

**From:** [Tucker, Jennifer - AMS](#)  
**To:** [Jason Fearneyhough](#); [Randy Rivera](#); [Jessica Escobar](#); [Philip Wright](#); [Dan.Hunter@TexasAgriculture.gov](#)  
**Cc:** [Rakola, Betsy - AMS](#); [Glasgow, David - AMS](#)  
**Subject:** FW: Abuses on Organic Dairy in Texas on many media outlets  
**Date:** Thursday, July 25, 2019 10:48:00 AM  
**Importance:** High

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Good morning – I am not certain who monitors your general organic mailbox, so I wanted to be sure that you all saw this incoming below. The dairy involved is TDA-certified – we are interested in hearing how TDA plans to respond given your oversight responsibility for this operation, and what actions you have taken, if any, with respect to this dairy.

Thanks –

Jenny

-----  
Jennifer Tucker, Ph.D.

Deputy Administrator  
USDA Agricultural Marketing Service  
National Organic Program  
Phone: (202) 720-3252  
[Jennifer.Tucker@usda.gov](mailto:Jennifer.Tucker@usda.gov)

---

**From:** (b) (6), (b) (7)(C), (b) (7)(D) >  
**Sent:** Thursday, July 25, 2019 10:30 AM  
**To:** Organic@TexasAgriculture.gov; AMS - NOPCompliance <NOPCompliance@usda.gov>; Tucker, Jennifer - AMS <jennifer.tucker@usda.gov>; Rakola, Betsy - AMS <betsy.rakola@usda.gov>  
**Cc:** (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
**Subject:** Abuses on Organic Dairy in Texas on many media outlets

This video has been forwarded to me by many of my members plus media for comment.  
Is the certifier and NOP investigating these allegations and how they apply to organic certification?  
This is time sensitive so a quick reply on the record would be appreciated  
Thank you

(b) (6), (b) (7)(C), (b) (7)(D)  
[Redacted]

<https://abc7chicago.com/pets-animals/videos-show-alleged-abuse-at-organic-dairy-farm-/5414191/>

**From:** [John Reid](#)  
**To:** [David Castillo](#); [Texas Department of Agriculture](#); [Randy Rivera](#)  
**Cc:** [Prisco, Emily - AMS](#); [AMS - AIAinbox](#); [AMS - NOPCompliance](#); [Zuck, Penelope - AMS](#)  
**Subject:** Notice of Noncompliance - TDA [C&E]  
**Date:** Tuesday, December 3, 2019 4:38:21 PM  
**Attachments:** [ATT00001.jpg](#)  
[NOPC-00006677-19 NONC Texas Department of Agriculture.pdf](#)

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Dear Mr. Rivera,

Please see the attached NOP Notice of Noncompliance to the USDA organic regulations. Corrective actions are due within 30 days from the date of this notice to [NOPCompliance@usda.gov](mailto:NOPCompliance@usda.gov).

If you have any questions regarding this notice please contact, Emily Prisco, Accreditation Manager, at [Emily.prisco@usda.gov](mailto:Emily.prisco@usda.gov) or (740) 471-3009.

Respectfully,



Accreditation and International Activities Division  
USDA | National Organic Program  
1400 Independence Avenue SW | 2649-S | Washington DC 20250  
Main: (202) 720-3252 |

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1400 Independence Avenue, SW.  
Room 2642-S, STOP 0268  
Washington, DC 20250-0268

**VIA REGISTERED EMAIL**

December 3, 2019

Randy Rivera  
Administrator for Agriculture Protection and Certification  
Agriculture and Consumer Protection  
Texas Department of Agriculture  
1700 North Congress Avenue  
Austin, TX 78701  
Email: Randy.Rivera@TexasAgriculture.gov

### **NOTICE OF NONCOMPLIANCE**

Dear Mr. Rivera:

On September 13, 2019, the United States Department of Agriculture (USDA), Agricultural Marketing Service (AMS), National Organic Program (NOP) received information from the Texas Department of Agriculture (TDA) regarding an inspection of a certified dairy. A review of the TDA inspection report, as well as reviews of other Federal and private audit reports conducted on the same dairy, showed that the dairy complied with the requirements of the USDA organic regulations. However, the NOP's review also showed that TDA failed to verify several critical requirements related to livestock feed, pasture practice standards, and livestock living conditions.

We have determined that TDA is noncompliant with the USDA organic regulations at 7 C.F.R. Part 205 as follows:

**NOPC-00006677-19.NC 1**– 7 C.F.R. §205.403(c)(1), “Verification of information. The on-site inspection of an operation must verify the operation’s compliance or capability to comply with the Act and the regulations in this part.”

- 1. A review of a TDA dairy inspection report did not show evidence that the inspectors verified the actual days grazed or the actual dry matter fed from pasture. Documentation of these activities did not appear in the inspection report, despite TDA using two inspectors for two full days. The annual inspection therefore did not verify the operation’s compliance with the requirements of 7 C.F.R. §205.237 (c)(1) for livestock feed during the grazing season.*
- 2. The inspection report also did not show evidence that the inspectors verified the reasons for confining or temporarily denying pasture to ruminants. Documentation of these activities did not appear in the inspection report.*
- 3. Correspondence between TDA and the dairy indicated that TDA did not verify whether the dairy complied with the requirements of 7 C.F.R. §205.237 (c)(1) for the 2018 grazing season. Instead, during an August 8, 2019 inspection, TDA requested that the dairy “forward pasture access logs, reports and/or other records that identifies the dates*

*that each production group was grazed for the entirety of the 2018 grazing season and up to the start date of this inspection.” This request indicates that TDA did not verify 2018 grazing season records from the dairy during its 2018 onsite inspection. This is a repeated citation from the NOP’s November 2018 Notice of Noncompliance to TDA.*

Additionally, the NOP noted an issue of concern regarding TDA inspectors’ general knowledge of agriculture. When evaluating a dairy’s grasses grown for organic pasture, TDA labeled Bermuda grass as a cool rather than a warm season grass. This error suggests a lack of capacity to evaluate dairy practices, as Bermuda is the most commonly used pasture grass for grazing in the southern and central U.S.

TDA must submit corrective actions to [NOPCompliance@usda.gov](mailto:NOPCompliance@usda.gov) within 30 days from the date of this Notice. The corrective actions should indicate how each noncompliance will be corrected and how the TDA management system will be modified to prevent a recurrence of the noncompliance(s). If you wish to rebut the noncompliance, please submit objective evidence that supports your argument to the [NOPCompliance@usda.gov](mailto:NOPCompliance@usda.gov) within 30 days from the date of this Notice.

Please refer to [NOP 2608 Responding to Noncompliances](#) for further instructions. Failure to resolve the noncompliance(s) may result in proposed suspension or revocation of TDA’s USDA accreditation.

If you have questions regarding this notice, please contact Emily Prisco, Compliance Specialist, at [Emily.Prisco@usda.gov](mailto:Emily.Prisco@usda.gov) or (720) 471-3009.

Sincerely,

A handwritten signature in black ink, appearing to read "Betsy Rakola". The signature is fluid and cursive, with the first name "Betsy" being more prominent than the last name "Rakola".

Betsy Rakola  
Director, Compliance and Enforcement Division  
National Organic Program

cc: Director, Accreditation Division

**From:** [Rakola, Betsy - AMS](#)  
**To:** (b) (6), (b) (7)(C), (b) (7)(D)  
**Subject:** Complaint closure notice: Natural Prairie Dairy Farm  
**Date:** Friday, December 20, 2019 3:41:00 PM  
**Attachments:** [NOPC-00006677-19 CCN \(b\) \(6\), \(b\) \(7\)\(C\), \(b\) \(7\)\(D\) \\_12-20-19.pdf](#)  
[image001.jpg](#)

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Dear (b) (6), (b) (7)(C), (b) (7)(D),

Please see the attached closure notice regarding your complaint against Natural Prairie Dairy Farms.

Best regards,

Betsy Rakola

USDA Logo Color



US Department of  
Agriculture  
Agricultural Marketing  
Service

Director of Compliance and Enforcement  
National Organic Program  
1400 Independence Ave, SW; Room 2959-S  
Washington, DC 20250  
202-260-8657  
[Betsy.Rakola@usda.gov](mailto:Betsy.Rakola@usda.gov)  
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1400 Independence Avenue, S.W.  
Room 2642-S, STOP 0268  
Washington, D.C. 20250-0268

VIA EMAIL

December 20, 2019

(b) (6), (b) (7)(C), (b) (7)(D)

### Complaint Closure Notice

Re: NOPC-00006677-19 Natural Prairie Dairy Farm, LLC

Dear (b) (6), (b) (7)(C), (b) (7)(D):

We are writing to you today because the U.S. Department of Agriculture (USDA), Agricultural Marketing Service (AMS), National Organic Program (NOP) has concluded its investigation of the complaint you filed on July 26, 2019 against Natural Prairie Dairy Farm, LLC. (NPDF) and the Texas Department of Agriculture (TDA).

Your complaint alleged that a July 20, 2019 video published by Animal Recovery Mission's (ARM) titled "Operation Natural Prairie" showed that NPDF was not keeping its cattle in accordance with organic standards. Specific allegations included concerns about calf hutch bedding and size, animals kept in shelter and not on pasture or otherwise outdoors, an apparent lack of activities to restore an animal to health, and the presence of liquid manure to an extent that did not provide safe walking conditions.

Our investigation did not substantiate your complaint against NPDF. The evidence reviewed during our investigation showed that NPDF is in compliance with the USDA organic regulations for livestock living conditions, livestock healthcare, and pasture practice standards. Our investigation included findings from:

- Multiple unannounced Federal audits in 2018 and 2019;
- An unannounced inspection by a State certifier;
- Private third-party inspections by National Milk Producers Federation (NMPF); and
- A private third-party inspection by Validus.

Observations from seven audits and inspections over a two-year period found that the operation was clean and well-maintained, cattle were healthy, and animals had access to pasture during the

grazing season with good-quality forage. Federal auditors found that NDPF met the requirements for dry matter intake and access to pasture. In addition, a private audit verified specific corrective actions executed by NDPF to address the concerns raised by the ARM video. Subsequent audits confirmed the continued implementation of these corrective actions.

Your complaint against TDA alleged the following:

- “TDA is an incompetent USDA accredited certifying agent unworthy of USDA accreditation to certify livestock operations; especially bovine dairy operations.”

The NOP entered into a settlement agreement with TDA earlier this year regarding its organic livestock certification activities. Implementation and verification of this agreement is ongoing.

The case is hereby closed. If we receive new evidence documenting apparent violations of the USDA organic regulations, then we may reopen the investigation. If you have further questions, please contact Emily Prisco at (720) 471-3009 or [Emily.Prisco@usda.gov](mailto:Emily.Prisco@usda.gov). Thank you for your commitment to organic integrity.

Sincerely,

A handwritten signature in cursive script that reads "Betsy Rakola".

Betsy Rakola  
Director, Compliance and Enforcement Division  
National Organic Program

CC. NOP Accreditation Division

**From:** [Prisco, Emily - AMS](#)  
**To:** (b) (6)  
**Cc:** [Rakola, Betsy - AMS](#)  
**Subject:** Complaint Closure Notice  
**Date:** Friday, December 20, 2019 3:42:00 PM  
**Attachments:** [NOPC-00006677-19 CCN Natural Prairie Dairy Farm, LLC, 12-20-19.pdf](#)  
[image001.jpg](#)

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Dear Ms. DeJong,

Please see the attached complaint closure notice regarding your operation Natural Prairie Dairy Farms, LLC. Feel free to contact me should you have any questions.

Regards,  
Emily

Emily Prisco  
Auditor, Compliance and Enforcement  
USDA Agricultural Marketing Service, National Organic Program  
1400 Independence Ave, SW; Room 2959-S  
Washington, DC 20250  
720-471-3009  
[Emily.Prisco@usda.gov](mailto:Emily.Prisco@usda.gov)

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VIA EMAIL

December 20, 2019

Cheri DeJong  
Natural Prairie Dairy Farm, LLC  
10250 US HWY 385  
Channing, Texas 79018  
(b) (6)

Re: NOPC-6677-19 Natural Prairie Dairy Farm, LLC

### Complaint Closure Notice

Dear Ms. DeJong:

We are writing to you today because the U.S. Department of Agriculture (USDA), Agricultural Marketing Service (AMS), National Organic Program (NOP) has concluded its investigation of complaints filed against Natural Prairie Dairy Farm, LLC (NPDF). Based on a video published by the Animal Recovery Mission (ARM), several complaints alleged that your operation, Natural Prairie Dairy Farm, LLC, was in violation of multiple parts of the USDA organic regulations at 7 CFR 205.

Our investigation did not substantiate violations of USDA organic regulations by NPDF. The evidence reviewed showed that NPDF was in compliance with the USDA organic regulations for livestock living conditions, livestock healthcare, and pasture practice standards. Our investigation included findings from:

- Multiple unannounced Federal audits conducted in 2018 and 2019;
- An unannounced inspection conducted by the Texas Department of Agriculture;
- Private third-party inspections by National Milk Producers Federation (NMPF); and
- A private third-party inspection by Validus.

The case is hereby closed. If we receive new evidence documenting apparent violations of the USDA organic regulations, then we may reopen the investigation.

Re: NOPC-6677-19, Natural Prairie Dairy Farm  
Page 2

If you have further questions, please contact Emily Prisco at (720) 471-3009 or [Emily.Prisco@usda.gov](mailto:Emily.Prisco@usda.gov). Thank you for your commitment to organic integrity.

Sincerely,

A handwritten signature in black ink that reads "Betsy Rakola". The signature is written in a cursive style with a large, stylized "B" and "R".

Betsy Rakola  
Director, Compliance and Enforcement Division  
National Organic Program

**From:** [Rakola, Betsy - AMS](#)  
**To:** (b) (6), (b) (7)(C), (b) (7)(D)  
**Subject:** Complaint closure notice: Natural Prairie Dairy Farm  
**Date:** Friday, December 20, 2019 3:43:00 PM  
**Attachments:** [NOPC-00006677-19 CCN \(b\) \(6\), \(b\) \(7\)\(C\), \(b\) \(7\)\(D\) 12-20-19.pdf](#)  
[image001.jpg](#)

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Dear (b) (6), (b) (7)(C), (b) (7)(D),

Please see the attached closure notice regarding your complaint against Natural Prairie Dairy Farm, LLC.

Best regards,

Betsy Rakola



US Department of  
Agriculture  
Agricultural Marketing  
Service

Director of Compliance and Enforcement  
National Organic Program  
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Washington, DC 20250  
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VIA EMAIL

December 20, 2019

(b) (6), (b) (7)(C), (b) (7)(D)

A large black rectangular redaction box covering the majority of the page content below the header and above the subject line.

**Complaint Closure Notice**

Re: NOPC-00006677-19 Natural Prairie Dairy Farm, LLC

Dear (b) (6), (b) (7)(C), (b) (7)(D):

We are writing to you today because the U.S. Department of Agriculture (USDA), Agricultural Marketing Service (AMS), National Organic Program (NOP) has concluded its investigation of the complaint you filed on July 25, 2019 against Natural Prairie Dairy Farm, LLC. (NPDF).

Your complaint alleged that a July 20, 2019 video published by Animal Recovery Mission's (ARM) titled "Operation Natural Prairie" showed that NPDF was not keeping its cattle in accordance with USDA organic practice standards.

Our investigation did not substantiate your complaint. The evidence reviewed during our investigation showed that NPDF is in compliance with the USDA organic regulations for livestock living conditions, livestock healthcare, and pasture practice standards. Our investigation included findings from:

- Multiple Federal inspections between 2018 and 2019;
- An unannounced inspection by a State certifier;
- Multiple private third-party inspections by National Milk Producers Federation (NMPF); and
- A private third-party inspection by Validus.

Observations from seven audits and inspections over a two-year period found that the operation was clean and well-maintained, cattle were healthy, and animals had access to pasture during the grazing season with good-quality forage. Federal auditors found that NPDF met the requirements for dry matter intake and access to pasture. In addition, a private audit verified specific corrective

Re: NOPC-6677-19, Natural Prairie Dairy Farm, LLC  
Page 2

actions executed by NPDF to address the concerns raised by the ARM video. Subsequent audits confirmed the continued implementation of these corrective actions.

The NOP also noted that NPDF is certified organic by the Texas Department of Agriculture (TDA). The NOP entered into a settlement agreement with TDA earlier this year regarding its organic livestock certification activities. Implementation and verification of this agreement is ongoing.

The complaint against NPDF is hereby closed. If we receive new evidence documenting apparent violations of the USDA organic regulations, then we may reopen the investigation. If you have further questions, please contact Emily Prisco at (720) 471-3009 or [Emily.Prisco@usda.gov](mailto:Emily.Prisco@usda.gov). Thank you for your commitment to organic integrity.

Sincerely,

A handwritten signature in black ink that reads "Betsy Rakola". The signature is written in a cursive, flowing style.

Betsy Rakola  
Director, Compliance and Enforcement Division  
National Organic Program

CC. NOP Accreditation Division

**From:** [Prisco, Emily - AMS](#)  
**To:** [Randy.Rivera@TexasAgriculture.gov](mailto:Randy.Rivera@TexasAgriculture.gov)  
**Cc:** [Rakola, Betsy - AMS](#); [Yang, RobertH - AMS](#)  
**Subject:** NOPC-6677-19 Case Closure Notice - Natural Prairie Dairy Farms  
**Date:** Friday, December 20, 2019 3:43:00 PM  
**Attachments:** [NOPC-00006677-19 CCN of Natural Prairie to TDA 12-20-19.pdf](#)  
[image001.jpg](#)

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Dear Mr. Rivera,

Please see the attached case closure notice for your certified operation Natural Prairie Dairy Farms. Should you have any questions regarding this notice feel free to contact me.

Regards,  
Emily

Emily Prisco  
Auditor, Compliance and Enforcement  
USDA Agricultural Marketing Service, National Organic Program  
1400 Independence Ave, SW; Room 2959-S  
Washington, DC 20250  
720-471-3009  
[Emily.Prisco@usda.gov](mailto:Emily.Prisco@usda.gov)

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**VIA EMAIL**

December 20, 2019

Randy Rivera  
Administrator for Agriculture Protection and Certification  
Agriculture and Consumer Protection  
Texas Department of Agriculture  
1700 North Congress Avenue  
Austin, TX 78701  
[Randy.Rivera@TexasAgriculture.gov](mailto:Randy.Rivera@TexasAgriculture.gov)

Re: NOPC-00006677-19 Natural Prairie Dairy Farm, LLC

### **CERTIFIER CASE CLOSURE NOTICE**

Dear Mr. Rivera:

We are writing to notify you the U.S. Department of Agriculture (USDA), Agricultural Marketing Service, National Organic Program (NOP) has concluded its investigation of complaints filed against your client, Natural Prairie Dairy Farm, LLC (NPDF). Based on a video published by the Animal Recovery Mission (ARM), the complaints alleged that NPDF's livestock production and handling practices violated several provisions of the USDA organic regulations at 7 CFR 205.

Our investigation did not substantiate the complaints against NPDF. The evidence reviewed during this investigation did not show evidence that NPDF failed to comply with the USDA organic regulations for livestock living conditions, livestock healthcare, or pasture practice standards. Our investigation included evidence from:

- Multiple unannounced Federal audits in 2018 and 2019;
- An unannounced inspection by the Texas Department of Agriculture in 2019;
- Private third-party inspections by National Milk Producers Federation (NMPF); and
- A private third-party inspection by Validus.

Observations from seven audits and inspections over a two-year period found that the operation was clean and well-maintained, cattle were healthy, and animals had access to pasture during the grazing season with good-quality forage. Federal auditors found that NPDF met the requirements for dry matter intake and access to pasture. In addition, a private audit verified

Re: NOPC-6677-19, Natural Prairie Dairy Farm, LLC  
Page 2

specific corrective actions executed by NPDF to address the concerns raised by the ARM video. Subsequent audits confirmed the continued implementation of these corrective actions.

The case against NPDF is hereby closed. If we receive new evidence documenting apparent violations of the USDA organic regulations, then we may reopen the investigation. If you have further questions, please contact Emily Prisco at (720) 471-3009 or [Emily.Prisco@usda.gov](mailto:Emily.Prisco@usda.gov).

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, reading "Betsy Rakola". The signature is written in a cursive, flowing style.

Betsy Rakola  
Director, Compliance & Enforcement Division  
National Organic Program

cc: Director, Accreditation Division



**From:** [Rakola, Betsy - AMS](#)  
**To:** [burcham@cornucopia.org](mailto:burcham@cornucopia.org)  
**Cc:** [Glasgow, David - AMS](#)  
**Subject:** Complaint closure notice: Natural Prairie Dairy Farm  
**Date:** Friday, December 20, 2019 3:50:00 PM  
**Attachments:** [NOPC-00006677-19 CCN Marie Burcham 12-20-19.pdf](#)  
[image001.jpg](#)

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Dear Ms. Burcham:

We are writing today to share a closure notice regarding the complaint you filed against Natural Prairie Dairy Farm of Hartley, Texas. We understand that you may have some questions about this letter, and we would like to offer a conference call to provide additional context. If that is of interest to you, then we would like to coordinate a call in January. We look forward to speaking with you in the new year.

Best regards,

Betsy Rakola

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National Organic Program  
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**VIA EMAIL**

December 20, 2019

Marie Burcham  
Director of Domestic Policy  
The Cornucopia Institute  
PO Box 826  
Viroqua, WI 54665  
Burcham@cornucopia.org

### **Complaint Closure Notice**

Re: NOPC-00006677-19 Natural Prairie Dairy Farm, LLC

Dear Ms. Burcham:

We are writing to you today because the U.S. Department of Agriculture (USDA), Agricultural Marketing Service (AMS), National Organic Program (NOP) has concluded its investigation of the complaint you filed on August 21, 2019 against Natural Prairie Dairy Farm, LLC. (NPDF) and the Texas Department of Agriculture (TDA).

Your complaint alleged that a July 20, 2019 video published by Animal Recovery Mission's (ARM) titled "Operation Natural Prairie" showed that NPDF was not keeping its cattle in accordance with organic standards. Specific allegations included:

- Violations of 7 CFR Part §205.238: "The cattle are clearly stressed by both the abuse and living conditions, and many are unhealthy and sickly to the point of death."
- Violations of 7 CFR Part §205.238 (c) (7): "It seems clear that Natural Prairie Dairy is failing to act in the best interest of their cattle in this regard."
- Violations of 7 CFR Part §205.239: "These dairy cattle are apparently being confined in squalid, overcrowded conditions that mimic the worst practices in conventional agriculture. The natural behavior of cattle is not being exhibited in these conditions, and the animals were not receiving outdoor access."
- Violations of 7 CFR Part §205.240: "Given that ARMs investigation took place between March and July, 2019, the cattle should have been out on pasture during this period. Instead, undercover investigators saw no evidence of grazing among the milking herd."

Our investigation did not substantiate these allegations. The evidence shows that NPDF is in compliance with the USDA organic regulations for livestock living conditions, livestock healthcare, and pasture practice standards. Our investigation reviewed findings from:

- Multiple unannounced Federal audits in 2018 and 2019;
- An unannounced inspection by a State certifier;
- Private third-party inspections by National Milk Producers Federation (NMPF); and
- A private third-party inspection by Validus.

Observations from seven audits and inspections over a two-year period found that the operation was clean and well-maintained, cattle were healthy, and animals had access to pasture during the grazing season with good-quality forage. Federal auditors found that NPDF met the requirements for dry matter intake and access to pasture. In addition, a private audit verified specific corrective actions executed by NPDF to address the concerns raised by the ARM video. Subsequent audits confirmed the continued implementation of these corrective actions.

Your complaint against TDA alleged the following:

- “TDA is in violation of their duties as an accredited certifier by allowing these open and notorious violations of organic law to continue unabated.”
- “The certifier acted improperly in granting a certificate to an operation that is not properly providing for livestock care, including but not limited to accommodating the health and natural behavior of animals, pasture and/or outdoor access, sunshine, and fresh air and the opportunity for livestock to exhibit their natural instinctive behaviors (in addition to other organic management requirements).”

The NOP entered into a settlement agreement with TDA earlier this year regarding its organic livestock certification activities. Implementation and verification of this agreement is ongoing.

The complaint against NPDF is hereby closed. If we receive new evidence documenting apparent violations of the USDA organic regulations, then we may reopen the investigation. If you have further questions, please contact Emily Prisco at (720) 471-3009 or [Emily.Prisco@usda.gov](mailto:Emily.Prisco@usda.gov). Thank you for your commitment to organic integrity.

Sincerely,



Betsy Rakola  
Director, Compliance and Enforcement Division  
National Organic Program

CC. NOP Accreditation Division

**From:** [Rakola, Betsy - AMS](#)  
**To:** [Marie Burcham](#)  
**Cc:** [Glasgow, David - AMS](#)  
**Subject:** RE: Complaint closure notice: Natural Prairie Dairy Farm  
**Date:** Tuesday, January 7, 2020 2:48:00 PM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)

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Dear Marie,

Happy new year, and thank you for your reply. I'm reaching out to see when we could schedule a call. We want to provide some more context on the Natural Prairie case, and we also wanted to ask for the Cornucopia's team's thoughts on some new questions regarding the integrity of imports from insecure (violent) regions. If time allows, I'm interested to get Jonathan Rosenthal's perspective based on his previous work with coffee certification programs. David Glasgow, NOP Associate Deputy Administrator, and I will represent the NOP on the call.

Here are a few open dates/time slots for our conversation – in Eastern standard time.

- Monday, January 13, 11 am -12 pm or 1-2 pm
- Tuesday, January 14, 10-11 am or 3:30-4:30 pm
- Wednesday, January 15, 1-2 pm
- Thursday, January 16, 2:30 - 4:30 pm
- Friday, January 17, 11 am - 12 pm

We look forward to speaking with you.

Best regards,

Betsy

Betsy Rakola  
Director of Compliance and Enforcement  
USDA-AMS-National Organic Program  
202-260-8657

---

**From:** Marie Burcham <burcham@cornucopia.org>  
**Sent:** Saturday, December 28, 2019 5:18 PM  
**To:** Rakola, Betsy - AMS <betsy.rakola@usda.gov>  
**Cc:** Glasgow, David - AMS <david.glasgow@usda.gov>  
**Subject:** RE: Complaint closure notice: Natural Prairie Dairy Farm

Betsy Rakola,

Thank you for offering to provide additional context with a phone call. I would like to take you up on that offer. The first week in January my schedule is quite full, but flexible after that time.

Please let me know what works for you and/or your staff.

Happy holidays,

Marie Burcham, J.D.  
Director of Domestic Policy

The Cornucopia Institute  
[Burcham@cornucopia.org](mailto:Burcham@cornucopia.org)  
510-861-6319 (Voice)



PO Box 826  
Viroqua, WI 54665  
[www.cornucopia.org](http://www.cornucopia.org)

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**From:** Rakola, Betsy - AMS [<mailto:betsy.rakola@usda.gov>]  
**Sent:** Friday, December 20, 2019 12:51 PM  
**To:** Marie Burcham <[burcham@cornucopia.org](mailto:burcham@cornucopia.org)>  
**Cc:** Glasgow, David - AMS <[david.glasgow@usda.gov](mailto:david.glasgow@usda.gov)>  
**Subject:** Complaint closure notice: Natural Prairie Dairy Farm

Dear Ms. Burcham:

We are writing today to share a closure notice regarding the complaint you filed against Natural Prairie Dairy Farm of Hartley, Texas. We understand that you may have some questions about this letter, and we would like to offer a conference call to provide additional context. If that is of interest to you, then we would like to coordinate a call in January. We look forward to speaking with you in the new year.

Best regards,

Betsy Rakola

Director of Compliance and Enforcement

USDA Logo Color



US Department of  
Agriculture  
Agricultural Marketing  
Service

National Organic Program  
1400 Independence Ave, SW; Room 2959-S  
Washington, DC 20250  
202-260-8657  
[Betsy.Rakola@usda.gov](mailto:Betsy.Rakola@usda.gov)  
[www.usda.gov/organic](http://www.usda.gov/organic)  
[Subscribe to the USDA Organic Insider](#)

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**From:** [Mary Ellen Holliman](#)  
**To:** [AMS - NOPCompliance](#)  
**Cc:** [AMS - AIAInbox](#); [Prisco, Emily - AMS](#); [Zuck, Penelope - AMS](#); [Randy Rivera](#); [David Castillo](#); [Tim Kleinschmidt](#); [Philip Wright](#); [Leslie Smith](#); [Freddy Vest](#); [Jason Fearneyhough](#)  
**Subject:** TDA response to NOPC-00006677-19  
**Date:** Tuesday, January 14, 2020 2:05:40 PM  
**Attachments:** [2019.01.10 TDA response to NOPC-00006677-19.pdf](#)  
[2018.08.08 NPO Livestock Inspection Report.pdf](#)  
[2018.08.08 NPO Livestock Inspection Report Addendum.pdf](#)  
[2018.08.08 Natural Prairie Lvstk 440222.xlsx](#)

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Good afternoon Betsy:

I have attached TDA's response letter and subjective evidence to NOPC-00006677-19. Please let me know if you have issues opening one or more of the documents.

Sincerely,

**Mary Ellen Holliman**  
Coordinator for Organic Certification  
Agriculture and Consumer Protection Division  
Texas Department of Agriculture  
512.936.4178  
[Organic@TexasAgriculture.gov](mailto:Organic@TexasAgriculture.gov)



TEXAS DEPARTMENT OF AGRICULTURE  
COMMISSIONER SID MILLER

January 14, 2020

Betsy Rakola, Director  
Compliance and Enforcement Division  
USDA National Organic Program  
[NOPCompliance@usda.gov](mailto:NOPCompliance@usda.gov)

RE: Notice of Noncompliance NOPC-00006677-19.NC.1

Dear Ms. Rakola:

The Texas Department of Agriculture (TDA) acknowledges receipt of the notice of noncompliance dated December 3, 2019. TDA respectfully rebuts all areas of this noncompliance NOPC-00006677-19.NC.1. We found the allegations to be false and evidence that NOP staff did not review the content of the 2019 inspection report for objective evidence. We present the following information and attached documentation as our objective evidence of rebuttal:

Best regards,

Mary Ellen Holliman  
Coordinator for Organic Certification

Cc: [AIAInbox@ams.usda.gov](mailto:AIAInbox@ams.usda.gov), [Emily.Prisco@usda.gov](mailto:Emily.Prisco@usda.gov), [Penny.Zuck@usda.gov](mailto:Penny.Zuck@usda.gov)

Attachments:

8/8/2018 Livestock inspection report ROR-651 – Natural Prairie Organic Dairy Farms  
8/8/2018 Livestock inspection report addendum-Natural Prairie Organic Dairy Farms  
8/8/2018 Livestock record audit exercise-Natural Prairie Organic Dairy Farms



Item 1 of NOPC-00006677-19.NC 1 states the following:

*A review of a TDA dairy inspection report did not show evidence that the inspectors verified the actual days grazed or the actual dry matter fed from pasture. Documentation of these activities did not appear in the inspection report, despite TDA using two inspectors for two full days. The annual inspection therefore did not verify the operation's compliance with the requirements of 7 C.F.R. §205.237 (c)(1) for livestock feed during the grazing season.*

While there were 2 inspectors onsite, each inspector was inspecting only 1 scope. When not actively inspecting, that inspector was acting as support to the other inspector. By NOP Staff stating that both inspectors conducted the livestock scope inspection evidences that NOP staff did not read page 1 or page 11 of the ROR-651 Livestock Inspection Report Form. Page 1 clearly states that Inspector (b) (6), (b) (7)(C) was the acting inspector for the livestock scope inspection. Page 11 states the following, "crop was completed prior to the livestock inspection by (b) (6), (b) (7)(C) This is further evidenced in page 1 of the ROR-650 Crop Inspection Report Form identifying Inspector (b) (6), (b) (7)(C) as the acting inspector.

NOP staff states that documentation does not exist that the inspectors verified the actual dates grazed or the actual dry matter fed from pasture. This statement is false and is further evidence that NOP staff did not review the inspection report documentation. Had the inspection report documentation been thoroughly reviewed, NOP staff would have reviewed Inspector (b) (6), (b) (7)(C) response in Item 6 of the Livestock Inspection Narrative along with her responses to review of the records of days grazed as evidenced by her responses in Items 45-47 of the inspection report and of her actions to obtain a corrected version of Section H of the ROR-607 Livestock OSP Form while onsite at the inspection.

Had NOP Staff conveyed that responsive information must be in a specific format regarding the review of grazing season records and verification of the number of actual days grazed in the initial investigation notice for NOPC-00006677-19, TDA would have happily complied with such request. However, as such direction was not given, TDA documented verification compliance as it saw fit through our routine inspection report forms and supporting documentation, which was submitted to NOP by TDA as investigation evidence of NOPC-00006677-19.

Due to the above stated reasons, TDA is rebutting Item 1 and requesting that it be removed, not just resolved, from NOPC-00006677-19.

Item 2 of NOPC-00006677-19.NC 1 states the following:

*The inspection report also did not show evidence that the inspectors verified the reasons for confining or temporarily denying pasture to ruminants. Documentation of these activities did not appear in the inspection report.*

The operation submitted their reasons for temporary confinement to TDA in Item 27 in Section G of the ROR-603 Livestock OSP Form. During the inspection the temporary confinement records were reviewed as evidenced in the inspector's response to Item 39 of the ROR-651 Inspection Report Form. Therefore, the claims made by NOP Staff in Item 2 are further evidence that NOP Staff did not thoroughly read the ROR-651 Livestock Inspection Report Form. The inspector's response to Item 39 of the ROR-651 Inspection Report was further supported by her observation and submitted recording of cows actively grazing at night.

Had NOP Staff conveyed that responsive information for verifying reasons for confining or temporarily denying pasture to ruminants must be in a specific format in the initial investigation notice for NOPC-00006677-19, TDA would have happily complied with such request. However, as such direction was not given, TDA documented verification compliance as it saw fit through our routine inspection report forms and supporting documentation, which was submitted to NOP by TDA as investigation evidence of NOPC-00006677-19.

Due to the above stated reasons, TDA is rebutting Item 2 and requesting that it be removed, not just resolved, from NOPC-00006677-19.

Item 3 of NOPC-00006677-19.NC 1 states the following:

*Correspondence between TDA and the dairy indicated that TDA did not verify whether the dairy complied with the requirements of 7 C.F.R. §205.237 (c)(1) for the 2018 grazing season. Instead, during an August 8, 2019 inspection, TDA requested that the dairy “forward pasture access logs, reports and/or other records that identifies the dates that each production group was grazed for the entirety of the 2018 grazing season and up to the start date of this inspection.” This request indicates that TDA did not verify 2018 grazing season records from the dairy during its 2018 onsite inspection. This is a repeated citation from the NOP’s November 2018 Notice of Noncompliance to TDA.*

NOP Staff did not request a copy of the 2018 inspection report prior to issuing the Notice of Noncompliance NOPC-00006677-19.NC 1 on December 3, 2019. Item 3 is an assumption made by NOP Staff without first obtaining sufficient subjective evidence to make such claim, which is a violation of 7 CFR §205.665(a)(2) by NOP Staff.

Had a copy of the 2018 Livestock Inspection Report been requested by NOP, the inspection report would have identified (b) (6), (b) (7)(C) as the acting inspector of the August 8, 2018 livestock inspection and confirmed by the responses provided in Items 39 and 45-47 of the ROR-651 Livestock Inspection Report Form and the corresponding addendum containing extensive photographic evidence taken to confirm the quality and quantity of available pasture during the grazing season as well as an audit of the high milk feed ration to verify accuracy of the data within the DMI worksheet for the high-milk production group. TDA is submitting a copy of the 2018 livestock inspection report, report addendum, and audit trail to confirm this information.

Due to the severity of the allegations made by ARM, against Natural Prairie Dairy Farms, TDA first believed that the investigation could not be resolved without obtaining clear evidence of the operation's compliance in addition to verifying review of the records as compliant within the inspection report documentation. It is to our relief that NOP felt that the collection of such evidence was unnecessary and issued the certifier case closure notice, dated December 20, 2019.

Due to the above stated reasons, TDA is rebutting Item 3 and requesting that it be removed, not just resolved, from NOPC-00006677-19.

In closing, had NOP Staff thoroughly reviewed the 2019 livestock inspection report and supporting documentation, the information claimed to be missing in Items 1 and 2 would have been located. Item 3 is a violation of 7 CFR §205.665(a)(2) by NOP Staff, NOP should issue a notice of retraction of noncompliance NOPC-00006677-19 in its entirety to TDA.



**Texas Department of Agriculture**  
**Regulatory Notice of Inspection**

**R-003**

COMMISSIONER SID MILLER

An administrative penalty not to exceed \$5,000 may be assessed, per day, or per occurrence, against a person who refuses a lawful inspection and/or hinders or obstructs a department inspector, or other department personnel, in the performance of official duties.

SECTION A	<b><sup>1</sup> VERIFICATION INFORMATION</b>		
	Client Name		TDA Client No.
	NATURAL PRAIRIE DAIRY FARMS LLC		(b) (4)
	Facility Name	TDA Account No	Expiration
	NATURAL PRAIRIE DAIRY FARMS	(b) (4)	03/31/2016

SECTION B	<b><sup>1</sup> INSPECTION INFORMATION</b>			
	Inspection Type		Inspection ID No.	
	Re-Inspection		8157180808063416	
	Inspector ID	Inspector Name	Region	
	(b) (5), (b) (7)(C)	(b) (6), (b) (7)(C)	<input checked="" type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5	
	Date 08/08/2018	Time 06:37 <input checked="" type="radio"/> AM <input type="radio"/> PM	County Code	County
	Enter as MM/DD/YYYY		205	HARTLEY

SECTION C	<b><sup>1</sup> NOTIFICATION</b>
	As an individual or entity under the jurisdiction of the Texas Department of Agriculture (TDA) you are subject to inspection by TDA. You are hereby notified that you are to be inspected by TDA at this time, as authorized by the law or laws marked below. During this inspection, records, products, equipment, land, and other tangible items may be reviewed, copied, sampled, tested, or seized as required by law. You may be required to provide copies of records or other documents on or before a given date, whether the items are available for immediate inspection or not.
	<input type="radio"/> Weights & Measures - Tex. Agric. Code Chapter 13; 4 Tex. Admin. Code Chapter 12.
	<input type="radio"/> Fuel Quality - Tex. Agric. Code Chapter 17; 4 Tex. Admin. Code Chapter 5.
	<input type="radio"/> Nursery Floral - Tex. Agric. Code Chapter 71, Subchapter B; 4 Tex. Admin. Code Chapter 22.
	<input type="radio"/> Quarantine - Tex. Agric. Code Chapters 71, Subchapter A, and 72, 73, 74; 4 Tex. Admin. Code Chapters 19, 20, 21.
	<input type="radio"/> Egg - Tex. Agric. Code Chapter 132; 4 Tex. Admin. Code Chapter 15.
	<input type="radio"/> Grain Warehouse - Tex. Agric. Code Chapter 14; 4 Tex. Admin. Code Chapter 13.
	<input type="radio"/> Handling and Marketing of Perishable Commodities - Tex. Agric. Code Chapter 101; 4 Tex. Admin. Code Chapter 14.
	<input checked="" type="radio"/> Organics - 4 Tex. Admin. Code Chapter 18.
<input type="radio"/> Produce Safety - Texas Agriculture Code Chapter 91.	
<b>ADMINISTRATIVE PENALTY NOTIFICATION:</b> An administrative penalty <u>may</u> be assessed for any statutory non-compliance observed during this inspection. See Tex. Agric. Code §12.020 and 12.0201. Should TDA's Legal Enforcement Division determine a violation has occurred you will be notified, via a Notice of Violation (NOV), at a later date. This penalty is in addition to any license registration fees, including late fees, which may be collected during this inspection. TDA inspectors do <u>not</u> determine if an administrative penalty will or will not be assessed by the TDA Legal Enforcement Division.	



**Texas Department of Agriculture**  
**Organic Livestock Producer Inspection Report**

**ROR-651**

COMMISSIONER SID MILLER

<b>SECTION A</b>	<b>VERIFICATION INFORMATION</b>			
	Client Name NATURAL PRAIRIE DAIRY FARMS LLC		TDA Client No. (b) (4)	
	Facility Name NATURAL PRAIRIE DAIRY FARMS		TDA Account No. (b) (4)	

<b>SECTION B</b>	<b>INSPECTION INFORMATION</b>			
	Inspection Type Re-Inspection		Inspection ID No. 8157180808063416	
	Inspector ID (b) (6), (b) (7)(C)	Inspector Name (b) (6), (b) (7)(C)	Region <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5	
	Date 8/8/2018 <small>Enter as MM/DD/YYYY</small>	Time 6:35 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	County Code 205	County HARTLEY

<b>SECTION C</b>	<b>FACILITY AND LIVESTOCK INFORMATION</b>			
	1) Is land used for producing livestock certified? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <sup>1</sup>			
	TDA Acct. #:	Other Certifier:	Cert. #:	
	2) Is the information regarding pastures and facilities under Section C of the ROR-603 accurate? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <sup>2</sup>			
	3) Is the livestock information under Section C of the ROR-603 accurate? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <sup>2</sup>			
	<sup>2</sup> If No, the producer must submit changes to the TDA, Organic Certification Program.			
	4) Is any aspect of the livestock operation performed at another location? <input type="checkbox"/> Yes <sup>3</sup> <input checked="" type="checkbox"/> No			
	<sup>3</sup> If Yes, are the addresses provided in the ROR-603 accurate? <input type="checkbox"/> Yes <input type="checkbox"/> No <sup>1</sup>			
<sup>1</sup> If No, possible noncompliance.				
5) Have all pastures been inspected as part of the Organic Land Producer Inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <sup>4</sup>				
<sup>4</sup> If No, when will the Organic Land Producer Inspection be performed? On a date TBD				

TDA License No. **(b) (4)** Inspector ID No. **(b) (6), (b) (7)(C)** Inspection Date 8/8/2018**FACILITY AND LIVESTOCK INFORMATION (CONTINUED)**

Complete the following sections as they apply to the operation.

**MILK PRODUCTION** ☐ **NA (Skip to Meat Production)**6) Is milk inspection documentation provided under Section C Questions 5a-5e of the ROR-603 accurate? ☒ Yes ☐ No<sup>1</sup><sup>1</sup> If No, possible noncompliance. If the materials listed are incorrect and/or not listed in the ROR-603, list them below and attach all product labels and ingredient listings if available:

Brand Name	Manufacturer

**MEAT PRODUCTION** ☒ **NA (Skip to Egg Production)**7) Are animals being slaughtered and processed on farm? ☐ Yes<sup>2</sup> ☐ No<sup>2</sup> If Yes, provide name of Certifier and Processor Certificate #:8) Is the loading and transportation information under Section C Questions 6b-6j of the ROR-603 accurate? ☐ Yes ☐ No<sup>3</sup><sup>3</sup> If No, possible noncompliance.**EGG PRODUCTION** ☒ **NA (Skip to Fiber Production)**9) Is the information regarding the collection, washing, packaging, and storage of eggs under Section C Questions 7a-7h of the ROR-603 accurate? ☐ Yes ☐ No<sup>4</sup><sup>4</sup> If No, area(s) of concern.10) Does the applicant/licensee have a Texas egg license number? ☐ Yes<sup>5</sup> ☐ No<sup>5</sup> If Yes, provide the Texas egg license number:<sup>5</sup> If Yes, provide the Texas egg license expiration date: Enter as MM/DD/YYYY11) Are eggs being sold directly to consumer? ☐ Yes ☐ No12) Are eggs being sold to a retail market? ☐ Yes ☐ No**FIBER PRODUCTION** ☒ **NA**13) Is the information provided under Section C Questions 8a-8b of the ROR-603 accurate? ☐ Yes ☐ No<sup>6</sup><sup>6</sup> If No, area(s) of concern.14) Is any organic fiber processing performed on farm? ☐ Yes<sup>7</sup> ☐ No<sup>7</sup> If Yes, provide name of Certifier and Processor Certificate #:☒ **In compliance at time of inspection** ☐ **Area(s) of concern\*** ☐ **Possible Noncompliance\***

\*Please clarify under Section J and/or Section K of this report.

SECTION C (CONTINUED)



TDA License No. **(b) (4)** Inspector ID No. **(b) (6), (b) (7)(C)** Inspection Date 8/8/2018**ORIGIN OF LIVESTOCK**15) Is the information regarding transitioning livestock to organic production provided in the ROR-603 accurate? ☒ Yes ☐ No<sup>1</sup>

16) Are replacement animals:

Raised on farm through natural breeding? ☐ Yes ☒ NoRaised on farm through an artificial breeding system? ☒ Yes ☐ NoPurchased from an organic source? ☒ Yes ☐ NoPurchased from a non-organic source? ☒ Yes ☐ No

\*Documentation must be on file and available for inspection to confirm the status and history of each purchased animal.

17) Are dairy and breeder stock under organic management from the last third of gestation? ☒ Yes ☐ No<sup>1</sup> ☐ NA18) Are dairy animals under continuous organic management for at least one year prior to the production of milk or milk products that are to be sold, labeled, or represented as organic? ☒ Yes ☐ No<sup>1</sup> ☐ NA19) Are poultry under continuous organic management beginning no later than the second day of life? ☐ Yes ☐ No<sup>1</sup> ☒ NA20) Is the animal identification system listed in the ROR-603 accurate? ☒ Yes ☐ No<sup>1</sup><sup>1</sup> If No, possible noncompliance.☒ In compliance at time of inspection ☐ Area(s) of concern\* ☐ Possible Noncompliance\*

\*Please clarify under Section J and/or Section K of this report.

**LIVESTOCK FEED**21) Are all the feed rations for each of the individual production groups and for each season listed correctly in the ROR-603? ☒ Yes ☐ No<sup>1</sup><sup>1</sup> If No, possible noncompliance. List incorrect and/or feed rations not listed in the ROR-603 below:

Production Group:		Ration ID:		Months in which the ration is used:	
Ingredient:		Quantity:		<input type="checkbox"/> Grown or	<input type="checkbox"/> Purchased <sup>2</sup>
Ingredient:		Quantity:		<input type="checkbox"/> Grown or	<input type="checkbox"/> Purchased <sup>2</sup>
Ingredient:		Quantity:		<input type="checkbox"/> Grown or	<input type="checkbox"/> Purchased <sup>2</sup>
Ingredient:		Quantity:		<input type="checkbox"/> Grown or	<input type="checkbox"/> Purchased <sup>2</sup>
Ingredient:		Quantity:		<input type="checkbox"/> Grown or	<input type="checkbox"/> Purchased <sup>2</sup>
Ingredient:		Quantity:		<input type="checkbox"/> Grown or	<input type="checkbox"/> Purchased <sup>2</sup>
Production Group:		Ration ID:		Months in which the ration is used:	
Ingredient:		Quantity:		<input type="checkbox"/> Grown or	<input type="checkbox"/> Purchased <sup>2</sup>
Ingredient:		Quantity:		<input type="checkbox"/> Grown or	<input type="checkbox"/> Purchased <sup>2</sup>
Ingredient:		Quantity:		<input type="checkbox"/> Grown or	<input type="checkbox"/> Purchased <sup>2</sup>
Ingredient:		Quantity:		<input type="checkbox"/> Grown or	<input type="checkbox"/> Purchased <sup>2</sup>
Ingredient:		Quantity:		<input type="checkbox"/> Grown or	<input type="checkbox"/> Purchased <sup>2</sup>
Ingredient:		Quantity:		<input type="checkbox"/> Grown or	<input type="checkbox"/> Purchased <sup>2</sup>

TDA License No. (b) (4) Inspector ID No. (b) (6), (b) (7)(C) Inspection Date 8/8/2018

**LIVESTOCK FEED (CONTINUED)**

Production Group:	Ration ID:	Months in which the ration is used:
Ingredient:	Quantity:	<input type="checkbox"/> Grown or <input type="checkbox"/> Purchased <sup>2</sup>
Ingredient:	Quantity:	<input type="checkbox"/> Grown or <input type="checkbox"/> Purchased <sup>2</sup>
Ingredient:	Quantity:	<input type="checkbox"/> Grown or <input type="checkbox"/> Purchased <sup>2</sup>
Ingredient:	Quantity:	<input type="checkbox"/> Grown or <input type="checkbox"/> Purchased <sup>2</sup>
Ingredient:	Quantity:	<input type="checkbox"/> Grown or <input type="checkbox"/> Purchased <sup>2</sup>
Ingredient:	Quantity:	<input type="checkbox"/> Grown or <input type="checkbox"/> Purchased <sup>2</sup>

<sup>2</sup>Is the feed source information of all purchased feed provided in the ROR- 603 and the above table (if applicable) accurate? ☒ Yes ☐ No<sup>3</sup>

<sup>3</sup> If No, possible noncompliance. If any purchased feed is incorrect and/or not listed in the ROR-603, list them below and attach all feed labels and ingredient listings if available:

Purchased Feed	Supplier	Supplier Certifier	Delivered <sup>4</sup>
			<input type="checkbox"/> Yes <sup>4</sup> <input type="checkbox"/> No
			<input type="checkbox"/> Yes <sup>4</sup> <input type="checkbox"/> No
			<input type="checkbox"/> Yes <sup>4</sup> <input type="checkbox"/> No
			<input type="checkbox"/> Yes <sup>4</sup> <input type="checkbox"/> No

<sup>4</sup>Are Clean Truck Affidavits on file if delivered as bulk shipments? ☐ Yes ☐ No<sup>5</sup> ☐ NA

22) Is feed stored in a manner that prevents contamination from rodents/ other animals, spoilage by water/wind/erosion, spoilage by bacteria/organisms? ☐ Yes ☐ No<sup>5</sup>

<sup>5</sup> If No, possible noncompliance.

23) Is any livestock feed processed on farm? ☒ Yes<sup>6</sup> ☐ No

<sup>6</sup>If Yes, is the information provided in Section E Question 10e of the ROR- 603 accurate? ☒ Yes ☐ No<sup>7</sup>

<sup>7</sup> If No, possible noncompliance. List all incorrect and/or on farm feed processing (roasting, grinding, etc.) not listed in the ROR-603 and the equipment used in the process:

Processing Type	Equipment

24) If processing equipment is used for non-organic products, is the equipment cleaned to prevent cross-contamination? ☐ Yes ☐ No<sup>8</sup> ☒ NA

<sup>8</sup> If No, possible noncompliance.

SECTION E (CONTINUED)

TDA License No. **(b) (4)** Inspector ID No. **(b) (6), (b) (7)(C)** Inspection Date 8/8/2018

**LIVESTOCK FEED (CONTINUED)**

25) Is any livestock feed processed off farm? ☒ Yes<sup>9</sup> ☐ No

<sup>9</sup>If Yes, is the information provided in Section E Question 10g of the ROR-603 accurate? ☒ Yes ☐ No<sup>10</sup>

<sup>10</sup> If No, possible noncompliance. List incorrect and/or off farm feed processing not listed in the ROR-603 below:

Feed Processed	Type of Processing	Name of Company	Certifier of the Processing Company

26) Are feed supplements fed to livestock? ☒ Yes<sup>11</sup> ☐ No

<sup>11</sup>If Yes, is the information under Section E Question 11a of the ROR-603 accurate? ☒ Yes ☐ No<sup>12</sup>

<sup>12</sup> If No, possible noncompliance. If any feed supplement listed is incorrect and/or not listed in the ROR-603, list them below and attach all labels and ingredient information if available:

Brand Name	Manufacturer	Delivery Method	Frequency Fed

27) Is the information under Section E Question 11b of the ROR-603 accurate? ☒ Yes ☐ No<sup>13</sup>

<sup>13</sup> If No, area(s) of concern. List the incorrect and/or water source information not listed in the ROR-603 below:

Source	Livestock Groups Available To

28) Is water tested? ☒ Yes<sup>14</sup> ☐ No

<sup>14</sup>If Yes, provide the date of the most recent water test Enter as MM/DD/YYYY 07/16/2018

29) Are materials used to clean watering sources? ☐ Yes<sup>15</sup> ☐ No

<sup>15</sup>If Yes, is the information under Section E Question 11e of the ROR-603 accurate? ☒ Yes ☐ No<sup>16</sup>

<sup>16</sup> If No, possible noncompliance. If any materials listed are incorrect and/or not listed in the ROR-603, list them below and attach all labels and ingredient listings if available:

Brand Name	Manufacturer

☒ In compliance at time of inspection ☐ Area(s) of concern\* ☐ Possible Noncompliance\*

\*Please clarify under Section J and/or Section K of this report.

SECTION E (CONTINUED)



TDA License No. (b) (4) Inspector ID No. (b) (4) Inspection Date 8/8/2018

**HEALTH MANAGEMENT**30) Is the information regarding livestock breeds under Section F Question 13a of the ROR-603 accurate? ☒ Yes ☐ No<sup>1</sup><sup>1</sup> If No, area(s) of concern. List the incorrect and/or breed information not listed in the ROR-603 below:

Livestock Species	Breed(s)

31) Are vaccines used in the health management program? ☒ Yes<sup>2</sup> ☐ No<sup>2</sup> If Yes, is the information under Section F Question 14 of the ROR-603 accurate? ☒ Yes ☐ No<sup>3</sup><sup>3</sup> If No, possible noncompliance. If any vaccines listed are incorrect and/or not listed in the ROR-603, list them below and attach all labels and ingredient listings if available:

Brand Name	Manufacturer	Age/When Given	How Administered

32) Is the information under Section F Question 15 of the ROR-603 accurate? ☒ Yes ☐ No<sup>4</sup><sup>4</sup> If No, possible noncompliance. If any materials listed are incorrect and/or not listed in the ROR-603, list them below and attach all labels and ingredient listings if available:

Brand Name	Manufacturer

33) How is the health of animals evaluated (check all that apply):

- ☐ Body condition scoring  
☒ Physical characteristics  
☒ Production  
☒ Visual assessment  
☒ Behavior  
☒ Testing (specify): Test for milk production every 2 weeks

TDA License No. (b) (4) Inspector ID No. (b) (6), (b) (7)(C) Inspection Date 8/8/2018

**HEALTH MANAGEMENT (CONTINUED)**34) Are all products listed under Section F Question 17 of the ROR-603 ☒ Yes ☐ No<sup>5</sup>  
accurate?<sup>5</sup> If No, possible noncompliance. If materials listed are incorrect and/or not listed in the ROR-603, list them below and attach all labels and ingredient listings if available:

Brand Name	Manufacturer

35) Is the information under Section F Questions 19-22 of the ROR-603 ☒ Yes ☐ No<sup>6</sup>  
accurate?<sup>6</sup> If No, area(s) of concern.36) Is the information under Section F Questions 23 of the ROR-603 ☒ Yes ☐ No<sup>7</sup>  
accurate?37) Are all pain management agents used listed in the ROR-603 accurate? ☒ Yes ☐ No<sup>7</sup><sup>7</sup> If No, possible noncompliance. List the incorrect and/or materials not listed in the ROR-603 below and attach all labels and ingredient listings if available:

Brand Name	Manufacturer

38) Is the information under Section F Questions 24a-26 of the ROR-603 ☒ Yes ☐ No<sup>8</sup>  
accurate?<sup>8</sup> If No, possible noncompliance.☒ In compliance at time of inspection ☐ Area(s) of concern\* ☐ Possible Noncompliance\*

\*Please clarify under Section J and/or Section K of this report.

**LIVESTOCK LIVING CONDITIONS**39) Is the information under Section G Questions 27-30 of the ROR-603 ☒ Yes ☐ No<sup>1</sup>  
accurate?<sup>1</sup> If No, possible noncompliance.40) Is the information under Section G Questions 31a-31b of the ROR-603 accurate? ☒ Yes ☐ No<sup>2</sup><sup>2</sup> If No, area(s) of concern. List the incorrect and/or bedding materials not listed in the ROR-603 below:

Bedding Type	Source of Bedding

TDA License No. (b) (4) Inspector ID No. (b) (6), (b) (7)(C) Inspection Date 8/8/2018

**LIVESTOCK LIVING CONDITIONS (CONTINUED)**

41) What methods are used for pest management (check all that apply)?

☐ Mechanical traps

☒ Predators

☒ Cleanliness

☐ Materials<sup>3</sup>

☒ Other (specify): (b) (4)

<sup>3</sup> Are all materials listed under Section G Question 32 of the ROR-603 accurate? ☒ Yes ☐ No<sup>4</sup>

<sup>4</sup> If No, possible noncompliance. List the incorrect and/or materials not listed in the ROR-603 below and attach all labels and ingredient listings if available:

Brand Name	Manufacturer

42) What methods are used for predator control (check all that apply)?

☐ Fencing

☐ Netting

☐ Guard animals

☐ Hazing tactics

☒ Other (specify): Firearms

43) Is manure management monitored by a County, State, Federal Agency or another organization? ☒ Yes<sup>5</sup> ☐ No

<sup>5</sup> If Yes, list the agency or organization: TCEQ - CAFO/Livestock Program

44) Is the information under Section G Questions 35a-39 of the ROR-603 accurate? ☒ Yes ☐ No<sup>6</sup>

<sup>6</sup> If No, possible noncompliance.

☒ In compliance at time of inspection ☐ Area(s) of concern\* ☐ Possible Noncompliance\*

\*Please clarify under Section J and/or Section K of this report.

**PASTURE PRACTICE STANDARD**

45) Is the information under Section H Questions 40-47a of the ROR-603 accurate? ☒ Yes ☐ No<sup>1</sup>

46) Are the Dry Matter Intake (DMI) Worksheets or an equivalent record keeping system on file? (Ruminant livestock only) ☒ Yes ☐ No<sup>1</sup> ☐ NA

47) Is the pasture(s) of quality and quantity to allow all ruminant livestock under organic management to meet the DMI requirements of the National Organic Program (NOP) Regulations? (Ruminant livestock only) ☒ Yes ☐ No<sup>1</sup> ☐ NA

<sup>1</sup> If No, possible noncompliance.

☐ In compliance at time of inspection ☐ Area(s) of concern\* ☐ Possible Noncompliance\*

\*Please clarify under Section J and/or Section K of this report.

TDA License No. (b) (4) Inspector ID No. (b) (6), (b) (7)(C) Inspection Date 8/8/2018

**RECORD KEEPING**

48) Select all records maintained and if they are complete and current:	Records Maintained?	Complete & Current? <sup>1</sup>
Documentation of all purchased animals <sup>2</sup>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <sup>1</sup>
Health management and treatment records <sup>2</sup>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <sup>1</sup>
Purchased feed and supplements <sup>2</sup>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <sup>1</sup>
Animal Identification <sup>2</sup>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <sup>1</sup>
Sales Records <sup>2</sup>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <sup>1</sup>
Production records <sup>2</sup>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <sup>1</sup>
Complaint Log <sup>2</sup>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <sup>1</sup>
Applied material and ingredient information <sup>2</sup>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <sup>1</sup>
Rations fed to livestock <sup>2</sup>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <sup>1</sup>
Breeding and birthing/hatching records	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Feed inventory and storage records	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Shipping/transportation records	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other (specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

49) Does record keeping system adequately provide for auditing the organic production? ☒ Yes ☐ No<sup>3</sup>

<sup>1</sup>Verify that the records were found to be complete and current at time of inspection. *If No, possible noncompliance.*

<sup>2</sup>This type of record keeping is required to demonstrate compliance. *If these records are not in place or if the information is insufficient to communicate the applicable information, then this is a possible noncompliance.*

<sup>3</sup> *If No, possible noncompliance.*

*\*Note, all records must be maintained for 5 years.*

☒ In compliance at time of inspection ☐ Area(s) of concern\* ☐ Possible Noncompliance\*

\*Please clarify under Section J and/or Section K of this report.

TDA License No. **(b) (4)** Inspector ID No. **(b) (6), (b) (7)(C)** Inspection Date 8/8/2018

<b>SECTION J</b>	<b>SUMMARY FOR PRODUCER</b>
	50) Person present at time of inspection: Donald De Jong, Cheri De Jong, <b>(b) (6)</b>
	<input checked="" type="checkbox"/> These findings and all comments were discussed with the inspection observer during the exit interview.
	<p style="text-align: center;"><b>COMMENTS</b></p> <p>While conducting pasture observation, it was determined that guard dogs have been introduced. Identified incorrect information as mineral being grown rather than purchased. Both issues were corrected while onsite.</p> <p>Pasture observations will be detailed in report addendum.</p>

<b>SECTION K</b>	<b>SUMMARY FOR ORGANIC CERTIFICATION PROGRAM STAFF</b>
	<b>COMMENTS</b>
	<p style="text-align: center;"><b>Checklist</b></p> <p>Please use this checklist to ensure you are sending and/or completing all of the necessary information and documents.</p> <p><input checked="" type="checkbox"/> Organic Livestock Producer Inspection Report</p> <p><input checked="" type="checkbox"/> Organic Inspection Findings</p> <p><input checked="" type="checkbox"/> Additional Attachments (specify):</p> <p>Audit trail, photographs</p>

### *Inspection Report Addendum*

Natural Prairie Dairy Farms LLC

Scope: Livestock

Account: (b) (4)

Inspection: 0815700009

Inspection Date: 08/08/2019, 8:30 AM – 2:00 PM

Inspector: (b) (6), (b) (7)(C); observed by (b) (6), TDA

Inspection observers for operation: (b) (6), Cheri De Jong, Donald De Jong

**Additional information:** This inspection was created as a re-inspection in PIER; however, sufficient records review was able to be conducted to complete a full routine inspection for the 2018 certification year.

#### **Photographic documentation of pasture quality and quantity evaluation**

(b) (4)

Bermuda grass harvester

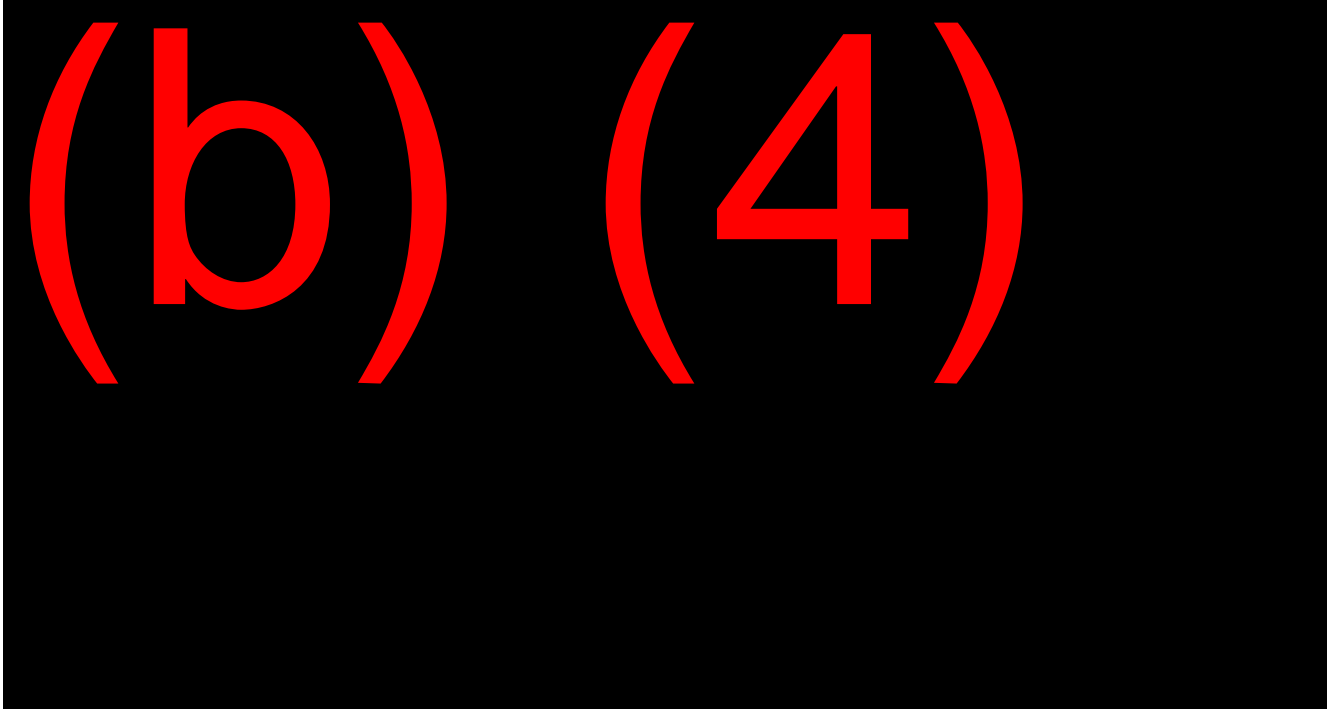
(b) (4)

Portion of pasture where Bermuda grass was harvested

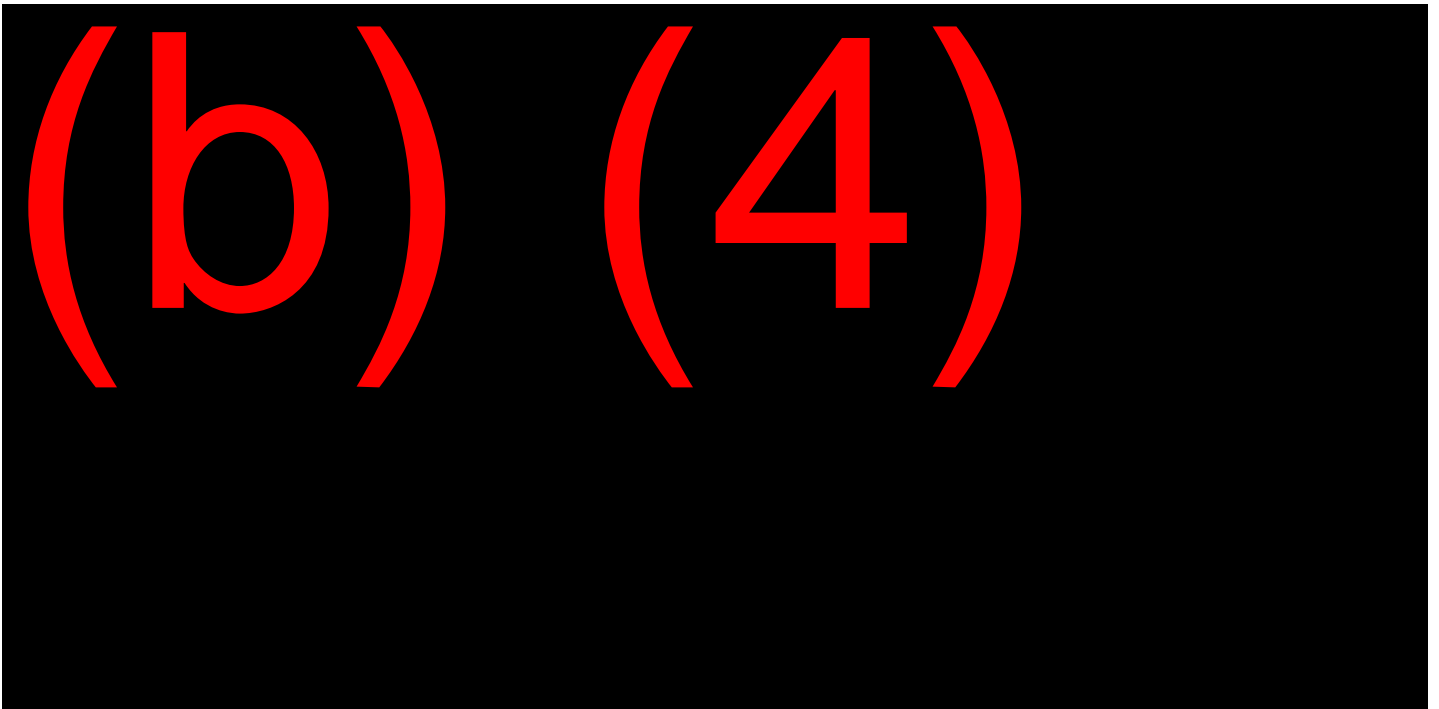
(b) (4)

***Inspection Report Addendum***

Close-up and distant photograph of Bermuda grass stolon at 4 feet in pasture currently being grazed by dry cows



(b) (4)



Right: Pivot row and visual of Bermuda grass smothering out alfalfa from previous pasture mix.

Left: Cow manure from dry cows on pasture is loose with green color, piling at 1 inch or less, with fast dry-out and decomposition, all factors indicating a diet with a high intake of fresh grass with high moisture content.

### *Inspection Report Addendum*

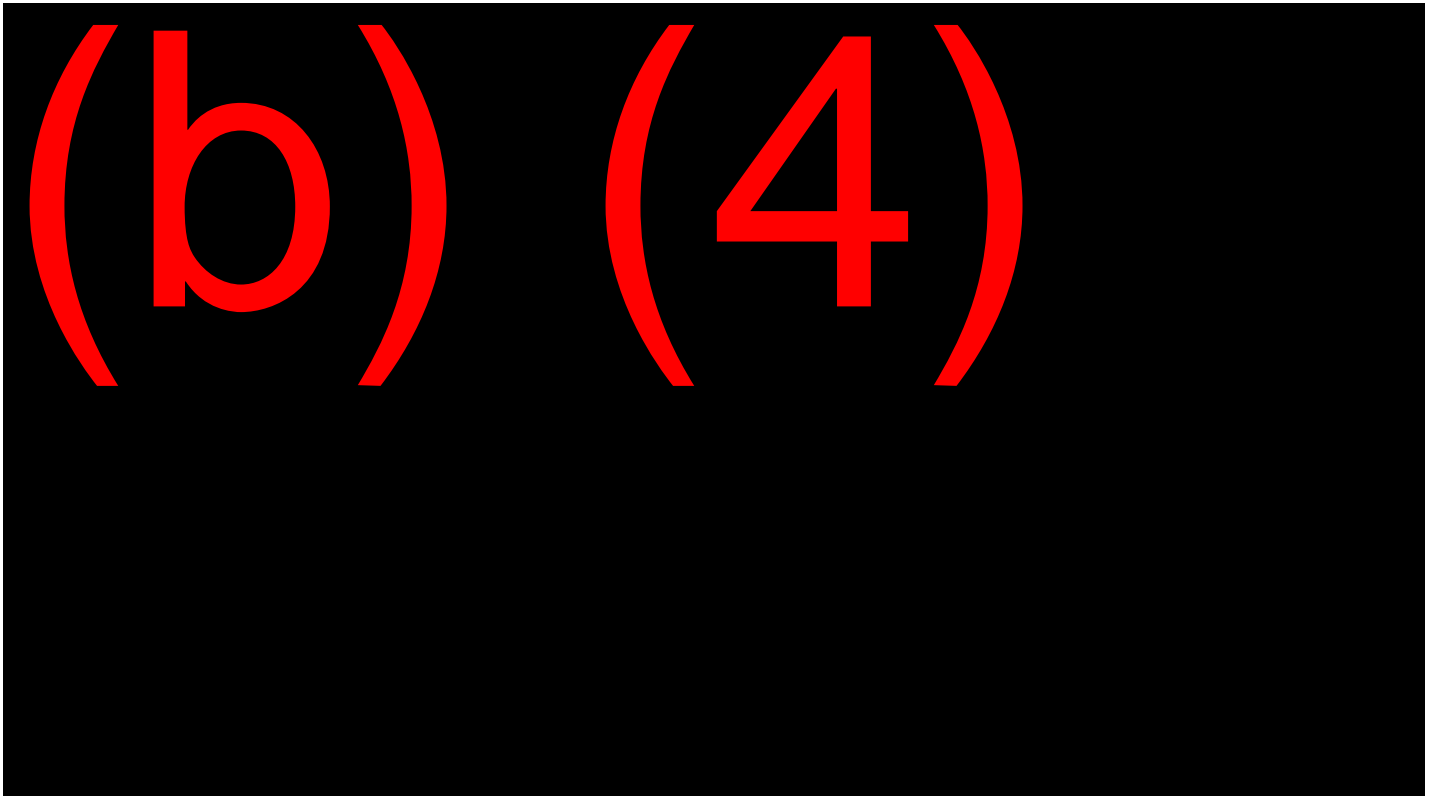
**Pasture water access:**

Water troughs were clean with minimal scum for late summer. Operation had measureable rain fall the previous evening and early morning hours. Pictures were taken around 12:00 PM indicating good moisture absorption of soil around permanent trough area.



The following picture is of pasture grazed by milking cows the previous night. Note the following information evidenced in the photograph:

(b) (4)





### ***Inspection Report Addendum***

#### **Livestock health conditions:**

Due to recent rain fall, there was an expectation of moderate mud splatter on hoofs, knees, and possible light splatter on shanks. This was observed on cows in milk production that grazed during night hours and rain; however, no major buildup was observed, which would indicate risk to soil quality caused by overgrazing. All cows displayed a healthy coat with good shine. No visible signs of kicking at workers in milking parlors, utter redness, limping, or hoof soreness were observed. Cattle were docile and no behaviors of stress or hesitation around people were observed. Cattle did not stop feeding or grazing when people walked close to them or stood on structure railing. Cows showed curiosity and would walk up to or bed down close by people.

(b) (4)

(b) (4)

General comments: While onsite, it was observed that not all hotwires for fields where cattle were grazing were turned on. This is a clear indication that cows are obtaining sufficient dry matter from available pasture as cattle would otherwise be reaching under or over wire for grasses along the fence line.

**International Trade Questionnaire:** This questionnaire should be completed as part of the inspection process when directed by Program Staff or when you find that the operation is directly importing/exporting organic product. An operation conducts direct importation/exportation when they do not purchase the organic product from or sell their organic product to another certified organic entity located here in the U.S. prior to occurrence of the import/export activity. For the purpose of this exercise, operations that utilize uncertified brokers /traders /distributors /marketers should be considered as engaging in direct importation/exportation. For answers that must be listed/detailed, please expand the row as needed so that all your information is readily viewable.

Facility Name:	Natural Prairie Dairy Farms
Account No:	(b) (4)
Inspection Date:	8/8/2018
Inspector Name:	(b) (6), (b) (7)(C)
Inspector ID:	

1	Is the listing of imported product current and complete in the ROR-610? If not, list below:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Importing
2	Does the operation's onsite import recordkeeping practices match the types of import records that they reported as collecting and maintaining in the ROR-610?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Importing
3	Is the listing of exported product current and complete in the ROR-610? If not, list below:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Exporting
4	Does the operation's onsite export recordkeeping practices match the types of export records that they reported as creating and maintaining in the ROR-610?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Exporting
5	Are the import records sufficiently verifiable to permit tracking of imported products to the last certified organic operation prior to transport to the US?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Importing
5a If import records are not verifiable, please detail the reason(s) why below:		
6	Are the export records sufficiently verifiable to document the path for forward movement of the organic product from the certified operation to the next point in the supply chain located in the foreign country?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Exporting
6a If export records are not verifiable, please detail the reason(s) why below:		
7	<b>Product labels on exported product only:</b> Do the product labels applied to the product(s) intended for export match the product labels that have been approved by Program? <i>Please collect a copy or take a picture of any non-approved product label(s) and suspect product label(s).</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Product labeling

8 **Crop Producers Only:** Has the producer or their buyer/contractor/marketer determined the country the crop(s) will be exported to? ☐ Yes  
☐ No

9 **Crop Producers Only:** If so, has the producer informed TDA that crops are intended for export and requested an equivalency review? ☐ Yes  
☐ No

10 **Livestock Producers Only:** Is the operation exporting live animals or livestock products? ☐ Live Animals  
☐ Livestock Products

**Special note to the inspector for calendar year 2018:** If you confirm that the operation conducts direct importing or exporting of organic product, please conduct the audit trail exercise on a shipment of organic product that was either imported or exported.

**Trace-back Audit Worksheet:** Please choose a title transfer document (Invoice, BOL, Sales Invoice, or Shipping Document) for a finished organic product and trace it, or one of its ingredients back to the supplier(s) and date(s) of delivery of raw materials. For producers, please select a title transfer document and trace it back to seed/planting stock purchase records or livestock birth/purchase records. List all documents necessary, and the connecting data elements between the documents that allow the finished product to be traced back to the point of entry into the operation and the operation's compliance documentation.

Facility Name:	
Account No:	
Date of Inspection	
Inspector Name	
Inspector ID:	

Document	Enter the tracking code number (Lot, Mark, PPC, etc.)	Activity that document describes	How does this document link to the next tracking document?	Comments

*Insert additional rows above this line, then copy and paste the drop-down list from the Activity column into the new rows to maintain formatting. You may also delete rows if the trace-back fits on 1 page.*

### Audit trail exercises for Producers

Please choose a crop to conduct an audit trail exercise. Compare purchase invoices, sales reports, transfer documents, etc. for a particular period of time to the following figures reported in the operation's production records: acres planted, amount harvested, sold, and/or transferred during that period. (Minimum audit period should be the period of planting to harvest of the selected crop)

Facility Name:	
Account No:	
Date of Inspection	
Inspector Name	
Inspector ID:	

Name of crop selected for input/output (mass) balance exercises (If multiple selected, identify each crop, Exercise 1 wheat, Exercise 3 peanuts):	
Audit Period Start Date:	
Audit Period End Date:	
Justification for this choice:	

<b><u>IN/OUT Balance Exercise #1</u></b>		Quantity (keep units consistent)	Measure unit	Documents attached supporting each line entry if applicable:
SAVED SEED:				
Amount of seed harvested and saved from previous crops				
Purchases of seed during the period:				
Total amount of seed planted during the period:				
Total yield from most recent crop produced:				
Total amount of seed harvested from most recent crop produced:				
Comments and observations associated with this exercise:				

<b><u>IN/OUT Balance Exercise #2</u></b>			Quantity (keep units consistent)	Measure unit	Documents attached supporting each line entry if applicable:
Specialty Crop Production:					
Total growing area planted for harvest (sq. ft., acres, etc)					
Total growing area harvested					
Total quantity of crop sold					
Weight of unit if not Lb, CWT, or U.S. tons					
Comments and observations associated with this exercise:					

<b><u>IN/OUT Balance Exercise #3</u></b>			Quantity (keep units consistent)	Measure unit	Documents attached supporting each line entry if applicable:
Commodity Crop Production:			Calculations		
Total amount of seed or planting stock purchased or stored to be planted					
Germination rate (If known)					
Must complete 2 of the following fields using data from the operation's records:					
Acres planted	(C)				
Acres harvested	(D)				
Yield	(E)				
Production (D*E)	(F)		0		
Yield per acre (F÷D). This should equal Yield (E=G)	(G)		0		
Comments and observations associated with this exercise:					

### Mass Balance Exercise for Handlers

Please choose a raw agricultural product/ingredient or finished processed product to conduct a mass balance exercise. Compare the sales/transfer for a particular period of time to the product or ingredient available to be sold/transferred during that period. (Audit period may range from 1 day to 1 year)

Facility Name:	Natural Prairie Dairy Farms
Account No:	(b) (4)
Date of Inspection	8/8/2018
Inspector Name	(b) (6), (b) (7)(C)
Inspector ID:	

Name of item selected for input/output (mass) balance:	
Audit Period Start Date:	
Audit Period End Date:	
Justification for this choice:	

		Quantity (keep units consistent)	Measure unit	Documents attached supporting each line entry if applicable:
Inventory at beginning of period	(A)			
Purchases / transfers in during the period:				

*(Add additional rows as needed above this line to maintain calculations)*

Total of all transfers in:	(B)	0		
Used in production / sales / transfers out during the period:				

*(Add additional rows as needed above this line to maintain calculations)*

Total of all transfers out:	(C)	0		
Calculated ending inventory: = A+B-C	(D)	0		
Actual ending inventory from inventory reports or physical count	(E)			
Variance = (E) – (D)	(F)	0		

Explanation of variance, if known:	
------------------------------------	--



Calculating Recipe Percentages

Facility Name:		Natural Prairie Dairy Farms					
Account No:		(b) (4)					
Date of Inspection		8/8/2018					
Inspector Name		(b) (6), (b) (7)(C)					
Inspector ID:							
Name of Product:		High cow feed ration 8/8/2018					
	Certified Organic? Check if Yes	OSP Product Composition (measure unit must be consistent)	Recipe Proportions	Organic Calculation	Floor Recipe (measure unit must be consistent)	Recipe Proportions	Organic Calculation
Ingredient							

(b) (4)

	Batch Size	(b) (4)			(b) (4)		
Weight w/o salt or water							
OSP Product Composition is			Organic	Floor Recipe is		Organic	

*Various Conversions that may be used during the course of an organic inspection*

Conversion between US Customary and
1 lb = 453.6 g
1 oz = 28.35 g
1 kg = 2 205 lb
1 pt = 473 2 cm <sup>3</sup>
1 L = 1 057 qt
1 tsp = 5 mL
1 ft <sup>3</sup> = 28.32 L

US Customary System
1 lb = 16 oz (dry weight)
1 T = 2000 lb
3 tsp = 1 Tbs
16 Tbs = 1 cup
1 cup = 8 oz (liquid capacity)
1 pt = 2 cups
1 qt = 2 pt
1 gal = 4 qt
1 gal = 231 in <sup>3</sup>
1 ft <sup>3</sup> = 7.48 gal

Metric System
1 kg = 1000 g
1 g = 1000 mg
1 kL = 1000 L
1 L = 1000 mL
1 cm <sup>3</sup> = 1 mL
1 m <sup>3</sup> = 1000 L

Commodity	Weight per bushel (lb)
Alfalfa	60
Barley	48
Clover, Alsike	60
Clover, Crimson	60
Clover, Ladino	60
Clover, White	60
Clover, Red	60
Clover Sweet	60
Corn, shelled	56
Corn, ear	70
Cotton	32
Cowpeas	60
Flax	60
Grass, Brome (smooth)	14
Grass, Blue	14
Grass, Fescue (tall)	14
Grass, Orchard	14
Grass, Redtop	14
Grass, Timothy	45
Lespedeza	40-50
Millet	50
Oats	32
Rapeseed	60
Rye	56
Sorghum, forage	50
Sorghum, grain	56
Soybeans	60
Sudan grass	28
Sunflower (oil type)	24-32
Trefoil, Birdsfoot	60
Vetch	60
Wheat	60
Apples	40
Lima Beans (unshelled)	30
Green or Waxed Beans	30
Snap Beans	30
Shelled Corn	56
Corn (in ear)	35
Cowpeas	60
Cucumbers	48
Eggplant	33
Field Peas (in hull)	25
Muscadines	50
Okra	26
Mustard Greens	18
Onions	57
Peaches	50
Field Peas	25
Sweet Potatoes (green)	55
Sweet Potatoes (dry)	50
Spinach	20
Tomatoes	53
Turnips (without tops)	54
Turnip Greens (dry)	16
Turnip Greens (wet)	18
Squash	40

Conversion factors from US Grain Council
<b>Barley (48 lb/bu)</b>
1 bushel = 021772 metric ton
1 metric ton = 45.9296 bushels
<b>CORN &amp; SORGHUM (56 lb/bu)</b>
1 bushel = 0254 metric ton
1 metric ton = 39.368 bushels
<b>WHEAT &amp; SOYBEANS (60 lb/bu)</b>
1 bushel = 0272155 metric ton
1 metric ton = 36.7437 bushels
<b>Note on Tons:</b>
British Tonne or Long Ton = 2240 lbs.
American or Short Ton = 2000 lbs.
Metric Ton = 1000 kg, approximately 2204 lbs.

# Texas Crop Yield Ranges

These figures are crop yield ranges provided by the Southern Plains Regional Office of USDA NASS. These ranges are based upon yield averages reported in NASS survey reports of Texas crops over several years. This chart should be used as guidance only. Actual production yields that you observe will vary dependent upon factors such as moisture levels, temperature, soil conditions, production practices, etc.

<b>CROP</b>	<b>NON-IRR YLD</b>	<b>IRR YLD</b>	<b>UNIT</b>
CORN	5-225	10-300	BUSHELS
SORGHUM	800-6000 (14-107)	1000-8000 (18-143)	POUND / BUSHELS
SOYBEANS	5-70	5-70	BUSHELS
PEANUTS	100-4000 (4-160)	400-8000 (16-320)	POUNDS / BUSHELS
UPLAND COTTON	50-2000 (.1-2.7)	100-2500 (.2-5.2)	POUNDS / BALES
PIMA COTTON		75-2500 (.2-5.2)	POUNDS / BALES
DRY BEANS	200-2500		POUNDS
ALFALFA HAY	.5-10	.5-15	TONS
OTHER HAY	.5-6	.2-15	TONS
SUNFLWS-OIL	400-2500	400-2500	POUNDS
SUNFLWS-NON	400-2500	400-2500	POUNDS
RICE		1000-14000 (6-86)	POUNDS / BARRELS
SAFFLOWER	400-3000		POUND
SORG SILAGE	2.0-30.0	2.0-30.0	TONS
CORN SILAGE	2.0-30.0	2.0-30.0	TONS
WHEAT	5.0-50.0	10.0-80.0	BUSHELS
OATS	5.0-50.0	3.0-120.0	BUSHELS
BARLEY	5.0-50.0	10.0-80.0	BUSHELS
RYE	3.0-40.0	10.0-70.0	BUSHELS

**From:** [Prisco, Emily - AMS](#)  
**To:** [Randy.Rivera@TexasAgriculture.gov](mailto:Randy.Rivera@TexasAgriculture.gov)  
**Cc:** [Rakola, Betsy - AMS](#); [Yang, RobertH - AMS](#); [Zuck, Penelope - AMS](#); [mary.holliman@texasagriculture.gov](mailto:mary.holliman@texasagriculture.gov)  
**Subject:** Request for Further Action (Sent Registered)  
**Date:** Wednesday, February 26, 2020 9:45:15 AM  
**Attachments:** [NOPC-00006677-19 NONC -NOP Request for Further Action.pdf](#)  
[image001.jpg](#)

---

Dear Mr. Rivera,

Please see the attached NOP Request for further action regarding NOPC-00006677-19 NONC.  
If you have any questions regarding this request please contact me at [Emily.Prisco@usda.gov](mailto:Emily.Prisco@usda.gov)  
or (720) 471-3009 .

Regards,

Emily

Emily Prisco  
Auditor, Compliance and Enforcement  
USDA Agricultural Marketing Service, National Organic Program  
1400 Independence Ave, SW; Room 2959-S  
Washington, DC 20250  
720-471-3009  
[Emily.Prisco@usda.gov](mailto:Emily.Prisco@usda.gov)

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1400 Independence Avenue, S.W.  
Room 2642-S, STOP 0268  
Washington, D.C. 20250-0268

**VIA EMAIL**

February 26, 2020

Randy Rivera  
Coordinator for Organic Certification  
Texas Department of Agriculture  
1700 North Congress Avenue  
Austin, TX 78701  
Randy.Rivera@TexasAgriculture.gov

Re: NOPC-00006677-19.NC.1, Notice of Noncompliance

**NONCOMPLIANCE RESPONSE: FURTHER ACTION REQUIRED**

Dear Mr. Rivera:

We are writing to notify you that on January 14, 2020 the U.S. Department of Agriculture (USDA), Agricultural Marketing Service, National Organic Program (NOP) received your response for the noncompliance issued on December 3, 2019. The response included a rebuttal of NOPC-00006677-19.NC 1 and an alleged NOP violation of 7 CFR §205.665(a)(2). The Texas Department of Agriculture (TDA) requested a notice of retraction to the noncompliance.

The NOP noncompliance NOPC-00006677-19.NC 1-7, citing 7 C.F.R. §205.403(c)(1), was based on the facts that the percent of dry matter intake from pasture and the number of days grazed were omitted from inspection reports. Additionally, there was no documentation of the reasons for temporary confinement of ruminants. A TDA report submitted with the noncompliance response on January 14, 2020 regarding the 2018 grazing season of the dairy also omitted the percent of dry matter intake from pasture and the number of days grazed. These are critical compliance concerns for all organic dairies.

The NOP cannot confirm the accuracy and completeness of observations and information gathered during on-site inspections without conclusive information. This is a repeated issue from previous noncompliances. For example, a noncompliance issued to the TDA on November 2, 2018 stated, "The inspector did not document the confinement in the written inspection report." The TDA's omission of critical compliance information in inspection reports is a continued concern.

For reasons included in this letter, the NOP denies the rebuttal. TDA must submit corrective actions to NOPCompliance@usda.gov within 10 days of this notification. The corrective

Re: NOPC 6677-19.NC.1, The Texas Department of Agriculture  
Page 2

actions should indicate how the noncompliance[s] will be corrected and how the TDA management system will be modified to prevent a recurrence of the noncompliance.

Please refer to NOP 2608 Responding to Noncompliances for further instructions. Failure to resolve the noncompliance(s) may result in proposed suspension or revocation of TDA's USDA accreditation.

Thank you for your cooperation in this matter.

Sincerely,


A handwritten signature in black ink that reads "Betsy Rakola". The signature is written in a cursive, flowing style.

Betsy Rakola  
Director, Compliance & Enforcement Division  
National Organic Program

cc: Director, Accreditation Division

**From:** [Emily.Prisco@usda.gov](mailto:Emily.Prisco@usda.gov) on behalf of [Prisco, Emily - AMS](#)  
**To:** [Randy.Rivera@TexasAgriculture.gov](mailto:Randy.Rivera@TexasAgriculture.gov)  
**Cc:** [Rakola, Betsy - AMS](#); [Yang, RobertH - AMS](#); [Zuck, Penelope - AMS](#); [Mary.Holliman@TexasAgriculture.gov](mailto:Mary.Holliman@TexasAgriculture.gov)  
**Subject:** Registered: Request for Further Action  
**Date:** Wednesday, February 26, 2020 9:47:58 AM  
**Attachments:** [image001.jpg](#)  
[NOPC-00006677-19 NONC -NOP Request for Further Action.pdf](#)  
[RPostDigitalSeal.htm](#)

---

 **REGISTERED EMAIL™ | SENDER AUTHENTICATION**  
This is a Registered Email™ message signed by **Prisco, Emily - AMS**. Your reply will be returned as a Registered Email message.

---

You may verify the authorship and authenticity of this message by forwarding a copy to **'verify@r1.rpost.net'**

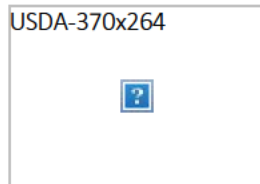
Dear Mr. Rivera,

Please see the attached NOP Request for further action regarding NOPC-00006677-19 NONC. If you have any questions regarding this request please contact me at [Emily.Prisco@usda.gov](mailto:Emily.Prisco@usda.gov) or (720) 471-3009 .

Regards,

Emily

Emily Prisco  
Auditor, Compliance and Enforcement  
USDA Agricultural Marketing Service, National Organic Program  
1400 Independence Ave, SW; Room 2959-S  
Washington, DC 20250  
720-471-3009  
[Emily.Prisco@usda.gov](mailto:Emily.Prisco@usda.gov)



[www.usda.gov/organic](http://www.usda.gov/organic)

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**From:** [John Reid](#)  
**To:** [Texas Department of Agriculture](#); [David Castillo](#); [Randy Rivera](#)  
**Cc:** [Prisco, Emily - AMS](#); [Zuck, Penelope - AMS](#); [AMS - AIAinbox](#)  
**Subject:** Notice of Noncompliance Resolution - TDA  
**Date:** Friday, March 20, 2020 5:16:55 PM  
**Attachments:** [ATT00001.jpg](#)  
[NOPC-00006677-19 NONC Resolution TDA, 3.16.2020.pdf](#)

---

Dear Mr.Rivera,

Please see the attached Notice of Noncompliance Resolution in response to the corrective actions plan described to the NOP on March 6th, 2020.

If you have any questions regarding this notice please contact, Emily Prisco, Auditor, at [Emily.prisco@usda.gov](mailto:Emily.prisco@usda.gov) or (720) 471-3009.

Respectfully,



Accreditation Division  
USDA | National Organic Program  
1400 Independence Avenue SW | 2649-S | Washington DC 20250  
Main: (202) 720-3252 |

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1400 Independence Avenue, S.W.  
Room 2642-S, STOP 0268  
Washington, D.C. 20250-0268

VIA EMAIL

March 20, 2020

Randy Rivera  
Coordinator for Organic Certification  
Texas Department of Agriculture  
1700 North Congress Avenue  
Austin, TX 78701  
Randy.Rivera@TexasAgriculture.gov

### NOTICE OF NONCOMPLIANCE RESOLUTION

Dear Mr. Rivera:

On December 3, 2019, the U.S. Department of Agriculture (USDA), Agricultural Marketing Service, National Organic Program (NOP) issued a notice of noncompliance to the Texas Department of Agriculture (TDA). On January 14, 2020, the TDA requested a notice of retraction to the noncompliance. On February 26, 2020, the NOP requested corrective actions to the noncompliance. In response, on March 6, 2020 the TDA submitted the corrective actions described below to the NOP.

**NOPC-00006677-19.NC 1– 7 C.F.R. §205.403(c)(1)**, “Verification of information. The on-site inspection of an operation must verify the operation’s compliance or capability to comply with the Act and the regulations in this part.”

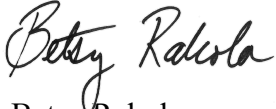
**Corrective Actions:** The TDA response includes an addendum and a planned revision for their crop and livestock OSP inspection forms. Specifically, the forms will require the inspectors to include all reasons and time frames for temporary confinement, the number of days grazed, and the percent of dry matter intake obtained from grazing by all classes of animals. Additionally, the TDA has informed its staff and inspectors of new training and resources to increase capacity when evaluating common pasture grasses.

The corrective actions demonstrate how the noncompliance will be corrected. The NOP reviewed TDA’s submission and determined that the noncompliance was adequately addressed. The implementation and effectiveness of the corrective actions will be verified during TDA’s next onsite assessment.

Re: NOPC 6677-19.NC.1 Resolution, The Texas Department of Agriculture  
Page 2

If you have any questions regarding this notice, please contact Emily Prisco, Auditor, at [Emily.Prisco@usda.gov](mailto:Emily.Prisco@usda.gov) or (720) 471-3009.

Sincerely,

A handwritten signature in black ink that reads "Betsy Rakola". The signature is written in a cursive style with a large, stylized "B" and "R".

Betsy Rakola  
Director, Compliance & Enforcement Division  
National Organic Program

cc: Penny Zuck, NOP Accreditation Manager and Brandi Chandler, TDA Interim  
Coordinator

**From:** [Tucker, Jennifer - AMS](#)  
**To:** [Mark Kastel](#)  
**Subject:** RE: Natural Prairie  
**Date:** Wednesday, April 22, 2020 4:15:00 PM  
**Attachments:** [NOPC-00006677-19 CCN 12-20-19.pdf](#)  
[image001.png](#)

---

Hi Mark – Attached is the complaint closure letter provided to Cornucopia. It provides context for the decision made.

Best -  
Jenny

---

**From:** Mark Kastel <MKastel@organiceye.org>  
**Sent:** Wednesday, April 22, 2020 9:34 AM  
**To:** Tucker, Jennifer - AMS <jennifer.tucker@usda.gov>  
**Subject:** Natural Prairie

Hi Jenny,

When you have a chance can you either respond via email or the phone and let me know the explanation as to why the program closed the investigation on Natural Prairie without action (according to a communiqué from Cornucopia yesterday).

Thanks much,

Mark



**Mark A. Kastel**  
**OrganicEye**  
701 E Street, SE, Suite 200  
Washington DC 20003

[www.organiceye.org](http://www.organiceye.org)  
**608-625-2042**

United States Department of Agriculture  
Agricultural Marketing Service  
National Organic Program  
Compliance and Enforcement Division

**REPORT OF INVESTIGATION**

**Complaint Number:** NOPC-00006677-19

**Date of Complaints:** July 25, 2019; July 26, 2019; and August 21, 2019

**Complaint Type:** Prohibited practices: livestock health and living conditions, pasture practice standard

**Complained Party:** Natural Prairie Dairy Farms, LLC  
P.O. Box 659  
Hartley, TX 79044

**Complainants:** (b) (6), (b) (7)(C), (b) (7)(D)

(b) (6), (b) (7)(C), (b) (7)(D)

(b) (6), (b) (7)(C), (b) (7)(D)

Marie Burcham  
Director of Domestic Policy  
The Cornucopia Institute  
P.O. Box 826  
Viroqua, WI 54665  
[burcham@cornucopia.org](mailto:burcham@cornucopia.org)

**Allegations:** The complainants alleged that Natural Prairie Dairy Farms LLC did not comply with the U.S. Department of Agriculture (USDA) organic regulations based on a third-party video and an investigative report detailing noncompliant livestock health care practices, living conditions, and pasture practices. They also alleged that the Texas

Department of Agriculture, a USDA-accredited certifying agent, was not capable of certifying livestock operations.

**Relevant Regulations:**

**7 C.F.R. § 205.237 Livestock feed.**

(c) During the grazing season, producers shall:

(1) Provide not more than an average of 70 percent of a ruminant's dry matter demand from dry matter fed (dry matter fed does not include dry matter grazed from residual forage or vegetation rooted in pasture). This shall be calculated as an average over the entire grazing season for each type and class of animal. Ruminant animals must be grazed throughout the entire grazing season for the geographical region, which shall be not less than 120 days per calendar year. Due to weather, season, and/or climate, the grazing season may or may not be continuous.

**7 C.F.R. § 205.238 Livestock health care practice standard.**

(a) The producer must establish and maintain preventive livestock health care practices, including:

\*\*\*

(3) Establishment of appropriate housing, pasture conditions, and sanitation practices to minimize the occurrence and spread of diseases and parasites;

(4) Provision of conditions which allow for exercise, freedom of movement, and reduction of stress appropriate to the species;

\*\*\*

(c) The producer of an organic livestock operation must not: \*\*\* (7) The producer of an organic livestock operation must not withhold medical treatment from a sick animal in an effort to preserve its organic status. All appropriate medications must be used to restore an animal to health when methods acceptable to organic production fail. Livestock treated with a prohibited substance must be clearly identified and shall not be sold, labeled, or represented as organically produced.

**7 C.F.R. § 205.239 Livestock living conditions.**

(a) The producer of an organic livestock operation must establish and maintain year-round livestock living conditions which accommodate the health and natural behavior of animals, including:

(1) Year-round access for all animals to the outdoors, shade, shelter, exercise areas, fresh air, clean water for drinking, and direct sunlight, suitable to the species, its stage of life, the climate, and the environment: Except, that, animals may be temporarily denied access to the outdoors in accordance with §§205.239(b) and (c). Yards, feeding pads, and feedlots may be used to provide ruminants with access to the outdoors during the non-grazing

season and supplemental feeding during the grazing season. Yards, feeding pads, and feedlots shall be large enough to allow all ruminant livestock occupying the yard, feeding pad, or feedlot to feed simultaneously without crowding and without competition for food. Continuous total confinement of any animal indoors is prohibited. Continuous total confinement of ruminants in yards, feeding pads, and feedlots is prohibited.

\*\*\*

(3) Appropriate clean, dry bedding.

(4) Shelter designed to allow for: (i) Natural maintenance, comfort behaviors, and opportunity to exercise.

(5) The use of yards, feeding pads, feedlots and laneways that shall be well-drained, kept in good condition (including frequent removal of wastes) and managed to prevent runoff of wastes and contaminated waters to adjoining or nearby surface water and across property boundaries.

**7 C.F.R. § 205.240 Pasture practice standard.**

(b) Producers must provide pasture in compliance with § 205.239(a)(2) and manage pasture to comply with the requirements of: § 205.237(c)(2), to annually provide a minimum of 30 percent of a ruminant's dry matter intake (DMI), on average, over the course of the grazing season(s) \*\*\*.

**Compliance Specialist:**

Emily Prisco

**Date of Report:**

December 20, 2019

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- I. Introduction
- II. Allegations
- III. Investigative Summary
- IV. Findings of Fact
- V. Conclusion
- VI. Recommendation

## Exhibits

- 1. Screenshot of webpage Natural Prairie Dairy ownership, 12-11-2019
- 2. USDA Organic Integrity Database (OID) operation profile for Natural Prairie Dairy Farms, LLC (livestock), dated 8-22-2019
- 3. OID operation profile for Natural Prairie Dairy Farms, LLC (handling), dated 8-28-2019
- 4. OID operation profile for Natural Prairie Organic, LLC (crops), dated 9-3-2019
- 5. Thomson Reuters Consolidated Lead Evaluation and Reporting (CLEAR) Background Report for Natural Prairie Dairy Farms, LLC, dated 9-3-2019
- 6. CLEAR Background Report for Natural Prairie Organic, LLC, dated 9-3-2019
- 7. CLEAR Background Report for Donald DeJong, dated 9-3-2019
- 8. CLEAR Background Report for Cheri DeJong, dated 9-3-2019
- 9. CLEAR Background Report for (b) (6), dated 9-3-2019
- 10. Animal Recovery Mission (ARM) Mission Statement, dated 11-4-2019
- 11. ARM Screenshot of webpage – intro to video with title, 12-5-2019 and, ARM Vimeo Operation Natural Prairie, 12-10-2019
- 12. ARM Vimeo introduction Operation Natural Prairie, 12-17-2019
- 13. ARM Screenshot of webpage ARM website, 12-3-2019
- 14. ARM Natural Prairie Dairy Report, dated 7-23-2019
- 15. Complaint 1, (b) (6), (b) (7)(C), (b) (7)(D) dated 7-25-2019
- 16. Complaint 2, (b) (6), (b) (7)(C), (b) (7)(D) dated 7-26-2019
- 17. Complaint 3, Marie Burcham, The Cornucopia Institute, dated 8-21-2019
- 18. NOP Email RE\_ Abuses on Organic Dairy in Texas, 7-26-2019
- 19. NOP Email FW\_ Natural Prairie Surveillance, 7-26-2019
- 20. NOP Email Natural Prairie surveillance visit – expanded scope, 7-31-2019
- 21. Audit report, USDA Quality Assurance Division, dated 7-12-2018
- 22. Audit report, USDA Quality Assurance Division, dated 8-22-2018
- 23. Audit report, USDA Quality Assurance Division, dated 8-13-2019
- 24. NOP ACA Investigation Request to TDA, 8-29-2019
- 25. Texas Department of Agriculture (TDA) Report and Correspondence, date 9-13-2019

26. Webpage from National Milk Producers Federation (NMPF) business website, "About Us," dated 11-4-2019
27. Webpage from Farmers Assuring Responsible Management (FARM) business website, "What Is FARM?", dated 11-4-2019
28. Audit report, NMPF Animal Welfare Audit, dated 7-23-2019
29. Validus Animal Welfare Review Dairy Standards, dated 5-24-2019
30. Audit report, Validus Animal Welfare Audit, dated 8-12-2019

## I. Introduction

The allegations discussed *infra* were leveled against Natural Prairie Dairy Farms, LLC (Natural Prairie Dairy). Natural Prairie Dairy, located at 10250 US Hwy 385, Channing, Texas, 79018, holds organic livestock and handling certificates. The operation is owned by Donald and Cheri De Jong. (Exhibit 1) Natural Prairie Organic, LLC, also owned by the De Jongs, holds an organic crop certificate and is located at the same address. Natural Prairie Organic, LLC provides organic (b) (4) to Natural Prairie Dairy. The USDA Quality Assurance Division audit report provided the following information about the company:

- The operation milks approximately (b) (4) dairy cattle.
- It has approximately (b) (4) dairy dry cows and heifers greater than 6 months of age.
- The operation has approximately (b) (4) calves less than 6 months of age.
- The operation has approximately (b) (4) acres of certified organic land in 2019, approximately (b) (4) acres were dedicated to irrigated pasture.
- The operation also has additional acres of non-irrigated pasture available for grazing.

Natural Prairie Dairy has been certified by the Texas Department of Agriculture (TDA) since September 26, 2005 and currently appears in the OID as certified for:

- Livestock, Cattle: breeding eligible, calves, dry cows, heifers, milking cows, slaughter eligible. (Exhibit 2)
- Handling, Dairy: milk (raw milk); animal feed: livestock feed (feed mix, ground corn) (Exhibit 3)

Natural Prairie Organic, LLC has been certified by the TDA since May 27, 2005, and currently appears in the OID as certified for:

- Crops, Field/Forageable: (b) (4), grass ((b) (4)), (b) (4). (Exhibit 4)

On September 3, 2019, the NOP conducted a CLEAR background search for Natural Prairie Dairy, Natural Prairie Organic, LLC, Donald DeJong, Cheri DeJong and (b) (6). (Exhibits 5 - 9) Search results showed Donald and Cheri as responsible parties for Natural Prairie Dairy and Natural Prairie Organic, LLC. Search results showed (b) (6) as the (b) (6) for Natural Prairie Dairy.



## II. Allegations

### A. Origin of Allegations: Animal Recovery Mission (ARM) video recording

According to the ARM business website, the nonprofit organization was established in 2010, and describes itself as “a vanguard not-for-profit organization, dedicated to eliminating extreme animal cruelty operations worldwide.” (Exhibit 10) ARM claims its mission is “to be an uncompromising defending force for the welfare of animals, in addition to putting an end to and preventing pain, suffering and torture inflicted as a result of inhumane practices.” See Exhibit 10.

On July 20, 2019, ARM published a video titled “Operation Natural Prairie”; the video can be found here: <https://vimeo.com/349213938> and is Exhibit 11. The video, which the ARM report described as being recorded between March and July 2019, allegedly showed first-person recordings of events at Natural Prairie Dairy. The NOP cannot confirm when the video recording occurred. In its description of the video where it was posted on the Vimeo website, ARM wrote that its “investigators have uncovered extensive animal cruelty and abuse at the Natural Prairie Organic Dairy Farm.” (Exhibit 12) The ARM website described the video as follows:

Organic dairies, such as Natural Prairie Dairy, are viewed by consumers and the public as adhering to operations that follow enhanced humane and ethical standards for animals, the environment and the consumer. \*\*\* A crucial component of this investigation also lies within the countless and gross violation (sic) made by Natural Prairie Dairy in regards to the USDA’s organic dairy certification guidelines, including pasture grazing stipulation of no less than 120 days per year during grazing season. (Exhibit 13)

The NOP specialist assigned to investigate the complaints, Emily Prisco (Prisco), Auditor and Livestock Compliance Specialist, personally watched the 6-minute long video published by ARM. The following list describes the events Prisco observed in the video. Dairy-specific definitions<sup>1</sup> are included in footnotes for clarity.

- People milking cows in a milking parlor.<sup>2</sup>
- People sitting in a room described as employees in a training meeting.
- Cows walking, standing, and laying down in freestall barns.<sup>3</sup>

---

<sup>1</sup> Terms defined in this section are for the convenience of the reader, resources are listed here:

<https://www.sciencedirect.com/topics/agricultural-and-biological-sciences/milking-parlors>  
<https://extension.psu.edu/designing-and-building-dairy-cattle-freestalls>  
<https://extension.psu.edu/calf-and-heifer-housing>  
<http://www.milkproduction.com/Library/Scientific-articles/Animal-health/Rumen-Fistula-Surgery/>  
[https://www.nrcs.usda.gov/wps/portal/nrcs/detail/il/technical/landuse/pasture/?cid=nrcs141p2\\_030617#Livestock\\_Handling\\_Facilities\\_Design](https://www.nrcs.usda.gov/wps/portal/nrcs/detail/il/technical/landuse/pasture/?cid=nrcs141p2_030617#Livestock_Handling_Facilities_Design)  
<https://thedairylandinitiative.vetmed.wisc.edu/home/housing-module/adult-cow-housing/hof-trimming-area/>  
[http://www.selectsires.com/programs/docs/2011\\_tailchalking.pdf?version=20180803](http://www.selectsires.com/programs/docs/2011_tailchalking.pdf?version=20180803)  
<https://fyi.extension.wisc.edu/dairy/skid-steer-handling-skills/>  
<https://www.dairyherd.com/article/full-manure-pits-and-no-place-go>

<sup>2</sup> Milking parlor, a building that has milking equipment for people to milk cows and the act of milking cows occurs.

<sup>3</sup> Freestall barns, a housing facility for dairy cattle that allows the cow to choose on their own when they want to drink water, eat feed and lay down in an individual stall, or bed.

- A cow laying down in a stall with an eye lesion.
- Manure on the floor of the freestall barn, not covering the hooves of the cattle.
- A person manually pushing/scraping manure.
- A person walking behind a cow with a baby calf hanging out of her vulva in the middle of the birthing process. The calf was birthed onto the floor. A person then picked up the calf by two legs and placed it into a warming box. A cow is seen licking the baby calf. A person administers ear tags to the calf for identification. The calf is then placed into a calf hutch<sup>4</sup> with bedding.
- A person singes hair on a cow's udder to remove the hair, the cow steps 3 times.
- Three people are performing artificial insemination on three different cows.
- A person massages and pulls placenta out of the vulva of a cow.
- A cow with a fistula<sup>5</sup> is laying down. Another cow with a fistula is standing.
- A cow is restrained in a chute<sup>6</sup> and a person is administering oral fluids to her.
- A cow is restrained in a chute with a halter and a person is administering intravenous fluids to her. The cow falls down, the people released her and then restrained her with a halter while she was on the floor and then the person administered intravenous fluids to the cow.
- A cow is seen laying on a trim chute.<sup>7</sup>
- Cows are standing and laying down in freestalls with colored tail chalk<sup>8</sup> on them.
- A person kicks a cow to get her up. That person taps the cow with something in his hand; the item is difficult to identify visually. The same person taps a metal pipe with a screwdriver in another area where cows are visible.
- A person uses the handle of a shovel to tap a cow that is laying down, then the person kicks the cow.
- A person puts a halter on the head of a cow that is laying down, the halter is attached to a skidsteer which is used to pull the cow into the walking lane of the freestall. The cow is restrained with the halter, put into the bucket of the skidsteer<sup>9</sup> and hauled away.
- A cow is in a manure pit,<sup>10</sup> then a person attaches a halter on the head of the cow then to a loader, then the cow is lifted out of the manure pit.
- A dead cow is laying down in a freestall.
- A dead cow and two dead calves are in an area designated for dead animals.

On July 23, 2019, ARM published a report on its website summarizing the video, titled "Operation Natural Prairie Dairy." (Exhibit 14) The ARM report stated that, "It should be noted that Natural Prairie Dairy was not specifically targeted. The investigator was sent to multiple dairy farms in Texas, and Natural Prairie Dairy was the first farm to hire the investigator." The

---

<sup>4</sup> A calf hutch is a housing unit for small animals that provides shelter and outdoor access.

<sup>5</sup> Cows with fistulas provide healthy rumen (stomach) microbes to recipient cows who are ill. The fistula is created at a one-time surgery event.

<sup>6</sup> A chute is a narrow enclosure used to restrain livestock.

<sup>7</sup> A trim chute is an enclosure used to restrain livestock for shortening the length of the livestock hoof, the shortening process is similar to trimming finger nails.

<sup>8</sup> Tail chalk is used to color the tail head of the animal and is a management tool for identification.

<sup>9</sup> A skid-steer is a mini loader that is used to pick up items and sometimes animals to move them to a different location.

<sup>10</sup> A manure pit is a concrete basin that holds manure until it is moved to another location.

report included background information of the dairy as well as other dairies, descriptions of observations from the video, and specific allegations regarding the USDA organic regulations. The report cited the following USDA organic regulations, along with a description of the offending conduct, that Nature Prairie Dairy violated:

- Referencing 7 C.F.R. § 205.238 Livestock healthcare practice standard, ARM wrote that, “On a daily basis, cows were tormented, kicked, hit with shovels, and stabbed with screwdrivers, by vet tech crews and animal care givers.”
- Referencing 7 C.F.R. § 205.239 Livestock living conditions, ARM wrote that, “Cows at Natural Prairie Dairy live in squalid, overcrowded and unsanitary conditions” and “[i]f a cow isn’t being milked, they spend their lives in illegally overcrowded feces-ridden barns, with insufficient stalls for each cow, they are forced to lay in feces-ridden cement, causing foot rot and infections to untreated open wounds and scars.” ARM claimed that cows were force-fed with metal tubes, had pierced holes in their stomachs, and did not receive medical attention for flesh wounds, but they received veterinary care for other health issues. The report stated, “Cows are violently inseminated only to have their offspring ripped away immediately after birth never to see them again.”
- Referencing 7 C.F.R. § 205.240 Pasture practice standard, ARM wrote that, “Natural Prairie Dairy cows well enough and willing to graze, only did so for about an hour a day during the grazing months.”

#### B. Complaints filed with the NOP

From July 25 through August 21, 2019, the National Organic Program (NOP) received three complaints referencing the ARM video and ARM report about Natural Prairie Dairy. Those complaints are described below.

1. First Complaint: (b) (6), (b) (7)(C), (b) (7)(D)

On July 25, 2019, (b) (6), (b) (7)(C), (b) (7)(D) sent a complaint email to the Texas Department of Agriculture (TDA), the NOP complaint email address, NOP Deputy Administrator Jennifer Tucker (Tucker), and NOP Compliance and Enforcement Division Director Betsy Rakola (Rakola). (Exhibit 15) (b) (6), (b) (7)(C), (b) (7)(D)'s email stated: “This video has been forwarded to me by many of my members plus media for comment. Is the certifier and NOP investigating these allegations and how they apply to organic certification?” The email included a link to a video on ARM’s business website.

2. Second Complaint: (b) (6), (b) (7)(C), (b) (7)(D)

On July 26, 2019, (b) (6), (b) (7)(C), (b) (7)(D) sent a complaint to Tucker and Rakola via email. (Exhibit 16) (b) (6), (b) (7)(C), (b) (7)(D) complaint included a link to the ARM video. His complaint included his own personal observations about the video: (1) The bedding and size in the calf hutch did not comply with the USDA organic regulations; (2) the animals were in shelters and not out on pasture or outdoors; (3) animals were left to die, and he questioned what

the operation was doing to restore the health of the animals; and (4) the method used to push liquid manure did not appear to be an effective method to provide safe walking conditions.

(b) (6), (b) (7)(C), (b) (7)(D) complaint also included concerns about the capacity of TDA to certify livestock operations, especially bovine dairy operations.

### 3. Third Complaint: Marie Burcham, The Cornucopia Institute:

On August 21, 2019, Marie Burcham, Director of Domestic Policy for The Cornucopia Institute, sent a complaint via email and US mail to the NOP. (Exhibit 17) In an attached letter, Burcham wrote that, “ARMs evidence makes it clear that these cattle are not being kept in accordance with organic standards.” Below are the following USDA organic regulations that Burcham cited in her complaint along with her description of the conduct that violated these regulations.

- Referencing 7 C.F.R. § 205.238 Livestock healthcare practice standard, Burcham stated:

The cattle are clearly stressed by both the abuse and living conditions, and many are unhealthy and sickly to the point of death. \*\*\* Organic regulations also *require* that medical treatment, including the administration of antibiotics or other medications, cannot be withheld if a sick animal needs those medications to promote their welfare (even if the animal will lose organic status if antibiotics are used) (§205.238(c)(7)). It seems clear that Natural Prairie Dairy is failing to act in the best interest of their cattle in this regard.

- Referencing 7 C.F.R. § 205.239 Livestock living conditions, Burcham stated: “These dairy cattle are apparently being confined in squalid, overcrowded conditions that mimic the worst practices in conventional agriculture. The natural behavior of cattle is not being exhibited in these conditions, and the animals were not receiving outdoor access.”
- Referencing 7 C.F.R. § 205.240 Pasture Practice Standard, Burcham stated: “Given that ARMs investigation took place between March and July 2019, the cattle should have been out on pasture during this period. Instead, undercover investigators saw no evidence of grazing among the milking herd.”
- Burcham’s complaint also included allegations against TDA. Burcham alleged that TDA was in violation of their duties as an accredited certifier by allowing “open and notorious violations” of USDA organic regulations to continue. The complainant requested that the NOP determine whether TDA “acted improperly” when it granted an organic certificate to Natural Prairie Dairy, pointing out that it appeared the Natural Prairie Dairy could not properly provide for livestock care, accommodate the health and natural behavior of animals, provide animals with pasture and/or outdoor access, sunshine, and fresh air and allow the opportunity for livestock to exhibit their natural instinctive behaviors.

### III. Investigative Summary

On July 25, 2019, Tucker emailed a copy of (b) (6), (b) (7)(C), (b) (7)(D) s complaint to TDA Deputy Commissioner Jason Fearneyhough. (Exhibit 18) On July 26, 2019, Fearneyhough confirmed receipt of the complaint and committed to conducting an investigation. (Exhibit 18)

On July 26, 2019, Rakola emailed the head of the USDA AMS Livestock and Poultry Program, Audit Services Branch to request an unannounced audit of Natural Prairie Dairy. (Exhibit 19) On

July 31, 2019, after confirming the onsite auditor assigned, Rakola emailed additional information to the auditor. (Exhibit 20) This email provided the NOP's desk audit of Natural Prairie Dairy's 2018 pasture plan and requested that the audit review the dairy's compliance with regulatory requirements for organic indoor livestock living conditions and livestock healthcare practices.

On August 22, 2019, Prisco initiated a review of the investigative reports from state and Federal sources. Prisco further utilized data obtained from an OID search for Natural Prairie Dairy, CLEAR background reports, the ARM video review, and on-site audit findings of seven inspections performed at Natural Prairie Dairy over the last two years. The seven inspections included:

- July and August 2018 USDA unannounced pasture surveillance audits,
- April 2019 National Milk Producers Federation (NMPF) Dairy Farmers Assuring Responsible Management (FARM) routine animal welfare audit,
- July 2019 NMPF FARM second animal welfare audit,
- August 2019 Validus unannounced animal welfare audit,
- August 2019 USDA unannounced pasture surveillance audit, and
- August 2019 TDA unannounced annual on-site inspection.

The NOP included Natural Prairie Dairy in the 2018 pasture surveillance pilot program when Federal auditors visited several dairies more than once. Following the July 2019 complaint, the NOP both scheduled an additional unannounced audit and requested an action plan from TDA. The NOP's unannounced audit instructions included a copy of one of the complaints, to demonstrate the expansion of the scope. TDA provided copies of its unannounced annual inspection report to the NOP, which included Natural Prairie Dairy's audit reports from the private animal welfare audits mentioned above. The section below describes the findings of each audit and/or inspection, regarding those events related to the USDA organic regulations for livestock healthcare practices, livestock living conditions, and pasture practice standards.

#### A. Onsite Audit Findings by Federal agencies

From July 2018 through August 2019, the NOP conducted three unannounced onsite audits of Natural Prairie Dairy. The NOP collaborated with USDA Livestock and Poultry Programs, Quality Assurance Division (QAD) auditors to complete these audits. All auditors were trained on the USDA organic regulations and certified by the NMPF FARM program for animal welfare audits. As described below, all three audits found that Natural Prairie Dairy complied with the pasture practice standards, as well as the requirements for livestock living conditions.

##### 1. USDA Unannounced Pasture Surveillance Audit in July 2018

On July 11 and 12, 2018, QAD auditors conducted an unannounced visit to Natural Prairie Dairy to evaluate its compliance with the USDA organic pasture practice standards. (Exhibit 21) The following were the findings by the auditors.

- Livestock Living Conditions. The audit report described the housing as "5 free stall barns with sand and wheat hay ... as the bedding." It also stated that Natural Prairie

Dairy “is using mechanical clipping prior to releasing cows in for grazing to reduce injury to eyes.”

- Pasture Practices. The audit report stated that, “Animals were observed grazing during the day and at night in numerous pastures.” The report stated that cows received (b) (4) dry matter intake from pasture and had grazed for (b) (4) days as of the July audit date.

## 2. USDA Unannounced Pasture Surveillance Audit in August 2018

On August 22, 2018, QAD auditors conducted an unannounced visit to Natural Prairie Dairy. (Exhibit 22) The following were the findings by the auditors.

- Livestock Living Conditions. The audit report stated, “Observed cows that had just been milked standing comfortably in pens and consuming the fed ration from the feed bunks.” The report also indicated auditors observed “wide dirt lanes with appropriate fencing. Lanes are well-maintained, and cows can move easily to the pastures.” Behaviors the cows expressed included “normal grazing, curious, content.”
- Pasture Practices. The audit report stated, “Animals were observed grazing during the day and at night in numerous pastures.” The auditors noted that days that cows did not graze were reportedly due to inclement weather, which QAD auditors concluded complied with temporary confinement allowances in the USDA organic regulations. The report stated that cows received (b) (4) dry matter intake from pasture and had grazed for (b) (4) days as of the August audit date.

## 3. USDA Unannounced Inspection in August 2019

On August 12 and 13, 2019, a USDA auditor conducted an unannounced visit to Natural Prairie Dairy. (Exhibit 23) As previously stated, the scope of this inspection was broader than the 2018 unannounced inspections in that the NOP instructed the auditor to review Natural Prairie Dairy’s compliance with the requirements for livestock healthcare practices and living conditions, in addition to access to pasture and grazing practices. The auditor observed the following.

- Livestock Healthcare Practices. The audit report stated that herd health was good to excellent and that veterinary visits occurred every two weeks. The report also observed that “equipment adequately maintained and appropriate for good animal husbandry” and that, “All animals observed in excellent condition. \*\*\* Hospital areas were observed and newly born calves were being cared for and identified. Close up cows were observed and one cow was observed beginning to calve; attendant was available if necessary to assist with the calving process if necessary.” The report stated that when observing new born cattle, “Calves appeared healthy and in good condition. No indications of heat stress, water and feed were available with milk bottles being used in each hutch observed.”
- Livestock Living Conditions. The audit report stated that no crowding of pens was observed. Cows were observed eating, drinking water, and ruminating. The auditor summarized housing consisted of “open air barns, sand beds in barns, dry lots and calf hutches,” noting that “free stall barns were well maintained and clean.” The auditor found that milk cows had access to dry bedding, noting, “Calf hutches had



- organically grown hay for bedding and lots were not muddy and of adequate size to allow exercise and free movement.” The report further stated that, “Lots were clean, equipment adequately maintained, facilities in good to excellent condition.”
- Pasture Practices. The auditor observed lactating cows, dry cows, and heifer groups grazing pastures on August 12 and 13, 2019. The auditor further observed all classes of animals, while grazing, performed natural cow behaviors of drinking, laying down, ruminating, and gathering in groups. The report described the pastures as having lower heights of grass in currently-grazed pastures, and higher heights of grass in soon-to-be-grazed pastures, showing evidence of pasture rotations. The report described observations in pastures of manure at different ages “fresh from previous night and previous weeks,” paths created by the animals which were “well established and used,” and forage grazed off at different heights “2-3 inches and 5-7 inches in height” within the pastures. QAD auditor found that their observations showed evidence of active grazing in multiple pastures. The auditor also reviewed records which showed daily pasture observations, evaluations, and pasture rotation. A summary of the records documented in the report specifies that, as of August 13, 2019, that the minimum number of days grazed was (b) (4) days. The declared end date of the grazing season was October 15, 2019; the QAD auditor indicated that all cows were on schedule to achieve 120 days or more on pasture by the end of the season from observations of available grass in pastures. Dry matter intake obtained from pasture over the grazing season up to this point was a minimum of (b) (4).

#### B. Onsite Audit and Inspection Findings: TDA and Private

On July 26, 2019, as part of the NOP investigation, the NOP requested documents (discussed further *infra*) from Natural Prairie Dairy’s USDA-accredited certifier, TDA.

As of August 29, 2019, the NOP had not received correspondence from TDA about its investigation. On that date, the NOP emailed a further action investigation request to TDA. In the letter, the NOP requested that TDA provide Natural Prairie Dairy’s organic systems plan and findings from its investigation. (Exhibit 24)

On, September 13, 2019, TDA provided the organic systems plan and copies of its report to the NOP, which included Natural Prairie Dairy’s audit reports and inspection reports from private animal welfare entities, NMPF Farm and Validus. (Exhibit 25)

##### 1. NMPF FARM Animal Welfare Audit of Natural Prairie Dairy in April and July 2019

NMPF is an organization that, according to its business website, “was organized in 1916 to provide a forum for dairy producers and the cooperatives they own to participate in public policy discussions.” (Exhibit 26) In 2009, NMPF created FARM, which its website describes as:

Created by the National Milk Producers Federation in partnership with Dairy Management Inc., FARM helps ensure the success of the entire industry by demonstrating that U.S. dairy farmers are committed to producing the best milk with integrity. FARM is open to all farms, milk processors and cooperatives and program components are guided by their respective advisory groups. \*\*\* The Animal Care Program is the cornerstone FARM Program in which all producers

are required to participate. It includes a FARM Animal Care Reference Manual with best practices that farmers must follow for every cow and calf on the farm, on-farm assessments by trained evaluators and third-party verification by a qualified third-party entity who evaluates a statistically significant percentage of farms each year to ensure the integrity of the program. (Exhibit 27)

On July 25 and 26, 2019, an auditor from FSNS Certification & Audit, LLC performed an NMPF FARM animal welfare audit at Natural Prairie Dairy. (Exhibit 28) The July audit was apparently the second FARM animal welfare audit performed in 2019, as the report referenced a routine animal welfare audit that occurred on April 29 and 30, 2019. However, no details of the April audit were included in the July audit report. According to the FARM animal welfare audit report, the auditor made the following observations during the audit. The calves were clean, in good body condition, and had water and starter feed available. The auditor observed treatment of hospital cows, which included drenching with rumen fluid that had just been collected, and administration of IV. Milk-fed calves in individual hutches were deeply bedded with grass hay. Fistulated cows were moving calmly and with ease during the process of removing rumen fluid. Animals receiving rumen fluid stood quietly. The auditor noted that animals and handlers were calm and quiet, and animals did not exhibit signs of agitation or discomfort as the animals were moved to holding facilities or when milked and udders flamed. Cows entered the milking parlors willingly and quietly, and cows were not flighty or reactive to handlers. Facilities were clean and clean bedding, water, and feed was available.

The FARM report did not indicate that the auditor found the operation in noncompliance with private animal welfare standards; the report specifically noted that “[c]ritical issues were not identified.” The report also outlined corrective actions taken by Natural Prairie Dairy in response to the ARM video. The corrective actions included the following:

- Refresher animal welfare training was provided and required for all employees following the release of the ARM video.
- The non-ambulatory cow standard operating procedure (SOP) had been revised to require that a minimum of two employees were present to assist when moving non-ambulatory animals.
- An employee seen in the ARM video had been reassigned to facilities maintenance responsibilities due to handling concerns identified in the video.
- The operation issued a verbal warning and retrained an employee seen lifting a newborn calf by the legs on video. The calf handling SOP had been updated. Auditors observed the newborn area, and employees were observed using a towel to wrap calves before lifting. This was consistent with the updated policy.
- The operation issued a verbal warning to an employee seen carrying a screwdriver in the video and the SOP was updated to indicate that the screwdriver (which was used for removing leg bands) was to be kept in the hospital area and removed from that area.

## 2. Validus Animal Welfare Audit of Natural Prairie Dairy, August 2019

On August 8, 2019, Validus performed an animal welfare inspection. Validus is an independent, third-party audit company that verifies private animal welfare, environmental, and worker care



standards. The Validus standards state that the audit criteria are based on science, industry standards, and best management practices. (Exhibit 29) The audit report was based on interviews with on-farm workers, as well as reviews of herd health and personnel training records. A veterinarian with expertise in animal welfare completed the onsite audit. The audit score was 97% out of 100%. (Exhibit 30)

- Livestock Healthcare Practices. The audit report stated, “Each barn has a hospital, hoof trimming facility and down-cow area under one roof.” The Validus audit report stated, “The dairy has very good protocols and training programs for non-ambulatory cow movement and care. No non-ambulatory animals were observed during this audit.”
- Livestock Living Conditions. The audit report stated, “Some barns had empty pens, all pens were less than 100% stocking density” and “[p]ens have ‘kick-outs’ with extra free stalls to balance headlocks and free stall numbers.”
- Pasture Practices. The audit report stated, “Dry cows were all on pasture, except for close-ups in the cow maternity barn. \*\*\* All dry cows and most pregnant heifers were on pasture at the time of the audit[.]”

### 3. TDA Unannounced and Routine Inspection in August 2019

On July 25, 2019, NOP Deputy Administrator Tucker sent an email to TDA advising the certifier of the ARM video and asking how they planned to respond to the video. See Exhibit 18

On August 29, 2019, the NOP sent TDA another request for information specifically asking for any investigative and oversight activities that TDA had made since July 25, 2019. See Exhibit 24

On September 13, 2019, TDA responded to the NOP’s request by providing investigation and inspection findings. (Exhibit 25) According to the investigation report, TDA reviewed the ARM video and determined the scope of the investigation would focus on the following USDA organic regulations: 7 C.F.R. § 205.237(b)(8) (prevent or restrict animals from feeding); 7 C.F.R. § 205.238(a)(3)-(4) (establish appropriate housing that prevents disease and allows for exercise/movement); 7 C.F.R. § 205.238(c)(7) (withhold medical treatment for sick animals); and 7 C.F.R. § 205.239(a)(1)-(5) (animals have access to outdoors, graze the statutory amount of time, appropriate bedding and shelter, use areas in good condition with frequent waste removal)

The report noted that on August 26 and 27, 2019, two inspectors representing TDA conducted an unannounced annual inspection of Natural Prairie Dairy. (Exhibit 25). As the annual onsite inspection, this visit reviewed the full scope of Natural Prairie Dairy’s compliance with all USDA organic regulations. TDA’s observations listed below relate to the allegations in the complaints.

- Livestock Healthcare Practices. Photo evidence shows that all classes of animals are healthy with body condition scores ranging from 2.0 to 3.0 (range is 1.0 to 5.0 indicating too thin to too fat, respectively) and clean bodies with healthy hair. The inspectors found no evidence that Natural Prairie Dairy is withholding medical treatment from sick animals. The inspectors observed and documented ill animals and their treatments. Video evidence from the inspection shows a cow with a fistula to be clean and healthy.

- Livestock Living Conditions. The inspectors observed cows resting and eating in free stall pens. The inspectors observed, and photo evidence shows, housing to be clean with dry bedding in open air free stall pens or calf hutches allowing animals to move freely and turn around easily.
- Pasture Practices. The report noted observations of lactating cows grazing on August 26 and 27, 2019, as well as dry cow and heifer groups grazing on August 27, 2019. The report described manure of different ages, included photo evidence of pastures with paths created by the animals, and documented different heights of forage in pastures, suggesting active rotational grazing. Inspectors noted different heights of grass in currently grazed pastures versus future pastures planned for grazing. Inspectors reviewed livestock and grazing records, which showed that all livestock are managed on pasture and provided daily grazing throughout the grazing season.

TDA made the following findings based on their August 2019 inspection:

- Referencing C.F.R. § 205.237(b)(8), TDA found no evidence that Natural Prairie Dairy prevented, withheld, restrained or otherwise restricted the animals from actively obtaining feed grazed from pasture.
- Referencing 7 C.F.R. § 205.238(a)(3)-(4), TDA found no evidence that Natural Prairie Dairy was not carrying out the preventive livestock care practices described in the organic system. TDA observed the fistulated cows were properly cared for and the housing and bedding was appropriate.
- Referencing 7 C.F.R. § 205.238(c)(7), TDA found no evidence that Natural Prairie Dairy was withholding medical treatment from sick animals or that livestock treated with prohibited substances were sold or labeled as organic.
- Referencing 7 C.F.R. § 205.239(a)(1)-(5), TDA found no evidence that the animals did not have access to year-round access to the outdoors or lacked sufficient space in feeding areas; confirmed the animals were grazing daily throughout the season; confirmed healthy and sick animals were provided appropriate bedding; and confirmed the operation has a manure separating facility to manage manure.
- The only issue of noncompliance issue TDA found was with regard to product labeling. TDA explained that feed additives ((b) (4) ) from a final handler were labeled as organic, but the handler did not have an organic certificate for these ingredients.

Upon review of TDA's August 2019 inspection, NOP determined that:

- TDA did not provide evidence that the inspectors verified the actual days grazed or the actual dry matter fed from pasture which therefore did not verify the operation's compliance with the requirements of 7 C.F.R. § 205.237 (c)(1) for livestock feed during the grazing season.
- TDA did not provide evidence that the inspectors verified the reasons for confining or temporarily denying pasture to ruminants.
- Correspondence between TDA and Natural Prairie Dairy indicated that TDA did not verify whether the operation complied with the requirements of 7 C.F.R. § 205.237 (c)(1) for the 2018 grazing season. Instead, during the August 8, 2019 inspection, TDA

requested that Natural Prairie Dairy “forward pasture access logs, reports and/or other records that identifies the dates that each production group was grazed for the entirety of the 2018 grazing season and up to the start date of this inspection.” This request indicated TDA did not verify 2018 grazing season records from Natural Prairie Dairy during its 2018 onsite inspection.

- The report did not clearly show that TDA’s inspectors possessed a general knowledge of agriculture. When evaluating a dairy’s grasses grown for organic pasture, TDA labeled Bermuda grass as a cool rather than a warm season grass. This error suggested a lack of capacity to evaluate dairy practices, as Bermuda is the most commonly used pasture grass for grazing in the southern and central U.S.

#### **IV. Findings of Fact**

Natural Prairie Dairy has been audited and/or inspected five times in 2019 by Federal, state certifier, and private auditors for organic and animal welfare compliance. The NOP also conducted two pasture surveillance visits in 2018. Each audit or inspection found the operation to be in compliance with USDA organic regulatory requirements for livestock health care practices and living condition requirements.

The four Federal and state certifier visits found the dairy in compliance with USDA organic regulatory requirements for pasture practices and grazing. Additionally, one of the animal welfare audits mentioned that animals were out on pasture for a total of five audits noting active grazing. In addition, the ARM report itself specified that cows were out on pasture during the grazing season.

Reports provided to the NOP by TDA also showed that private, third-party auditors found Natural Prairie Dairy to be in compliance with animal welfare requirements, which coincide with USDA organic regulations for livestock living conditions and healthcare practices. These audits generally found the cows to be in good health, exhibiting normal animal behaviors, and the auditors also verified that Natural Prairie Dairy implemented corrective actions for the specific instances of animal mistreatment documented in the ARM video.

The following are specific findings of fact as they relate to each alleged violation of USDA organic regulations:

1. 7 C.F.R. § 205.238(a)(3) Livestock health care practice standard. The ARM video showed manure on the floor of the freestall, not covering the hooves of the cattle, and a person scraping manure. During the Federal and state audits/inspections that took place between July 2018 and August 2019, auditors and inspectors found that overall herd health was good to excellent. Veterinary visits occurred every two weeks. Calves were in good health with good body condition. Photo evidence showed healthy animals with clean bodies and healthy hair. Inspectors and photo evidence indicated good pasture conditions with forage available for grazing and dry access lanes for animals to walk on. This summary of evidence shows clean and healthy animals indicating clean housing, sanitary practices and good pasture conditions with no reference to parasites nor widespread disease.

2. 7 C.F.R. § 205.238(a)(4) Livestock health care practice standard. The ARM video showed cows walking, standing and laying down in freestall barns. During the Federal and state audits/inspections that took place between July 2018 and August 2019, inspectors observed cows moving freely while eating, drinking water, ruminating, grazing and resting. Calves moved freely and were able to turn around in the calf hutches. Inspectors observed cows entering the milking parlor willingly and quietly; they were not flighty or reactive to handlers which could indicate animal mistreatment. The fistula cow was observed to be calm when she was on her own in the pen as well as during the process of removing rumen fluid. This summary of evidence shows animals exercising, moving freely and no stress indicating conditions appropriate to the species.

7 C.F.R. § 205.238(b) Livestock health care practice standard. The ARM video showed people providing treatment to animals by administering fluids and caring for a cow with a retained placenta by performing massage and removal therapy. Additionally, tail chalk shown on the animals identifies them for animal caregivers to determine health care or artificial insemination breeding actions that need to be or have been performed. During the Federal and state audits/inspections that took place between July 2018 and August 2019, inspectors observed animals being treated appropriately for illness onsite, documentation of ill animal treatments, and cows being given rumen fluid. Inspectors observed hospital areas for sick animal treatment, hoof trimming facilities for lame animal treatment, down-cow care treatment areas and separation of calves to receive individual care. Evidence of animal treatments and treatment facilities indicates the administration of medications when preventative methods are inadequate to prevent sickness.

3. 7 C.F.R. § 205.238(c)(7) Livestock health care practice standard. During the Federal and state audits/inspections that took place between July 2018 and August 2019, inspectors observed that animals were removed from the organic operation when nonorganic treatment was necessary to provide them with antibiotics and improve the health of the animal. There was no evidence that medical treatment was being withheld to preserve the organic status of any animal.
4. 7 C.F.R. § 205.239(a)(1) Livestock living conditions. During the Federal and state audits/inspections that took place between July 2018 and August 2019, inspectors observed calves in calf hutches that are structured to provide both shelter and outdoor access and room for calves to turn around in the hutches. Inspectors observed no crowding in housing and that there was adequate space for animal movement. animals in open-air barns with access to “kick-outs” which are outdoor exercise lots. One report added that, “Some barns had empty pens, all pens were less than 100% stocking density” and “[p]ens have ‘kick-outs’ with extra free stalls to balance headlocks and free stall numbers.” There was no crowding nor competition for food and “kick-outs” provide animals with year-round outdoor access. Observers found that the animals were comfortable and exhibiting normal behaviors. Observations included clean and maintained facilities including well-maintained animal traffic lanes. One inspection referenced the “close ups” being in the barn during the visit which is an approved reason for temporarily denying pasture. The video referenced by the complainants also

stated that cows were outside on pasture during the grazing season. This summary of evidence shows that animals had year-round access to the outdoors, available protection from the elements and no crowding or competition for food.

5. 7 C.F.R. § 205.239(a)(3) Livestock living conditions. During the Federal and state audits/inspections that took place between July 2018 and August 2019, inspectors observed freestalls with sufficient, clean, dry sand bedding and calf hutches with sufficient, clean, dry hay bedding. They also observed clean and healthy animals of all stages of life. The video referenced by the complainants also showed sand bedding in the freestalls. This evidence shows that animals had appropriate clean, dry bedding that was maintained well enough to keep the animals clean.
6. 7 C.F.R. § 205.239(a)(4)(i) Livestock living conditions. During the Federal and state audits/inspections that took place between July 2018 and August 2019, inspectors observed cows eating, drinking water, resting, ruminating, outside in exercise lots and grazing on pastures. Inspectors observed calves standing, turning around and laying down. These observations are normally exhibited behaviors by dairy cattle.
7. 7 C.F.R. § 205.239(a)(5) Livestock living conditions. The ARM video showed manure in freestalls not exceeding the height of the hooves of the cows, as well as manure at a low enough level that it can be pushed by hand with a scraper. During the Federal and state audits/inspections that took place between July 2018 and August 2019, inspector observations include well maintained housing and animal traffic lanes, clean facilities, clean bedding and clean animals. Pasture pathways were in good condition and used to transfer cattle to and from pastures. This evidence showed animal living areas to be well-drained in good condition and that wastes were frequently removed.
8. 7 C.F.R. §§ 205.240(b), 205.240(c)(1), 205.240(c)(2) Pasture practice standard. Compliance to the pasture practice standards are evident through these findings. The August 2018 USDA inspection report specified a dry matter intake from pasture of (b) (4) and (b) (4) days cattle grazed as of the inspection date on August 22, 2018. The August 2019 USDA inspection report specified a dry matter intake from pasture of (b) (4) and (b) (4) days cattle grazed as of the inspection date on August 27, 2019. The declared grazing season ends on October 15 and pasture forage is available to graze indicating the cattle can obtain a minimum of 130 days grazed. They observed records supporting grazing information. Inspector observations of active grazing evidence include different grass heights in individual pastures as well as between previously grazed and future pastures to be grazed. Observations included manure of different ages in pastures, worn lanes from animals walking through pastures and compliance with the organic system plan for grazing. Inspectors observed animals of different classes grazing on pasture on multiple occasions and during different times of the day and night. Additionally, the August 2019 TDA inspection included observations of different classes of animals grazing and similar observations of active grazing as those of the QAD inspections. The Validus animal welfare audit report stated that certain classes of animals were on pasture at the time of the audit and the close-ups were confined in the maternity barn. All three onsite audits therefore found evidence of

compliant grazing and temporary confinement practices. The ARM report stated that cows grazed during the grazing months.

### **Conclusion**

Natural Prairie Dairy is certified organic for livestock, handling, and crops. The results of seven inspections conducted in 2018-2019 by Federal, state, and private parties showed compliance with USDA organic regulations for livestock living conditions, livestock healthcare, and pasture practice standards. Auditors and inspectors found that operation was clean and well-maintained, cattle were healthy, and animals had access to pasture during the grazing season with good-quality forage. In addition, a private audit verified specific corrective actions executed by Natural Prairie Dairy to address the concerns raised by the ARM video. Subsequent audits confirmed the continued implementation of these corrective actions.

However, a comparison of information from USDA and TDA onsite inspections showed that TDA failed to carry out the provisions of the Organic Foods Production Act when conducting its onsite inspection of Natural Prairie Dairy. The NOP entered into a settlement agreement with TDA earlier this year regarding its organic livestock certification activities. Implementation and verification of this agreement is ongoing.

### **Recommendation**

The NOP recommends closing this case and issuing the following actions to the involved parties:

- Notice of Noncompliance to the complained operation, TDA.
- Notice of Case Closure to the complained operation, TDA.
- Notice of Case Closure to the complained operation, Natural Prairie Dairy.
- Notice of Case Closure to the three complainants.