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November 10, 2011

Lorraine Coke
National Organic Standards Board
USDA-AMS-TMP-NOP
1400 Independence Ave., SW.,
Room 2646-So., Mail Stop 0268
Washington, DC 20250-0268

Docket: AMS-NOP-11-0081; NOP-11-15

RE: NOSB Livestock Committee Agenda Items:

- Proposed Recommendation for Proposed Regulatory Recommendations for Animal Welfare & Stocking Rates
- Proposed Recommendation for Animal Handling, Transport and Slaughter
- Proposed Recommendation for Species-Specific Animal Welfare Scorecards
- Proposed Guidance Recommendation for Animal Welfare and Stocking Rates
- Proposed Guidance Recommendation for Animal Handling, Transport and Slaughter
- Proposed Recommendation for Species-Specific Guidance

Dear Ms. Coke:

Thank you for the opportunity to provide comments to the National Organic Standards Board (NOSB) regarding the Livestock Committee Recommendations.

The Accredited Certifiers Association (ACA) represents 40 USDA Accredited Certifying Agents, both foreign and domestic.

The ACA is requesting that the Livestock Committee provide the organic community additional time to thoroughly review the following newly created documents, as there was not sufficient time provided for review and comment due to the late posting of these documents. The Committee has obviously put a great amount of effort into creating these very detailed documents, and they deserve a thorough review and comment process. We ask that the Committee postpone any action on the following documents until the Spring 2012 NOB meeting:

- Proposed Recommendation for Species-Specific Animal Welfare Scorecards
- Proposed Guidance Recommendation for Animal Welfare and Stocking Rates
- Proposed Guidance Recommendation for Animal Handling, Transport and Slaughter
- Proposed Recommendation for Species-Specific Guidance

The ACA is providing specific comments on the Animal Welfare and the Animal Handling, Transport and Slaughter Recommendations below.

Comments on Proposed Regulatory Recommendations for Animal Welfare & Stocking Rates

The ACA welcomes and appreciates the work of the Livestock Committee on the topic of animal welfare. The ACA also appreciates the revisions made to the March 2011 Animal Welfare Recommendation and the additional time allotted for the review and discussion of this Recommendation.

Based on our review, the ACA believes that the Animal Welfare Recommendation provides the necessary specific information to enforce the proposed recommendation and the existing Rule.

In our discussions of this Recommendation, our members note:

- a) that the *Discussion* section of the Recommendation is very detailed and specific, and that this same level of detail is not found in the Proposal for Rulemaking. Our members also note that enforcement is based solely upon the eventual regulatory language.
- b) that complete, clear language and requirements are necessary for regulatory requirements, and the inclusion of stocking rates for swine in the language recommended for Rulemaking would provide consistent and complete requirements, rather than some stocking rates in the Rule and others in Guidance Documents.

Comments on Proposed Recommendation for Animal Handling, Transport and Slaughter

The ACA welcomes and appreciates the work of the Livestock Committee on the topic of animal handling, transport and slaughter. The ACA also appreciates the revisions made to the March 2011 Animal Handling, Transport and Slaughter Recommendation and the additional time allotted for the review and discussion of this Recommendation.

Based on our review, the ACA believes that the Animal Handling, Transport and Slaughter Recommendation provides the necessary specific information to enforce the proposed recommendation.

The ACA identified two issues on which we are seeking additional clarification:

- a) A concern with the Recommendation is the lack of clarity regarding whether or not animal welfare audits are required for organic livestock producers.

We question the assumption stated in the Discussion portion of the document that *Animal Welfare audits are currently being done in most slaughter facilities...* does this pertain to facilities that process organic livestock, or to all facilities in general?

In addition, there is the following statement:

To comply with these new organic regulations, all slaughter facilities will need to be audited yearly.

We are assuming this means an *animal welfare* audit, however, the Proposed Recommendation for Rulemaking does not contain a requirement for an annual animal welfare audit.

- b) The wording of the Recommendation appears to state that slaughter facilities handling organic livestock must be Federally inspected facilities:

(b) Slaughter plants must meet all FSIS requirements including Humane Slaughter Act

In some states there are a very limited number of Federally inspected facilities. There is concern this may eliminate state inspected slaughter facilities. Clarification regarding whether that is the intent of the Committee is needed.

While the Accredited Certifiers Association generally supports the Animal Welfare and Animal Handling and Transport Recommendations, we are concerned with the increasing requirements and the costs associated with meeting those requirements. Increased costs associated with certification are generally passed along to the operators, and with several new requirements in the pipeline (pasture rule, proposed residue testing, unannounced inspections, etc.), there may need to be substantial cost adjustments which may likely result in many smaller producers exiting organic production. There is also real concern that the impact of a requirement of an animal welfare audit will be to severely reduce the number of facilities available for slaughter of organic animals, particularly smaller, state inspected only facilities.

The Accredited Certifiers Association understands the need for and supports improvements in the National Organic Program, but the impacts on operators must also be considered.

Again, we would like to thank the National Organic Standards Board Livestock Committee for the work on this important aspect of the National Organic Program.

Sincerely,



Patricia Kane
Coordinator