NOP, especially at times when the NOP list was last published nearly a year before, is not certain. The report also does not explain exactly what suspension or revocation of an organic certificate means in terms of whether the farm must immediately cease selling milk as organic. Some USDA language in other documents suggests that this would be the case, but this question is not specifically addressed in the audit.

Transportation of Organic Milk is Not Regulated by NOP

The audit “- - also found that because the sanitation of organic milk transport tankers is not NOP certified, there is a risk that organic milk can come into contact with prohibited substances as it is being transported from the producer to the processing facility. - - milk transport tanker sanitation falls outside [NOP] and is instead governed by the - - Grade “A” Pasteurized Milk Ordinance. We found that the pasteurized milk ordinance permits the use of FDA-approved sanitizers, not [limiting it to] NOP-approved sanitizers. - - As a result, consumers purchasing organic milk have reduced assurance that their milk will not come into contact with prohibited substances during the transportation process.”

There were no details provided regarding differences in NOP vs. PMO approved sanitizers. However, once again consumers of organic milk may not want “chemicals” used in conventional milk production that are not to be used in organic milk production contacting the milk that they pay substantially higher prices for.

NOP Inspections of Farms

I found one piece of data that was not emphasized much in the report to be quite interesting. The audit states, “To ensure that producers and handlers of organic products meet applicable requirements for products [to be sold or represented] as organic, NOP accredits State [sic], private and foreign organizations or persons to become certifying agents. - - As of December 31, 2010, there were 93 certifying agents (52 domestic, 41 foreign) that certify approximately 30,000 organic operations worldwide.” Where the 41 foreign agents are located, and how many of the approximately 30,000 operations (are all operations farms?) are in the U.S. or in other countries was not reported. However, if 30,000 operations have 93 certifying agents, that is an average of 323 operations per agent. (Probably some foreign agents in some countries certify fewer operations, but then some agents in the U.S. would have more operations per agent?) It also says, “The certifying agent conducts annual inspections of the organic operations and issues updated organic certificates.”

I started to do some calculations that suggest strongly that depending on travel time between farms, and weather conditions, inspecting every organic operation even once per year would be difficult to impossible to schedule. In addition, the report describes suspensions and applications for recertification by organic operations. Presumably farms with suspension asking for recertification could require multiple inspections per year. At any rate, it does not seem that there are enough certifying agents to visit a given organic dairy farm much more often than once per year. However, in a different part of the audit, it becomes evident that some of the “certifying agents” have names that sound like companies. That is probably why they are called “organizations or persons”. Therefore the number of FTE’s of people who have to inspect the 30,000 operations is not clear in the report. I thought it would be interesting to see a list of each certifying agent with how many persons work there, and for each one how many operations they need to inspect.

I could not find out about how many farms per agent, but I did find some information on another USDA website. As of 3/29/12, the NOP now has 50 (not 52) domestic and 41 certifying agents. California has 11 agents. Utah has one (Utah Department of Agriculture and Food). Most states, including many major dairy states with large
numbers of farms, have one or two agents. For example, Wisconsin and New York have 2 each, Pennsylvania has one. Some states have no certifying agents; I don’t know if their organic farms can get USDA certification from an agent from another state or not. Many certifying agents in states where they are the only agent are departments of agriculture; I can’t picture them being authorized to cross state lines to serve another state but maybe for a sufficient fee they would. Foreign countries with USDA organic certifying agents include Armenia, Egypt, Guatemala, and Peru. I suppose that organic milk or dairy products are imported from those countries into the U.S.

The audit continues, “Finally, we found that the certifying agents we interviewed are not performing unannounced inspections of organic dairy operations. While unannounced inspections are not required by regulations, they are permitted, and provide a useful control for ensuring that dairy operations are complying with the rules of organic production. Although NOP has undertaken preliminary steps - - they have not yet provided certifying agents with additional guidance for conducting unannounced inspections of certified dairy operations. - - NOP can take a number of steps to promote greater consumer confidence in milk labeled as ‘USDA Organic.’”

However, below in another part of the audit report, it is stated, “Further, some certifying agents conduct many unannounced inspections while other certifying agents conduct none.” In addition, “We question whether the current practice of scheduling inspections (announced instead of unannounced) is an effective tool in monitoring the implementation of the new ‘access to pasture rule,’ which requires that organic dairy cattle be able to spend a portion of their time in the open air. Unannounced inspections should instead be used to help certifying agents verify that organic milk producers are complying. Moreover, performing more unannounced inspections should strengthen consumer confidence in the organic seal.”

Veterinarians, Antibiotic Use, etc. Were Not Among the Concerns

After reading through the report, I did not recall any discussion of interactions with dairy veterinarians, or concern regarding use of prohibited substances including antibiotics. Therefore I searched for terms such as “veterinary”, “antibiotic”, “banned” and “drug”. None of these terms were in the report. While there is USDA concern regarding regulation of organic dairy practices, it apparently does not focus on dairy veterinarians or banned drug usage.

Conclusions of the Report and Timeline

Many parts of the audit report came to conclusions that a timelier listing of USDA-Certified Organic Operations and clearer standards, expectations, and the extent of their authority should be made available to NOP certifying agents. For example, “Develop and issue guidance instructing certifying agents how often they should conduct unannounced inspections of NOP-certified milk operations, and how they should select milk operations based on the risk inherent in each operation.”

Most of the subject areas in the NOP guidelines stated as needing revisions had one of two deadlines – some are to be in place by November 2012, others by February 2013. I would anticipate that there then may be comment periods and/or extensions of the deadlines for any “new rules” to take effect.

Non-lactating Dairy Cattle are Different than Dry Cows According to the FDA

For many years I think most of us have seen drugs and on-farm drug storage shelves labeled with headings of either Lactating Cow or Non-Lactating Cow, and the latter category included dry cows. The FDA CVM has a new announcement about this:
‘The FDA’s Center for Veterinary Medicine (CVM) has become aware that the term, “non-lactating dairy cattle,” may be confusing and that users could mistakenly interpret it to mean that drugs approved for use in non-lactating dairy cattle are safe when used in dry dairy cows, i.e., in cows between two lactations. The term “non-lactating dairy cattle” includes replacement dairy heifers, replacement dairy bulls, and dairy calves, according to current animal industry standards and a long standing FDA practice. These classes of dairy cattle have not yet, or would never produce, milk for human consumption. The term non-lactating dairy cattle does not include dry dairy cows. Dry dairy cows have previously produced milk for human consumption and will again in the future after completion of the “dry period” between lactations. These standards are reflected in CVM's Guidance for Industry (GFI) #191 (Appendix III, Species and Classes of Major Food Animals).

This is an important human food safety issue because of the potential for residues of drugs labeled for use in non-lactating dairy cattle to be present in milk of the treated cows, as well as in the tissue of the calves born to the treated cows. In order for these drugs to be approved for use in dry dairy cows, residue depletion studies would be necessary to determine whether there are residues in calves born to the treated dry dairy cows and in the milk produced by the treated cows in their subsequent lactation.

FDA is working with sponsors of products approved for use in non-lactating dairy cattle to revise labeling to clarify that dry dairy cows are not non-lactating dairy cattle and therefore should not be treated with drugs labeled for use in non-lactating dairy cattle.’

For technical questions related to label revisions, please contact Dorothy McAdams, dorothy.mcadams@fda.hhs.gov

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