



March 12, 2024

Dr. Jennifer Tucker
Agricultural Marketing Service
United States Department of Agriculture
1400 Independence Avenue SW
Mail Stop 0268, Room 2648-S
Washington DC 20250-0268

RE: Legal complaint and request for action regarding certification by Oregon Tilth Inc. of Postmus Organic Dairy/Dublin Dutch Dairy, Dublin Texas, despite multiple violations of the National Organic Program's regulatory standard Title 7, Subtitle B, Chapter I, Subchapter M, Part 205, Subpart C, especially the following sections:

- § 205.237 - Livestock feed.**
- § 205.238 - Livestock care and production practices standard.**
- § 205.239 - Mammalian and non-avian livestock living conditions.**
- § 205.240 - Pasture practice standard.**

Dear Dr. Tucker,

We respectfully request that your office thoroughly investigate and take appropriate enforcement action to address apparent violations of the NOP requirements for certification of Postmus Dairy LLC accreditation of Oregon Tilth Inc. for:

Postmus Dairy LLC, DBA Dublin Dutch Dairy
Certified Organic as: Postmus Organic Farms
Operation Status:
Certifier: [OTCO] Oregon Tilth Certified Organic
NOP ID: 8150000179
Certifier Client ID: OT-002770

Texas Commission on Environmental Quality Concentrated Animal Feeding Operation General Permit, TXG920299: TPDES Large CAFO; permitted 5,200 dairy cattle, of which 3,100 are milking dairy cattle. The

property comprises 2,330 acres.

Note: to see a view of Postmus Dairy, open this [Google Map](#).

The following image indicates the property lines around the operation. The milking parlors, free stall barns, calf sheds, irrigation pivots, and waste management pods are easily identified.



Postmus Dairy LLC/DBA Dublin Dutch Dairy

NOP Requirements for pasturing and managing ruminants: Title 7, Subtitle B, Chapter I, Subchapter M, Part 205, Subpart C

§ 205.240 (c)(2) Pasture practice standard.

Cultural and management practices to be used to ensure **pasture of a sufficient quality and quantity** is available to graze throughout the grazing season and to provide all ruminants under the organic system plan, except exempted classes identified in § 205.239(c)(1) through (3), with an average of not less than 30 percent of their dry matter intake from grazing throughout the grazing season.¹

Violations of the NOP Requirements



- Paddock 1, which comprises fewer than 100 acres, shows severe overgrazing, and very little shade or cover. Cattle must travel 1000-2000 feet, first through a culvert under the road, and then on to one of several gates into the paddock. For a herd of 3,100 milking cows, that distance is too far to walk between each milking, therefore we must conclude that the cattle are confined between each milking. It's more likely that this overgrazed parcel is housing dry cows or heifers.
- Paddock 2 is approximately two-thirds the size of Paddock 1 and has almost no shade and a very small pond for watering. Compared to other fields it does not appear that this has been recently grazed, although other options are clearly overgrazed.
- Areas to the right, between, and to the left of the northern end of the

¹ [https://www.ecfr.gov/current/title-7/part-205/section-205.240#p-205.240\(c\)\(2\)](https://www.ecfr.gov/current/title-7/part-205/section-205.240#p-205.240(c)(2))

milking parlors are nearly barren or severely overgrazed.



Cattle in Paddock 1



Cattle Outside Milking Barn

Postmus Dairy milks 3,100 cattle; we could only locate a few milking cows clustered outside the eastern milking barn. Our contention is that nearly all the milking cows are confined to these barns. In operations of this scale, it's typical to subdivide the herd to multiple groups where some would be milking, others loafing, and others productively grazing at any given time.



Cattle in Feed Lots

Also located on the Postmus Dairy property are cattle confined to feed lots with no access to nearby pasture at all.

Conclusion

The NOP defines pasture as: Land used for livestock grazing that is managed to provide feed value and maintain or improve soil, water, and vegetative resources.² It is our contention that very little of the land on this property used for grazing or managing cattle meets this definition. It appears that, given the land base, OTCO never should have certified this operation of animals being managed.

Please note the bright green fields where cows have not been grazing. This indicates that this dairy would not have been benefiting from any declaration of drought exempting the operation from meeting the minimum days on pasture/dry matter intake required in the standards at the time the images were captured.

After OrganicEye experts scrutinized the state regulatory documents and satellite images, we concluded that an investigation of this dairy's grazing practices is warranted. We request the Department investigate how many times per day lactating cows are being milked on this operation. In conjunction with the limited land base, and the distance of some potential grazing opportunities, if they are milking 3-4 times a day, as a number of certified organic CAFOs are, that would make it

² <https://www.ecfr.gov/current/title-7/subtitle-B/chapter-I/subchapter-M/part-205/subpart-A/section-205.2>

increasingly dubious that the grazing standards are being met.

We ask that you take all warranted enforcement actions to bring this dairy into compliance with NOP rules in a timely fashion or decertify and fine the operators, if appropriate. Furthermore, we respectfully request that the NOP investigate whether this type of alleged gross negligence, as suitably reflected in the operations organic systems plan and approved by the certifier, would justify a sanction against OTCO which could include suspension from livestock certification.

This one dairy makes up a material percentage of organic dairy production in the US. Along with other CAFOs which are allegedly also violating the spirit and letter of the federal regulations, they have competitively damaged family-scale certified organic farmers, many of which have been forced to exit the industry in recent years.

It should be noted that nothing in this formal complaint shall be interpreted as a waiver of our right to appeal under the Adverse Action Appeals Process.

Sincerely,

Mark Kastel
Executive Director

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