

GUIDANCE
Guidance Statement

From time to time, NOP issues program guidance for certifying agents, producers, and processors, concerning issues that arise related to the National Organic Standards as published in 7 CFR Part 205. These guidance statements are organized according to sections of the regulation, but may also be found under broad heading topics of: crops, livestock, handling/processing, labeling, and the National List. NOP welcomes input from interested parties. You may reach us by mail or fax at: National Organic Program/Rm 4008 South Bldg. 14th & Independence Avenue, Washington, DC 20250; fax (202) 205-7808.

Topic(s): Livestock Health Care Practice Standard, Origin of Dairy Livestock

Issue(s): We have been asked how the use of antibiotics affects the organic status of dairy animals and milk or milk products under the National Organic Program (NOP) regulations.

Answer: Under section 205.238 (c)(1) of the NOP regulations, a dairy animal treated with antibiotics cannot be sold, labeled, or represented as organic. Milk or milk products derived from such an animal cannot be sold, labeled, or represented as organic. Under section 205.236(a)(2), however, the regulations do not prevent a treated dairy animal from being used to produce organic milk or milk products, as long as the animal has been under continuous organic management for a minimum of one year prior to the milk or milk products being sold, labeled, or represented as organic.

Also, the NOP regulations, at section 205.236(a)(3) do not prevent such an animal from being used as breeder stock. Livestock used as breeder stock may be brought from a nonorganic operation onto an organic operation at any time. If such breeder stock are gestating and the offspring are to be raised as organic livestock, however, the breeder stock must be brought onto the operation no later than the last third of gestation.

What OFPA Says:

6509 Animal Production Practices and Materials:

6509 (d) (1) (A), (C): For a farm to be certified as an organic farm with respect to the livestock produced by such farm, producers shall not use sub therapeutic doses of antibiotics or administer medication, other than vaccinations, in the absence of illness.

6509 (e) (2): A dairy animal from which milk or milk products will be sold or labeled as organically produced shall be raised and handled for not less than the 12-month period immediately prior to the sale of such milk and milk products.

What the Standards Say:

205.2 Terms Defined.

Animal drug – any drug intended for use in livestock, including any drug intended for use in livestock feed.

Biologics – all viruses, serums, toxins, and analogous products of natural or synthetic origin intended for use in treatment of diseases of animals.

Breeder stock – female livestock whose offspring may be incorporated into an organic operation at the time of birth.

Slaughter stock – any animal intended to be slaughtered for consumption by humans or other animals.

205.236 Origin of livestock.

(a) Livestock products that are to be sold, labeled, or represented as organic must be under continuous organic management from the last third of gestation, Except That:

(2) Milk or milk products must be from animals under continuous organic management beginning no later than 1 year prior to the production of the milk or milk products that are to be sold, labeled, or represented as organic, Except That,

(i) When a distinct herd is converted the producer may feed 80 percent organic feed for the first 9 months, followed by 100 percent organic feed for the last three months; after conversion, all dairy animals shall be under organic management from the last third of gestation.

(3) Breeder livestock may be brought onto an organic operation at any time, as long as gestating breeder stock are brought on no later than the last third of gestation.

(b) The following are prohibited:

(1) Livestock removed from an organic operation and managed on a nonorganic operation may not be sold, labeled, or represented as organic.

(2) Breeder or dairy stock not under continuous organic management since last third of gestation may not be sold, labeled, or represented as organic slaughter stock.

205.237 Livestock feed.

(b) The producer must not use animal drugs to promote growth.

205.238 Livestock health care practice standard.

(a) The producer must establish health care practices including:

(6) Administration of vaccines and other veterinary biologics

(b) When preventive practices and biologics are inadequate, the producer may administer synthetic medications provided such medications are allowed under 205.603.

(c) The producer of an organic livestock operation must not:

(1) Sell, label or represent as organic any animal or edible product derived from any animal treated with antibiotics;

(2) Administer any animal drug in the absence of illness;

(6) Administer animal drugs in violation of the Federal Food, Drug, and Cosmetic Act; or

(7) Withhold medical treatment from an animal to preserve its organic status. Livestock treated with a prohibited substance must be clearly identified and not be sold, labeled, or represented as organic.

Guidance:

This guidance is consistent with OFPA and the NOP regulations. Sub therapeutic antibiotic doses are strictly prohibited by OFPA. Use of antibiotics is allowable to treat illness when preventive practices and veterinary biologics fail. When this occurs, there are three effects on the animal and its products.

1. *Effect on organic status of the animal* – An animal that is treated with an antibiotic can never be sold, labeled, or represented as organic. This means that a treated animal could never be slaughtered for organic meat.

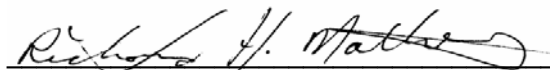
2. *Effect on livestock products* – Products produced from slaughtered animals treated with antibiotics cannot be sold, labeled, or represented as organic. Dairy animals treated with antibiotics must be removed from the herd and managed organically continuously for 12 months before their milk can be sold, labeled, or represented as organic.

3. *Effect on offspring* – Breeder stock treated with an antibiotic prior to the last third of gestation may still give birth to organic offspring.

We have created the following table to help answer the following questions related to how antibiotics affect the organic status of dairy animals, dairy products, and offspring.

“When is the milk/meat/calf from a dairy animal considered organic?”

Type of Animal	Milk	Meat	Offspring
Conventional cow or breeder stock brought to organic operation	After 12 months	Never	If managed organically from last 3 rd of her gestation, her offspring is organic
Organic cow born on organic farm	Immediately	At slaughter	At birth
Organic cow treated with antibiotics; left on farm, separated from organic herd, & managed organically.	After 12 months	Never	As long as treatment was prior to last third of her gestation, her offspring could be born organic.
Organic cow from birth, moved to nonorganic operation	Never; organic status forfeited on departure from farm	Never; organic status forfeited on departure from farm	Never; organic status forfeited on departure from farm
Organic cow treated with antibiotic, moved off farm to nonorganic operation	Never; organic status forfeited on departure from farm	Never; organic status forfeited on departure from farm	Never; organic status forfeited on departure from farm


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