



SUSTAINABLE AGRICULTURE COALITION

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August 4, 2006

Martin E. O'Connor, Chief
Standardization Branch, Livestock and Seed Program
Agricultural Marketing Service
1400 Independence Avenue, Room 2607-S
Washington, D.C. 20250

Comments submitted regular mail and via e-mail to marketingclaim@usda.gov

RE: Comments on United States Standard for Livestock and Meat Marketing Claim,
Grass (Forage) Fed Claim; Docket No. LS-05-09; Federal Register, Vol. 71 at p. 27662
(May 12, 2006).

Dear Chief O'Connor,

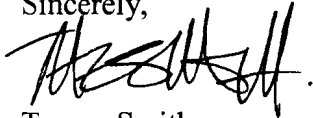
On behalf of the Sustainable Agriculture Coalition (SAC), I am submitting these comments on the revised proposed standard regarding the United States Standard for Grass and Meat Marketing Claim, Grass (Forage) Fed Claim. The Coalition's member organizations include the Agriculture and Land Based Training Association, American Natural Heritage Foundation, C.A.S.A. del Llano (Communities Assuring a Sustainable Agriculture), Center for Rural Affairs, Dakota Rural Action, Delta Land and Community, Inc., Future Harvest/CASA (Chesapeake Alliance for Sustainable Agriculture), Illinois Stewardship Alliance, Innovative Farmers of Ohio, Institute for Agriculture and Trade Policy, Iowa Environmental Council, Iowa Natural Heritage Foundation, Kansas Rural Center, Kerr Center for Sustainable Agriculture, Land Stewardship Project, Michael Fields Agricultural Institute, Michigan Agricultural Stewardship Association, Midwest Organic and Sustainable Education Service (MOSES), The Minnesota Project, National Catholic Rural Life Conference, National Center for Appropriate Technology, Northern Plains Sustainable Agriculture Society, Ohio Ecological Food and Farm Association, Organic Farming Research Foundation, and the Sierra Club Agriculture Committee.

The Sustainable Agriculture Coalition commends AMS for publishing proposed voluntary national standards for a grass (forage) fed meat marketing claim. We are in strong basic support of the proposal, though we propose several critical clarifications in our attached comments we believe to be essential additions as you prepare a final claim and standard.

Many of our members provide information, training, technical advice, and conferences to sustainable producers. In addition, the organizations we represent also include many farmer members engaged in grassfed livestock production. The adoption of a strong grassfed forage standard that maintains the integrity of this market, and precludes any significant amount of grain-feeding to livestock eligible for this label, is of vital importance to our member organizations and the farmers they represent.

We appreciate the opportunity for meaningful participation in the development of this standard. Thank you for your consideration of our recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tazuer Smith', with a stylized flourish at the end.

Tazuer Smith
Washington Representative
Sustainable Agriculture Coalition

Sustainable Agriculture Coalition (SAC) Comments

Since negotiations with the AMS concerning the grassfed labeling claim began in earnest during 2002, SAC has advocated for the adoption of a 100 percent grassfed standard. This ongoing dialogue has brought sustainable producers, environmentalists, and consumers to the table, and SAC is pleased to see the success of these negotiations reflected in the current proposed 99 percent requirement. However, to ensure the feeding regime criteria cannot be misinterpreted to allow feedstock that includes a significant portion of mature grain, we recommend the proposed claim and standard be revised to further clarify the kinds of feed that would be permitted under the standard.

Definitional Clarifications

The current proposed rule would allow *“forage, or stockpiled forages, and post harvest crop residue without separated grain”* to comprise up to 99 percent of the lifetime energy source for an animal whose meat products could qualify for the grassfed label. Although the proposed rule does not make direct reference to the presence of attached grain in these permitted feedstocks, the background statement accompanying the rule would allow animal consumption of *“seeds naturally attached to herbage, forage, and browse or grain in the immature stage.”* Given the lack of a “term of art” definition for immature grain and the possibly broad interpretation of the term that might therefore ensue, the rule could potentially allow animals in some regions of the country to receive up to 40 percent of their lifetime energy source from grain.

For example, a common practice among livestock farmers involves the harvesting of corn for silage before the final “dry-down” phase. At this stage, the corn plants have fully formed ears, and the moisture content of the grain is high enough to lead to grain levels of twenty to forty percent in stockpiled forage. A similar practice is used to harvest other cereal small grains such as wheat, resulting in a feedstock with grain amounts also far exceeding the proposed 1 percent allowance, and conceivably permissible under the rule without further clarification. If the current proposed rule is not clarified, these harvesting and stockpiling methods have the potential to create significant loopholes in the proposed rule -- a result the proposed 99 percent grassfed standard is clearly intended to prevent.

With the aim of preventing a misapplication of the rule, SAC strongly recommends that the following language be inserted in the proposed rule after the phrase *“without stockpiled forages”* -- *“...,excluding standing crops of large grain species that have reached the milk stage, or legume grain that has reached ten percent pod fill, ...”* The whole sentence would thus read:

“Grass (annual and perennial), forbs (legumes, brassicas), browse, forage, or stockpiled forages, excluding standing crops of large grain species that have reached the milk stage, or legume grain that has reached ten percent pod fill, and post-harvest crop residue without separated grain shall be at least 99 percent of the energy source for the lifetime of the ruminant specie, with the exception of milk consumed prior to weaning.”

This simple caveat would preclude the possibility that animals raised on a substantially grain-based diet could be falsely marketed with the process-verified grassfed label. In addition, this language provides an important distinction between grain and grass species not articulated in the “immature grain” and “naturally attached seeds” definition included in the background portion of the rule. As explained below, the development stages of cereal grain crop, legume grain crops, and grasses are markedly different, and must be addressed individually to prevent confusion about the types of feedstock permitted under the rule.

In conjunction with this recommended change to the proposed claim and standard, SAC asks that the background section of the standard also be expanded to reflect the distinct definitions of “immature grain” in cereal grain and legume grain crops. Succinct identification of the appropriate maturity levels of each of these common feedstock crops is necessary to ensure that grassfed producers have clear guidance when planning their feeding regimen. Therefore, SAC suggests that the subsequent explanatory language be added to the background paragraph following the fourth sentence: *“Haylage, baylage, silage, and ensilage containing more than 1 percent large grain species that have reached the milk phase, or legume grain that has reached ten percent pod fill are prohibited nutrient sources.”*

In addition, to avoid possible confusion concerning the application of the definition of immature seed to hay crops, the background portion of the proposed rule should expressly preclude the application of the “immature grain” standard to any hay species.

These clarifications would provide additional needed guidance to producers, and leave no doubt that those who seek to have their animals certified grassfed must rely on a feeding regime that excludes any significant amount of conventional grain feed.

The only additional substantive change SAC recommends relates to the portion of the proposed standard permitting the *“exception of milk consumed prior to feeding.”* Because the source of milk is unidentified, and may raise questions among producers, SAC asks that the word *“mother’s”* be inserted before the phrase *“milk consumed prior to feeding.”*

While these recommended clarifications are straightforward and relatively simple, they are crucial to the development of an effective process-verified grassfed marketing claim. If these clarifications cannot be made in the final rule, SAC would be likely to withdraw its approval of the standard.

Cost Control

While the USDA Process-Verified Program provides reliable and consistent label claim verification, the cost of facilitating this verification can pose a substantial barrier to small and mid-sized farmers. Many of the producers currently engaged in grassfed livestock production operate on a small scale, and may be forced to forgo seeking the grassfed label claim due to the significant fees associated with on-farm audits. Therefore, consistent with the comments submitted to AMS by the National Bison Association, SAC requests that the USDA take all possible actions to reduce the fee-based requirements for participating in this program.

Complementary Claims

In addition to the recommendations explained above, SAC strongly encourages your office to move forward quickly on promulgating the remaining process-verified claims, most immediately the free-range or pasture-raised standard. As stated in the notice and request for comments, “...*there is a synergistic nature to grass feeding and free range conditions.*” Indeed, free-range grazing is a fundamental aspect of grassfed production, and, in conjunction with the grassfed claim, producers must be able to use a process verified claim to communicate to consumers that their animals have been raised on live pasture during the growing season.

Without the availability of a process-verified free-range or pasture-raised labeling claim to complement the grassfed claim, the integrity of grassfed producers’ marketing strategies will be compromised. Such an outcome would be a disservice to both the farmers who built this market on the principles of sound land stewardship and animal welfare, and the increasing numbers of consumers who support their efforts. Therefore, SAC asks that a free-range or pasture-based standard be published in the Federal Register sometime in the next several months, with a comment date scheduled to conclude no later than the end of the calendar year. This would ensure that both claims could be made available simultaneously in the early months of 2007.

Finally, we continue to urge you to then move forward as quickly as possible with the issuance of proposed claims and standards for antibiotics and hormones. It is our strong hope that the consensus proposals we submitted to the agency on behalf of the many farm, consumer and environmental partner groups involved in the consensus-building process will serve as the basis for revised proposals issued for public comment in the very near future.