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April 8, 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 Welfare (combined with 2009 Recommendation)**

Dear Ms. Atkins:

Thank you for the opportunity to provide comments to the National Organic Standards Board regarding the Livestock Committee recommendation on Animal Welfare 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 clarifications provided in this document regarding Animal Welfare issues, and thanks the NOSB Livestock Committee for their efforts.

As a general comment, we believe that the document would have been much more clearly understood had the existing rule (as revised to include the Pasture Rule) been included as a part of the document. It is difficult to determine if the committee is retaining or removing the various sections that are not included. [Example: is the existing §205.239(a)(5) being retained? Are §205.239(c) & (d) of the existing rule being retained?]

There are two references to §205.239(c) contained in the Animal Welfare document – one in section §205.239(a)(1), and the other in §205.239(a)(6)(iii). These refer to temporary confinement. It appears that these references are to the existing rule number and not the section in the Animal Welfare Recommendation document, as the referenced section, §205.239(c), contains the Livestock Living Conditions, (Avian section).

We believe that, based upon the number of areas **in** which revision is being requested (not only by **the** ACA, but **by** other organizations also) and the importance of this topic of discussion, that the Livestock Committee should give consideration to these suggestions from public comment, incorporate the **modified** Committee recommendation into the existing rule language, and publish a revised document as soon as can be done. To try to incorporate valid suggestions from public comment during the NOSB meeting, especially with the confusion resulting from the lack of existing rule language, does not seem possible. To incorporate the needed changes with the existing rule language and republish would allow additional time for the public to review and understand the recommendations.

*USDA-accredited certifying agents working together to ensure the integrity of
organic certification in the United States*

Our specific comments pertain to the following sections of the document:

§205.2 Terms Defined

Comment:

The Committee uses the terms *access to the outdoors* and *outdoor access* interchangeably in the document, but only one definition is provided. We suggest that the terminology be standardized with the use of *outdoor access* which is defined.

Outdoor access ACA welcomes a definition of *outdoor access* but believes this definition is problematic in relation to the requirements contained in §205.239(a)(1). Current practice permits use of feeding pads, many of which are concrete or some other impervious material. The stated recommendation requires areas used for outdoor access to have contact with the soil during the grazing season. Feeding pads are utilized in times of inclement weather to provide a place for animals to eat that is not muddy and does not contribute to excessive runoff and environmental degradation – even during the grazing season. To require that these areas be in contact with soil will eliminate the use of feeding pads.

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.

§205.238 Livestock health care practice standard

Comment: Section (a)(6) Physical alterations – “absolutely” should be removed from the sentence. This term is subjective, and there are specific alterations that are identified as prohibited (i – vi). We believe this is overly restrictive.

In addition, we ask that the word “competent persons” in relation to those who may conduct physical alterations be changed to “trained individuals” as “competent” is subjective in meaning and open to much interpretation. If this requirement is to be retained, training is verifiable by ACAs, but competency is difficult to verify.

§205.239 Livestock living conditions. (Mammal section)

Comment:

Section (a)(1) ACA suggests the removal of the last two sentences: *If yards, feeding pads, and feedlots are used, the outdoor space provided shall meet the minimum outdoor space requirements of the chart at the end of this section. All areas contributing to outdoor access must allow contact with the soil during the grazing season.*

We do not believe that yards and feeding pads areas must meet the outdoor run and pen area square footage. This requirement could conflict with local conservation practices and requirements. The requirement may also have a large financial impact on producers. We do not believe that all animals are typically at the yard or feeding pad at the same time.

In many areas yards and feeding pads are utilized in times of inclement weather to prevent soil degradation. The requirement that *all areas contributing to outdoor access must allow contact with the soil during the grazing season* may violate many local conservation requirements.

While the ACA supports the principle of outdoor access, hogs are especially destructive to the soil often degrading it to the point that plants will not grow, making it a dirt lot. We believe that the addition of the language “exercise areas for swine shall permit rooting” following (a)(8) provides adequate requirement for hogs to exhibit their natural behavior, yet takes into consideration that the outdoor access exercise area for hogs does not require contact with the soil.

Section (a)(6)(iii) ACA believes the requirement to provide calves over six months access to the outdoors at all times, except as allowed under §205.239(c), is problematic. Many producers currently provide outside access on a daily basis, but the animal does not have continuous access to the outdoors at all times. For many producers this requirement would require a major redesign of the barn. Calves over the age of six months are currently required to be provided with pasture during the grazing season. We believe that providing these younger animals with continuous outdoor access is overly burdensome for producers, and during periods of inclement weather it may not be beneficial for these young animals to have access to the outdoors.

Section §205.239(b)(2) We suggest changing the term “dangerous weather” to “inclement weather” as is currently stated in the existing rule. A definition of “inclement weather” was included in the existing rule at the time this was revised to include the Pasture Rule. Confinement of livestock should be permitted in order to protect soil and water quality during periods of poor weather conditions, such as too much rainfall and spring thawing / freezing cycles, not just dangerous weather conditions.

§205.239 Livestock living conditions. (Avian section)

Comment: The ACA generally supports the level of detail provided by the Livestock Committee in regard to the Avian living conditions. These requirements will provide much needed clarity to producers and accredited certifying agents seeking to implement and verify the National Organic Program.

In 2009 the ACA initiated a Working Group to develop an Organic Poultry Production Guidance Document. This was supplied to the National Organic Program and the National Organic Standards Board Livestock Committee. We are also including a copy of this document with these comments. The Working Group organized to provide comments to this Animal Welfare Recommendation continues to support the findings and suggestions contained in our Organic Poultry Production Guidance Document of 9.2009.

Our Working Group had extensive discussion regarding the problem of poultry not going outdoors after being moved to the layer houses. This was identified as a consistent problem in the larger layer houses, regardless of location. Our Working Group believed that to correct the problem, pullets should be provided with outside access at a young age, in other words they needed training to learn to go outdoors. Our recommendation was that *Pullets must be provided with outside access from the age of 6 weeks providing they are fully feathered and weather permits.* We continue to support this recommendation and urge the Livestock Committee to revise the 12 week of age requirement for outdoor access to 6 weeks of age.

Our specific comments follow.

§205.239(c)(iv) We believe that the *at the rate of 2 square feet per bird* language should be removed from this section, as the square foot per bird varies according to species and age. A reference to the Stocking Rate Charts should be inserted.

ACA appreciates the clarification that porches do not meet the definition of outdoor access and cannot be included in the calculation of outdoor access space.

§205.239(g) ACA appreciates the clarification that perching areas and nest boxes may not be used in the calculation of floor space.

Mammalian Stocking Rate Charts

Comment: ACA believes that the Growing Pigs square footage requirements for the Indoor Bedded Space and the Outdoor Runs and Pens is excessively small. As an example, a 157 # pig is allotted 2 sq. ft outdoors, the same as a 5 – 6 # laying hen. We are concerned that these space requirements are not in agreement (or even close) with the Canadian space requirements. ACA provided a Canadian Livestock Space Requirements with US Equivalent Chart to the Livestock Committee in 2009. It is attached again for your use.

In addition, the Growing Pig section of the Stocking Rate Chart stops at 255 #. This should be expanded to include higher weight animals with the use of 225 - >255 #.


Avian Stocking Rate Charts

Comment: The ACA continues to support the outdoor square footage requirement of 1.8 sq. ft. per bird for laying hens, contained in our Organic Poultry Production Guidance Document, rather than the 2 sq. ft. per bird requirement contained in the Animal Welfare Recommendation.

We believe that while the additional .2 sq. ft. is minimal on paper, this may amount to a significant requirement in additional land availability for some producers. In our discussions of the Working Group preparing our Guidance Document, we noted that it is not likely that all birds are outdoors at the same time, so even with the smaller square footage requirement we believed that there would be ample space for birds to express their natural behaviors, including dust bathing and pecking.

Again, we thank the NOSB Livestock Committee for the work on this Animal Welfare Recommendation, and for the opportunity to provide additional input on the recommendation.

Sincerely,



Patricia Kane
ACA Coordinator

Attachments:

ACA Organic Poultry Production Guidance Document
Canadian Livestock Space Requirements with US Equivalent