# Wyoming Department of Agriculture

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*The Wyoming Department of Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life.*

Dave Freudenthal, *Governor*
John Etchepare, *Director*

December 22, 2008

Richard H. Mathews
Chief, Standards Development and Review Branch
National Organic Program
Transportation and Marketing Programs
USDA-AMS-TMP-NOP
1400 Independence Ave., SW, RM 4008—So.
Ag. Stop 0268
Washington, DC 20250

Dear Mr. Mathews:

Following are the comments from the Wyoming Department of Agriculture (WDA) on the proposed rules to amend livestock and related provisions of the National Organic Program (NOP)—Access to Pasture (Livestock): Docket number AMS-TM-06-0198; TM-05-14.

Our comments are specific to our mission within state government: dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this proposal has major impacts upon our agriculture industry, our natural resources and the welfare of our citizens, we believe it is important you continue to inform us of proposed actions and decisions and provide us the opportunity to express pertinent issues and concerns.

The WDA has recently reviewed the proposed changes for the NOP—Access to pasture. The proposed rule changes will significantly impact the dairy industry. Wyoming is primarily a ranching state, with many livestock operations raising beef and sheep. However, we do have a number of dairies in our state. Two of these dairies were recently (May 2008) certified organic. These dairies went to great lengths to transition their operations to get organic status. The proposed rules to the NOP are likely to have an adverse impact to these and future Wyoming dairies interested in producing organic milk and raising replacement heifers for their farm and to sell.

We understand the importance of providing a natural environment for livestock, including pasture. However under the proposed rules, the United States Department of Agriculture (USDA) is assuming pastures and the vegetation grown under the defined term "crop" are equal between states. Wyoming range conditions are highly variable and contingent upon natural precipitation. Pastures are less likely to have irrigation and more likely to rely on natural precipitation, therefore producing substantially less vegetation for livestock such as cattle to graze.

The following statement describes the variability of Wyoming's growing season. The USDA stated growing seasons to range from 121 to 365 days. The growing season stated does not cover

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all areas in our state. Farms in Star Valley, near Afton will not have a long enough growing season to meet the USDA rules and will therefore be excluded from organic certification in the future.

*"**GROWING SEASON** – Early freezes in the fall and late in the spring are characteristic. This results in long winters and short growing seasons. However, it is a county of rapid changes through the fall, winter, and spring seasons, with frequent variations from cold to mild periods. The average growing season (freeze-free period) for the principal agricultural areas is approximately 125 days. For hardier plants which can stand a temperature of 28°F, or slightly lower, the growing season is the agricultural areas east of the Divide is approximately 145 days. In the mountains and high valleys freezing temperatures may occur any time during the summer. For tender plants there is practically no growing season in such areas as the upper Green River Valley, the Star Valley and Jackson Hole. At Farson near Sandy Creek, a tributary of the Green River, the average is 42 days between the last temperature of 32°F in early summer and the first freeze in late summer. For the places like the Star Valley and Jackson Hole, the growing season is even shorter."* http://www.wrcc.dri.edu/narratives/WYOMING.htm

Livestock are discouraged to have year round access to pasture. Pasture rotations are critical tools by livestock producers for the vegetative vigor and longevity of their Wyoming rangeland pastures. If producers are irrigating crops, it is often for the production of hay, silage or feed such as corn, but not intended for grazing. The distance cattle must travel in rangeland pasture conditions is simply not feasible for dairy cattle that are milked at least two times per day.

The WDA supports the ability for consumers to purchase and consume certified organic products. However, we also support the agricultural producers in our state to have an equal opportunity to transition their operations to organic production. The proposed rules simply do not work in Wyoming and we request the USDA revise the proposed rules to consider all states' agriculture producers to meet the expectations and standards. Wyoming, Idaho, Montana Colorado and other states will have similar concerns, especially related to the growing season of dryland pasture conditions.

We look forward to reviewing the revised rules and encourage the USDA to contact us with questions or concerns.

Sincerely,

John Etchepare
Director

JE/jw

Cc: Governor's Planning Office
WDA Board of Agriculture
Wyoming Stock Growers Association
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Wyoming Farm Bureau Federation
Wyoming State Grazing Board
Wyoming Business Council: Agribusiness Division
Scott Forest: Forest Dairy
Tim Bartel: T-Bartel Holsteins