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April 10, 2011

Patricia Atkins
National Organic Standards Board
USDA-AMS-TMP-NOP
1400 Independence Ave., SW.,
Room 4646-So., Ag Stop 0268
Washington, DC 20250-0268

Docket: AMS-NOP-11-0014; NOP-11-05

RE: **NOSB Livestock Committee Item:
Proposed Recommendation on Animal Handling, Transport and Slaughter**

Dear Ms. Atkins:

Thank you for the opportunity to provide comments to the National Organic Standards Board regarding the Livestock Committee recommendation on Animal Handling, Transport and Slaughter to be discussed at the April 2011 NOSB meeting.

The Accredited Certifiers Association (ACA) represents 40 USDA Accredited Certifying Agents, both foreign and domestic. ACA appreciates the opportunity to provide comments on this Recommendation and thanks the NOSB Livestock Committee for their efforts.

ACA appreciates the level of detail included in the recommendation, however, we recommend that the Committee consider what the impact of these requirements may be on the increased amount of time necessary to conduct the annual inspection. Verifying each of the specified items during the annual inspection will likely take a significant amount of time, potentially adding costs to the organic producers, and ultimately to consumers. These costs should be acknowledged and considered by the Committee as part of the adoption of this policy.

Our specific comments are as follows:

- a) As stated in our comments pertaining the Animal Welfare Recommendation The terms *Willful acts of abuse, Livestock slip, Livestock fall* do not pertain to information in the Animal Welfare document. They would be more appropriately included in the Livestock Committee Animal Handling, Transport and Slaughter document as they will provide added clarity.

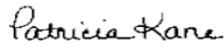
- b) ACA has noted that the “Discussion” section of the document includes specific guidelines which are not then included in the proposed rule language. We request that if the Committee wishes to see future rule making include specific guidelines (such as requirements for fitness for transport), such language should be included in the proposed rule language and not just in the discussion.
- c) ***Fitness for transport***
ACA believes that the inclusion of *blind* and *lame* animals in the definition of *fitness for transport* is overly restrictive, even though this language is not included in the proposed rule language. Lame or blind animals, lacking any other health issues, should not be prohibited for transport. Producers must be able to recoup the cost of replacement animals or provide treatment at a veterinarian for these animals. While a lame or blind animal will likely require additional care in handling during the transport and unloading, they should not be prohibited from being transported.
- d) ***Certification of transporters***
ACA does not believe that all transporters of livestock must be certified, and believes if this is implemented the result will be far fewer transporters that will work with organic livestock producers. ACA believes that appropriate control over transporters can be maintained with arrangements similar to those of a custom operator arrangement with producers – procedures can be verified through the producer Organic System Plan.
- e) ***Animal Handling***
The requirement that slaughter plant staff be available after hours is unrealistic and unnecessary. Producers are generally required to work within the hours of operation of a slaughter facility. Slaughter facilities generally do not accept animals without being previously scheduled.
- f) ***Slaughter***
ACA was surprised to see the allowance for the use of electric prods in §205.241(a)(13). Even though there is a restriction for “medical use only” we believe that this is not restrictive enough and suggest that this section be change to:

“The use of electric prods is prohibited, except where animal and human safety is in jeopardy and it is a means of last resort.” Prod use must stop after three shocks interspersed with rest periods or if the animal does not attempt to rise. Prods may never be applied to sensitive part of the animal: eyes, nose, ears, rectum, or reproductive organs.
- g) ***Slaughter plant audits***
ACA is concerned that the Discussion section and §205.241(b) appear to require that slaughter facilities obtain animal welfare certification. We also do not agree with the statement that *animal welfare audits are currently being done in most slaughter facilities as part of various animal welfare certifications’ requirements*. We believe that *most slaughter facilities* do not obtain animal welfare certification. To implement the requirement for an additional animal welfare certification on facilities that slaughter organic livestock will result in fewer facilities available for slaughter of organic cattle. This will be especially problematic for small slaughter facilities that only occasionally process organic livestock. Please clarify whether this is the recommendation of the Committee.

ACA requests that the Committee provide clarification regarding *who* is conducting the audit specified in §205.241(b)(1). Does the 3rd party animal welfare organization conduct an audit to address the issues in §205.241(b)(1)(a) – (g), or is this the responsibility of the accredited certifying agent? Certified operations are already required to have an annual inspection under NOP 205.403(a)(1) so this requirement appears to be redundant, if you are referring to the annual organic inspection visit.

Again, we thank the NOSB Livestock Committee for their work on this Animal Handling, Transport and Slaughter Recommendation, and for the opportunity to provide comments on the recommendation.

Sincerely,



Patricia Kane
ACA Coordinator