



December XX, 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 Sunrise Organic Dairy, Paul, ID, 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 **Sunrise Organic Dairy, Paul, ID** and the accreditation of Oregon Tilth Inc. for:

Sunrise Organic Dairy
Certified Organic as: Sunrise Organic Dairy LLC
Operation Status: Certified, CROPS and LIVESTOCK Scopes
Certifier: [OTCO] Oregon Tilth Certified Organic
NOP ID: 8150014743
Certifier Client ID: OT-034874

State of Idaho Department of Environmental Quality (DEQ), on March 28, 2014, confirmed the receipt of Sunrise Organic Dairy's registration for Permit by Rule¹

¹ http://www.deq.idaho.gov/air/permits_forms/permitting/pbr_dairies.cfm

(Section 764 of the Rules for the Control of Ammonia from Dairy Farms). The following information was included in the registration: Number of cows: 4,853.

OrganicEye has been unable to access more recent documents regarding water quality and hazardous waste.

On October 17, 2024, The State of Idaho denied OrganicEye's request for access to "a copy of the certified site-specific nutrient management plan and any other document(s) ... for the following company: Sunrise Organic Dairy," specifying Section 74-114, Idaho Code – Access to Air Quality, Water Quality and Hazardous Waste Records – Protection of Trade Secrets.²

Acreage reported March 28, 2014: Number of cows: 4,853

Current data provided by Suntado LLC³: 5,500 acres, 5,500 head of cattle, 400,000 pounds of milk daily

Current total acreage certified organic, per NOP Organic Integrity Database, accessed: 12/2/2024⁴): 6,900 acres

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.⁵

Violations of the NOP Requirements

² <https://legislature.idaho.gov/statutesrules/idstat/Title74/T74CH1/SECT74-114/>

³ <https://www.suntado.com/owners/>

⁴ <https://organic.ams.usda.gov/Integrity/CP/OPP?cid=62&nopid=8150014743&ret=Home&retName=Home>

⁵ [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))



Sunrise Organic Dairy, Paul ID



Sunrise Organic Dairy, cattle in transit to an overgrazed paddock



Sunrise Organic Dairy - cattle in small paddocks with no pasture visible



Sunrise Organic Dairy - cattle in overgrazed paddock ~ one mile from milking barns

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.⁶

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 based on the number of animals being managed.

Based on satellite imagery of the Sunrise Organic Dairy LLC, we request the Department investigate whether the operation is in violation of federal law, as alleged, as well as whether the certifier involved (OTCO) has failed to perform adequate oversight. We contend that overgrazing has occurred, based on the available pasture to the milking herd and/or overgrazing in paddocks that are in close proximity to the feedlot.

We also 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 more than two times (3-4 times a day is not uncharacteristic as confirmed on many Western CAFOs), that would make it dubious that the grazing standards are being met for adequate consumption from pasture to meet minimum regulatory requirements.

Furthermore, that would equate to illegal confinement for most of the day for lactating animals.

We ask that you take all warranted enforcement actions and fine or decertify the operators, if appropriate.

In addition, 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 future livestock certification.

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
OrganicEye
PO Box 8
La Farge, WI 54639

⁶ <https://www.ecfr.gov/current/title-7/subtitle-B/chapter-I/subchapter-M/part-205/subpart-A/section-205.2>