



CORNUCOPIA
I N S T I T U T E

May 10, 2008

Ms. Phyllis Fong
USDA - Office of Inspector General
Room 117-W Jamie Whitten Bldg
1400 Independence Avenue SW
Washington, DC 20250

Dear Ms. Fong –

The Cornucopia Institute is contacting your office because of our grave concerns regarding the performance of the National Organic Program (NOP) and enforcement agents of the USDA in protecting and guaranteeing the integrity of federal organic agriculture regulatory standards.

In particular, we are directing your attention to repeated calls by The Cornucopia Institute for an investigation into alleged violations of federal organic standards by Dean Foods organic dairy operation, Horizon Organic, and the repeated dismissal of these concerns without any meaningful investigation.

The Cornucopia Institute has collected significant evidence documenting the alleged violations that have occurred at Dean's Horizon Organic factory farm dairy located in Paul, Idaho. The facility is currently home to approximately 8000 head of cattle.

The evidence we have gathered comes from personal, eyewitness inspections by Cornucopia staff at the Horizon dairy facility, satellite imagery, and photographic evidence. Cornucopia staff have also gathered supporting testimony from numerous expert witnesses familiar with the Paul, Idaho, operation.

The Cornucopia Institute filed its first formal legal complaint concerning organic improprieties at the Dean/Horizon operation with the NOP and its compliance office in February 2005. Barbara Robinson, then at AMS, subsequently ordered the compliance office not to investigate this complaint (we have FOIA documents verifying this action).

Upon gathering additional evidence, including a site visit, The Cornucopia Institute filed a second formal legal complaint with the NOP compliance office in August 2006. This complaint

also included allegations about organic improprieties occurring at Horizon's 500-head Maryland organic dairy.

In October 2007, The Cornucopia Institute was notified by the NOP compliance office that its Horizon complaint had been dismissed. We know that the 8000-head Idaho facility, again, was never visited by compliance officers, nor were any staff from Cornucopia contacted and asked to share the evidence we possessed that supported the alleged serious violations of federal organic standards upon which the complaint was based.

We do know, however, that compliance officers did visit the Maryland facility and did interview some of our expert witnesses to discuss the improprieties at the Maryland operation. What we are questioning about the nature of this investigation is how it was conducted. We understand, from records obtained via a Cornucopia FOIA, that representatives from the compliance office contacted Horizon through the company's attorney to arrange a date and time for an inspection of the Maryland facility. The nature of Cornucopia's complaint profiles the fact that, in opposition to the organic regulations, the dairy was primarily confining their cattle to a feedlot instead of grazing. Tipping them off in advance of the visit by compliance officers negated any and all of its utility in the course of the investigation.

What type of legal investigation is this where potential lawbreakers are warned in advance of a visit from federal law enforcement agents and asked when a convenient time might be to visit? Is this how the FBI conducts its job? Is this how the DEA or local law enforcement officials investigate drug crimes?

We certainly understand that Dean Foods, the owner of Horizon Organics, is a powerful corporation with many friends in Washington, D.C. But we expect that the eyes of justice are blind, and justice should be administered equally and fairly.

In contrast to how the investigation of Horizon was conducted, we would like to point to the outcomes concerning two other similar complaints filed by The Cornucopia Institute. The Case Vander Eyk, Jr., organic factory farm dairy lost its organic certification in April 2007 for violations of federal organic rules. In August 2007, the Aurora Organic dairy was sanctioned by the NOP and USDA, based upon the findings by federal investigators of 14 "willful" violations of organic standards at its multiple dairy facilities.

In fact, Cornucopia staff were interviewed and provided sworn affidavits to the USDA's investigators in the Aurora matter as part of the agency's investigation. The agents then visited Aurora's giant farm in Colorado and interviewed the operation's organic certifying agency. None of these steps were taken to collect evidence in the Dean/Horizon matter concerning their largest dairy in Idaho.

Conditions on the 8000-head factory farm operated by Dean/Horizon in Idaho were very similar to the factory farms that the USDA has already sanctioned. The only discernible difference appears to be how much money Dean Foods has spent on lobbyists and campaign contributions in Washington.

The Cornucopia Institute is calling upon your office to review this matter and determine why an investigation never took place at Dean/Horizon's Idaho factory farm. We are asking you to

determine why the apparent double standard, in terms of enforcement, exists. The integrity of the organic label and the integrity and reputation of the USDA are at stake.

Business in the organic food sector is booming and has been growing at a double-digit rate for more than a decade. This year sales will total nearly \$20 billion. There is a tremendous temptation for unethical actors to cheat or circumvent organic rules so that they may cash in on the consumer's hunger for authentic, USDA-certified organic food.

As charged by Congress, it is incumbent upon the USDA and your office to ensure that the farmers involved in organic agriculture, who are faithfully and ethically following federal organic rules, are not injured or put at a competitive disadvantage by those who would seek to short-circuit federal regulations in the pursuit of ill-gained profit. Consumers deserve similar protection from deceit and deception.

If it appears to you that a full and thorough investigation of the Dean Foods/Horizon facility in Idaho is warranted, The Cornucopia Institute stands ready to share any and all evidence amassed by our staff in this matter with the appropriate USDA investigators.

We look forward to your response.

Sincerely,

A handwritten signature in cursive script that reads "Will Fantle".

Will Fantle
Codirector
The Cornucopia Institute