



"The Organic Omega-3 Egg"

February 20, 2002

Mr. Richard H. Matthews
Mr. Mark Keating
1400 Independence Ave., SW
Room 4008 South Building
Washington DC 20250-0200

Dear Mr. Matthews & Keating,

Thank you so much for the opportunity to meet with you on the 23rd of January. My daughter, Margot, a strong conservationist, came to the meeting out of general interest and to support her Dad.

You gave me some "homework" to do which was basically to give you some numbers on our standards that we have been using. I am pleased to give some of our basic standards.

1.) SPACE PER BIRD INSIDE THE BARN: 1.5 sq. feet for brown birds which are heavier than white birds. This is typical and safe. I have used it for 30 years without any problem. It allows for easy passage of birds to and from nests and feeders. It doesn't crowd them so much that they develop pecking at one another. This density also allows birds to take dust baths and nest in the afternoon.

The standard recommended by a poultry textbook, Commercial Chicken Production Manual, Mack O. North on page 255 Table 15.1 is 1.75 sq. feet for a Slat and Litter operation. This is more generous than our standard. As you will note, the author does point out that his standards are "average," for a slatted operation with 40% slats.

2.) SLAT FLOORS: 40% OF FLOOR AREA. We use slatted floors (benches) which are raised about 18" off the floor. They consist of hardwood slats that are laid across a 4'x 8' rectangle or frame with spaces of 3/4" to allow the droppings to fall to the cement floor. The 4'x 8' rectangle consists of 2"x 4" wood. On each side of the barns we place the wooden 4'x 8' slatted benches. Our barns measure 40 feet wide on average. The slats extend 8 feet

from each of the sides, therefore 16 feet of the 40' width is slatted floor, or 40% of total floor space consists of slatted floor.

A slatted floor allows for higher density of birds since the manure falls in a concentrated area below the birds and away from the birds. Floors are drier by use of slats, and the manure may be saved for composting or agricultural use. Without slatted floors the standard density is about 2.00 sq. feet per bird.

3.) FEEDER SPACE: 4" PER BIRD. We use the heavier 4.5 pound brown feathered layer and give them an average of 4 linear inches at the feed trough. On one side of a running foot, or trough, we allow 3 birds to feed. This means for each foot of linear trough, 6 birds can feed on both sides. We feel that this is a generous limit. Some poultry manuals allow only 3" per birds per one side of the trough. Feeders are placed on the slatted floors.

In actual practice, never do all of the birds eat at the feed trough at the same time. Some are on the floor; some are in or at the nests, and some are on the slatted floor. Therefore in practice, there is more than 4" of trough side available to each bird.

4.) SCRATCH AREAS: 40% OF THE BARN ON AVERAGE. Our nests, which are quite wide, 5 ft. wide, run down the center and account for 20% of the space in the barn. Therefore most of our barns have the floor space divided as follows: 40% scratch area, 20% nests, and 40% slatted floors (benches). I feel the scratch area is important for at least three reasons. First it gives the bird a place to nap which is a favorite activity. Secondly, they use the dry and pulverized litter to dust themselves. Dusting is a way chickens can protect itself from mites. Thirdly, I have a theory that many pathogens can collect in the litter and serve as a constant challenge to the immune system. Therefore the scratch area protects the hen. I have not seen any literature on the subject since no drug company would fund such research. Nevertheless, we have not had an outbreak of any disease in 15 years. Our mortality is about 4% for 50 weeks in the hen house, which is 1/2 to 1/3 of the rate of commercial cage operators. I would not operate an egg operation without a scratch area. I don't think an all slat operation should be used because of the discomfort to the bird and the possible risk of disease.

5.) NEST SPACE: 13.4 SQ IN. PER BIRD. We use Automatic Colony Nests. These are open sided nests where groups of hens can lay at the same time. Since 90% of eggs are laid throughout the first 8 hours, there is a continuous coming and going of hens during these 8 hours. Many birds will use the same space. Our individual nest floors per hen measures 44"x18". Each nest will accommodate 59 hens during the day.

6.) WINDOW AREA: 8.45 SQ IN. OF GLASS PANE PER BIRD ON OLD HOUSES, 16.9 SQ IN. OF GLASS PANE ON NEW HOUSES. The smallest

windows are in the oldest barns and measure 13"x 39". There are 55 of these windows on each side of our 275' long barns. The length of space within the barn is 250'. Total glass pane on both sides measures 55,770 sq. inches. If this total of 55,770 sq.inches is divided by 6,600 hens, the result is 8.45 sq. in per bird. Another ratio is windowpane area to floor space. Dr. Louis M. Hurd¹ recommends a ratio of 1 square foot of glass to 16 to 20 square feet of floor space. The ratio of 20 to 1 would require us to have a total of 10,000 sq. ft / 20 or 500 sq. ft or 72,000 sq. inches. Since we have 55,770 sq. in of pane in the old houses of 10,000 sq. ft, of spaces for birds, we are shy of Dr. Hurd's standard by 22%. However our new barns have 88 windows on each side of the house of 300' long. Each window is 2'6 1/2"x 20 3/4". Glass ratio to floor area occupied by chickens (40x275), is 14.2 on the new barns or within Hurd's recommendation.

7.) RAINFALL & TEMPERATURE: We know from 15 years of experience that good weather for chickens to enjoy outside weather would be 15 May to 15 September- four months. During this period the 5-year average of rainfall is 19.35 inches as recorded only 7 miles away from the farm.

During this 4 month period the 5 year average, rainy days amount to 24.8 days (counting only days when .15 inches or more of rain fall.) If we assume that half the rain fell at night and half during the day there would be only about 12 days of rain during the 4 months. Therefore, rain-free free ranging in good weather would amount to only 4 months less 12 days or about 108 days or 29.6% of the year. If one subtracts high winds and unseasonable cold or hot days, the average for the year might be about only 27% good days for access to the outdoors.

8.) DISEASE: As to the factor of disease in free ranging, Avian Influenza seems to be the main threat. The attached article from the Poultry Time, Jan 10, 2002 mentions the 1982-1983 outbreak where 16 million birds died or were gassed causing a \$100 million loss. If AI were discovered on our farm, all of our birds would have to be killed. Other wild birds are also a threat as indicated by Pg. 10&11 "Diseases of Poultry", the bible of the industry regarding Avian health. We attach a copy of this reference. It mentions the danger of pigeons. We have so many pigeons we often call the local police to help rid us of this menace. We enclose 9 pages of technical which mentions waterfowl (canada geese) as a serious danger to domestic fowl.

9.) COMPETITION: You also requested a list of our competitors with telephone numbers. These are the ones presently sold in New England:

- | | | |
|--------------------|---------------------|--------------|
| 1.) PETE&GERRY | Monroe, NH | 603-638-4207 |
| 2.) EGGLAND'S | King of Prussia, PA | 800-922-3447 |
| 3.) SAUDER'S | Lititz, PA | 717-626-2074 |
| 4.) EGG INOVATIONS | Port Washington, WI | 800-337-1951 |

5.) GOLD CIRCLE FARMS Boulder, CO
6.) ORGANIC VALLEY LaFarge, WI

303-381-8100
608-625-2602

9.) ACCESS TO THE OUTDOORS: I admire Mark Keating "Draft Recommendation ACCESS TO THE OUTDOORS FOR POULTRY NOSB LIVESTOCK COMMITTEE." I think it is balanced, fair and a laudable goal to achieve. But we are hemmed in on all sides, like a park in a big city. Our closest neighbors are only 300 feet from the nearest building. There is no open land on our borders. In addition we have a new two story building-typical of old poultry barns in the Northeast where land prices are high and winters are cold. Poultry elevators or escalators have yet to be built. Perhaps the greatest difficulty for free ranging is the very present and real threat to Boston's water supply. As to the threat of disease to the chickens, Avian Influenza seems to be the main threat. Any outside area should probably be totally enclosed. The only solution that I can envision for us is to build enclosed sun porches or concrete pads at either end of our buildings. These could only be 10 to 12 feet long due to space requirements. But such a compromise makes a mockery of the principle of free range where 100 hens per acre was the accepted standard (see our letter of Jan 23, 2002 "A Chicken Is Not A Cow") Any outside area would have to be wire enclosed like an aviary at a zoo to protect against the threat of AI from Canada geese. Other wild birds are a definite threat as is mentioned in the bible of poultry health, "Disease of Poultry." Please see the attached excerpt.

SUMMARY

I believe the most important standards for Organic Poultry should apply to their life inside the barn. That is where the hens will spend most of their life- especially when one considers the night and the fact that layers lay most of their eggs in the morning. Laying hens cannot be let out in the morning since all their eggs would end up on the ground.

The most important limits for organic laying hens in the barn are floor space per bird, space at the trough per bird, window panes per bird, space in the nest per bird, and space at the waterers per bird. I think for the sake of clarity and government regulations and control, specific finite numbers should be established for each of these critical factors. The industry wants a level playing field. I have not given you any standards for pullet growing, but I would be pleased to do so since I think this is an extremely important activity in our business.

We maintain that only 27% of the year is the weather suitable for outdoor access. Then consider that 12:00 to 5:00 p.m. is the only practical time to keep the bird outside since the birds lay in the morning and workers want to leave at 5:00 p.m. The actual time of day spent outside would be 5 hours. Five hours is 21% of a complete day. Of the 27% of full days available for free ranging, only

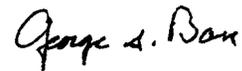
21% is available or about 6% of the full year would be practical in this part of the world.

Disease is a real threat especially AI. We have been very fortunate not to have any diseases in 15 years.

While access to the outdoors is feasible for other livestock, our conclusion is that it is not practical for The Country Hen.

We are open to further discussions and would like to meet with you at your earliest convenience.

Sincerely



George S. Bass

- Enclosure:
- 1.) Picture of farm
 - 2.) Summary of Space & Light Standards
 - 3.) Rainfall- 15 May-15 Sept-5 years- Barre
 - 4.) AI in PA article
 - 5.) Wild Birds- Diseases of Poultry
 - 6.) Influenza- B.C. Easterday ET AL-4 pgs.
 - 7.) Avian Influenza- VET Pathobiology-5 pgs.

has possible resurgence of AI

POULTRY TIMES, January 18, 2002

The Associated Press

HARRISBURG, Pa. — A strain of avian influenza that contaminated chickens in east-central Pennsylvania and caused agriculture officials to order the gassing of 135,000 birds appears to have been contained, but poultry farmers say it's too early to let their guard down.

The disease, which also affects turkeys, ducks and geese, can be spread bird-to-bird, and though most strains do not make humans sick, humans can pass the disease to birds. It can also be carried by trucks or equipment exposed to infected fowl.

The virus first appeared in early December in two flocks in Union County, then spread rapidly to four other flocks nearby.

State agriculture officials said Jan. 8 that testing in two additional flocks — one in Union County and one in Juniata County — led them to order quarantines at those farms, though they will not know for

sure whether those birds have the same disease until they get final test results back in about 10 days.

The original six Union County farms affected remain quarantined, and state officials are still advising Pennsylvania's nearly 6,000 large-scale poultry farmers to limit access to flocks and disinfect trucks or equipment used on farms other than their own.

Poultry farmers and others linked to the \$634 million-a-year industry — the nation's sixth-largest — said they can't relax yet. They recall a 1982-83 outbreak, when a more powerful strain of the virus wiped out 16 million chickens and cost about \$100 million.

"We're holding our breath," said John Fidler of Pennfield Corp., which sends feed trucks to farms within a 10-mile radius of the infected ones.

"We try to impose procedures to minimize the possibility that we contribute to the spread," Fidler said. "Beyond that, we pray to God . . . because it could

be devastating."

Pennfield and other poultry companies are now routinely disinfecting feed trucks and ordering drivers to wear disposable coveralls and boot covers when making deliveries to farms affected by the virus.

Farmers who were ordered to destroy flocks are eligible for reimbursement of up to 66 percent of the value of each bird. The total value of the destroyed chickens is estimated at about \$120,000, said John Enck, the state veterinarian.

Although any outbreak of avian influenza should be taken seriously, the virus in Union County is less likely to be fatal to birds than other strains, said Ed Curlett, a spokesman for the USDA Animal & Plant Health Inspection Service. As a result, no countries have banned imports of Pennsylvania fowl, although China banned poultry from Connecticut recently after the virus turned up in a flock there.

If the Union County problem had not been quickly identified,

the disease could have spread and mutated into a more lethal strain, which is what happened in 1982-83, said R. Michael Hulet, a poultry science professor at Pennsylvania State University.

Jim Shirk, assistant vice president of the Poultry Council, said the Union County outbreak is likely connected to a virus

found in live bird markets in New York and New Jersey, where some Pennsylvania farmers do business.

The disease has circulated in the markets for several years, and plans to eradicate it there — with help from USDA — have not been implemented, Hulet said.

WILD BIRDS
FROM
"DISEASES OF POULTRY"
TENTH EDITION
IOWA STATE UNIVERSITY PRESS
PG 10-11

Wild birds are capable of carrying a variety of diseases and parasites. Some cause illness in the wild birds themselves; for others, the birds act as mechanical carriers. Every effort should be made to prevent their nesting in the poultry area. Imported zoological specimens destined for zoos are not a direct contact threat because the zoos are located in cities, but they should be considered as a potential source of introduction of an exotic disease or parasite. Exotic ornamental pet birds constitute a real hazard because they become widely dispersed and may be purchased by poultry workers. On numerous occasions, exotic birds in or destined for pet stores have been found infected with a virulent exotic form of Newcastle disease virus, which in at least one instance was the source of a serious and costly outbreak in poultry. Stringent entry quarantine requirements to apprehend and destroy infected birds provide a good barrier against introduction and dissemination by carrier birds, but failures can occur (illegal smuggling), and producers should be wary of such personal pets. Domestic pigeons can also be a source of dangerous strains of Newcastle disease virus.



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SUMMARY OF SPACE AND LIGHT STANDARDS
OF THE COUNTRY HEN

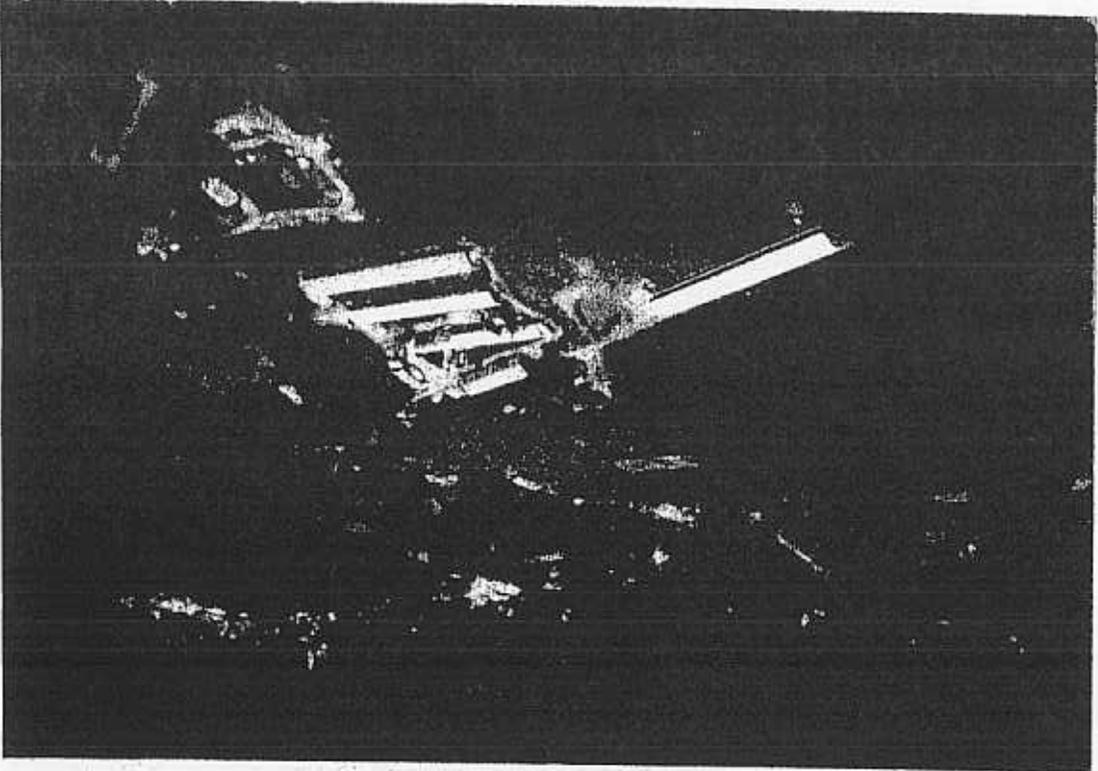
1. SPACE PER HEN- 40% SLATTED FLOOR: 1.5 SQ FT
2. FEED SPACE PER HEN PER RUNNING FOOT OF TROUGH: 6 HENS
TOTAL- 3 ON EACH SIDE
3. SCRATCH AREAS (LOOSE LITTER & SHAVINGS): 40% OF TOTAL
FLOOR SPACE
4. SLATTED AREA: 40% OF TOTAL FLOOR AREA
5. NESTING AREA: 13.4 SQ IN. PER BIRD
6. WINDOW AREA: 8.45 SQ IN. OF GLASS PANE PER HEN FOR OLD
BARNs, 16.9 SQ IN. FOR NEW BARNs

Five Year Analysis of Rainfall
According to the National Oceanic and Atmospheric
Administration National Weather Service
At Barre Falls Dam, Massachusetts
16 May - 15 September

| Month/Yr | Total | Total Rain | Days | |
|---------------|------------|--------------|-----------|------------|
| | Days | | = >.15 | <.15 |
| May-97 | 16 | 1.42 | 2 | 14 |
| Jun-97 | 30 | 1.15 | 1 | 29 |
| Jul-97 | 31 | 5.88 | 5 | 26 |
| Aug-97 | 31 | 5.15 | 9 | 22 |
| Sep-97 | 15 | 0.34 | 1 | 14 |
| Totals | 123 | 13.94 | 18 | 105 |
| May-98 | 16 | 0.48 | 1 | 15 |
| Jun-98 | 30 | 8.23 | 12 | 18 |
| Jul-98 | 31 | 2.52 | 5 | 26 |
| Aug-98 | 31 | 1.53 | 3 | 28 |
| Sep-98 | 15 | 0.56 | 1 | 14 |
| Totals | 123 | 13.32 | 22 | 101 |
| May-99 | 16 | 2.18 | 5 | 11 |
| Jun-99 | 30 | 1.58 | 2 | 28 |
| Jul-99 | 31 | 2.68 | 8 | 23 |
| Aug-99 | 31 | 3.7 | 7 | 24 |
| Sep-99 | 15 | 4.48 | 5 | 10 |
| Totals | 123 | 14.62 | 27 | 96 |
| May-00 | 16 | 2.16 | 4 | 12 |
| Jun-00 | 30 | 6.51 | 7 | 23 |
| Jul-00 | 31 | 4.9 | 6 | 25 |
| Aug-00 | 31 | 3.62 | 8 | 23 |
| Sep-00 | 15 | 2.45 | 5 | 10 |
| Totals | 123 | 19.64 | 30 | 93 |
| May-01 | 16 | 2.19 | 5 | 11 |
| Jun-01 | 30 | 7.87 | 6 | 24 |
| Jul-01 | 31 | 2.92 | 7 | 24 |
| Aug-01 | 31 | 2.29 | 5 | 26 |
| Sep-01 | 15 | 1.22 | 4 | 11 |
| Totals | 123 | 16.49 | 27 | 96 |

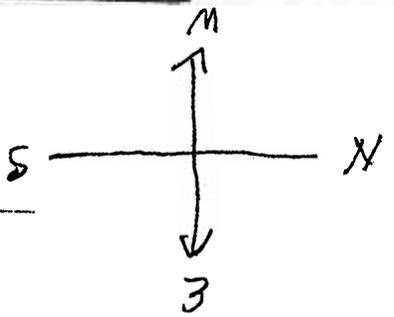
Five Year Average 97-01 123 15.602 24.8 102.2

SIDE
BOSTON'S WATER IS ON THE FORTH
AND THE MDC IN CHARGE OF
NEIGHBORS ON THREE SIDES OF US



THIS TRIANGULAR
PIECE IS BLIND BY
THE BOSTON WATER
AUTHORITY (MDC)

AERIAL SHOT OF THE COUNTRY HERE



22

Influenza

B. C. Easterday, Virginia S. Hinshaw, and
David A. Halvorson

INTRODUCTION. Influenza is an infection and/or disease syndrome caused by any type A influenza virus, a member of the *Orthomyxoviridae* family. Influenza A viruses are responsible for major disease problems in birds, as well as in humans and lower mammals (46, 67, 98, 123). Literally thousands of viruses, belonging to many different antigenic subtypes based on hemagglutinin (HA) and neuraminidase (NA) surface antigens, have been recovered from domestic and wild avian species throughout the world. Infections among domestic or confined birds have been associated with a variety of disease syndromes ranging from subclinical to mild upper respiratory disease to loss of egg production to acute generalized fatal disease.

In domestic species, influenza viruses have caused considerable economic losses. The U.S. government expended over \$60 million in 1983-84 to eradicate a highly pathogenic H5N2 virus in poultry in the Pennsylvania-Virginia-New Jersey outbreak. The potential cost of the disease without the eradication program was estimated to be many times higher (109). The \$60 million included the cost of eradication (diagnosis, quarantine, flock disposal, cleanup, decontamination, epidemiologic investigation, and other regulatory procedures) and indemnity payments to flock owners. Consumers paid an estimated additional \$349 million to cover the increased retail cost of table eggs as a result of lost egg production in the quarantine area (109). More limited outbreaks of avian influenza are also quite costly. For example, on one chicken farm in Australia in 1985, an outbreak involving a highly pathogenic virus cost over \$2 million to eradicate (41).

The economic impact is not limited to chickens; losses have been suffered by turkey producers for many years in several countries in Europe, in the United States, and in Israel (10, 118, 139, 172, 185). An epidemic in Minnesota in 1978 cost turkey producers in excess of \$5 million (140); the estimated cost of outbreaks in Minnesota since 1977 totaled more than \$10 million (139).

In most cases, losses cannot be predicted when an influenza outbreak appears, because many factors influence the outcome of infection. These factors include the variation in the biologic characteristics of the virus, concurrent infection,

environmental stresses, age and sex of the bird, etc., with the result being that the morbidity and mortality rates range from negligible to near 100%. Any calculation of economic impact must include all of those factors that impinge on the cost of production, e.g., medication, extra feed, extra care, quarantine measures, vaccines, decreased carcass quality, cleaning and sanitizing, and loss of local and international trade. Unfortunately, there are insufficient data to provide a reasonable estimate of avian influenza losses on a nationwide basis for any country.

In contrast to domestic or confined birds, free-flying birds typically do not experience significant disease problems due to influenza viruses; yet, these infections are widespread in many of these birds (67, 75). Influenza viruses are readily recovered from migratory waterfowl, particularly ducks, throughout the world. There is considerable speculation about the epidemiologic significance of this very large reservoir of viruses in wild birds: that this reservoir can serve as a source of viruses for other species, including humans, lower mammals, and birds, and that such a high rate of infection provides the opportunity for the maintenance and emergence of "new" and potentially highly pathogenic strains through the process of mutation and/or genetic reassortment. The genetic diversity of avian influenza viruses in the wildlife reservoirs may be important in the overall survival of these viruses in nature.

Because of the significant losses from avian influenza, international symposia were convened in 1981, 1986, and 1992 to exchange information on this virus; the first (142) focused on definition of highly pathogenic strains and identification of sources of the virus; the second (143), on the virus and on the problems and possible solutions in outbreaks involving highly pathogenic influenza viruses in chickens and turkeys; and the third (144), on the circulation of the virus and plans for dealing with localized outbreaks of mild disease and future outbreaks of highly pathogenic avian influenza. Influenza is an international problem, so solutions will require international efforts and cooperation.

HISTORY. Fowl plague, now known to be caused by highly pathogenic strains of avian in-

fluenza viruses, was described by Perroncito as a serious disease of chickens in Italy in 1878 and caused by a "filterable" agent (virus) by Centanni and Savunozzi in 1901 (169). It was not until 1955, however, that it was demonstrated that fowl plague viruses were actually type A influenza viruses (155). Viruses related to the original "fowl plague" isolates (surface antigens-H7N1 and H7N7) caused high mortality among chickens, turkeys, and other species. Disease outbreaks involving these particular strains have been reported in many areas of the world during this century, including North and South America, North Africa, the Middle and Far East, Europe, Great Britain, and the former Soviet Union. Highly pathogenic strains belonging to the H5 subtype were detected in chickens in Scotland, chick/Scot/59 (H5N1) and common terns, tern/S.A./61 (H5N3); both species suffered severe disease problems. These isolations led to the speculation that all H7 and H5 viruses were highly pathogenic, but this was not found true. As an example, a virus, avirulent for chickens, with an H7 HA was recovered from turkeys in Oregon in 1971 (21, 22). Since that time, many other viruses with the H5 and H7 HAs have been isolated from domestic and wild birds in various areas of the world, and many of these are avirulent for any species (5, 67). It should be mentioned, however, that historically, the most severe disease problems have been due to viruses of the H5 and H7 subtypes.

From 1950 to 1960, the discoveries that the fowl plague virus was an influenza A virus and that influenza viruses could be recovered from many different domestic and wild avian species initiated increased efforts to understand avian influenza viruses. Since detailed histories of the isolation of influenza viruses in this century are available (5, 46, 67), only more recent events are described here.

Reports of severe disease outbreaks involving highly pathogenic influenza A viruses during the past 20 yr have, fortunately, been infrequent. Alexander (6) listed five substantiated outbreaks since 1975; these occurred in Australia (1975 and 1985), England (1979), the United States (1983-84), and Ireland (1983-84). In the United States, the only severe outbreaks were reported in 1929 (169) and 1983-84, indicating the infrequency of such events. Much information on the outbreak in Pennsylvania during 1983-84 is presented in the *Proceedings of the 2nd International Symposium on Avian Influenza* (143), but some specific aspects (47) are mentioned here. The first isolates were obtained in April, 1983, from chickens experiencing acute respiratory disease with 0-15% mortality and declining egg production. The viruses were identified as H5N2 and, based on chicken inoculation, were not classified as being highly pathogenic. This problem continued at a low level, with about six in-

fectured flocks present at any given time until October 1983 when mortality increased to 50-89%, with the birds experiencing severe depression, tremors, and a complete cessation of egg production. Viruses isolated from these birds were also H5N2 but were designated as highly pathogenic based on chicken inoculation. This apparent change in the disease led the U.S. Department of Agriculture to declare an "extraordinary emergency" with the goal of eradication. The eradication effort included strict quarantine; total poultry population surveillance with destruction of all flocks with clinical, serologic, or virologic evidence of H5N2 influenza; environmental cleanup followed by decontamination; and intensive education on biosecurity (52). Over the next 2 yr, this effort had to include not only poultry farms, but also live-bird markets in metropolitan areas such as New York City because these markets were found to be involved in the maintenance of the virus and exposure of poultry flocks (58). The highly pathogenic strain was successfully eliminated; however, avirulent H5N2 viruses have since been recovered from farms and live-bird markets in several states.

The first observation of clinical signs compatible with avian influenza in Mexico is thought to have been in the fall of 1993. The virus was identified as avian influenza with H5N2 surface antigens in the spring of 1994, and it was classified at that time as being of low pathogenicity. Experience in the field was compatible with that determination. A nationwide serologic survey determined that poultry flocks in 11 states of central Mexico had been infected. Flocks in the north and southeast of Mexico were serologically negative at that time.

In December, 1994, and January, 1995, flocks in the states of Puebla (predominantly layer chickens) and Queretaro (predominantly broiler chickens) experienced greatly increased mortality and declines in egg production. Virus isolated from these flocks produced signs and lesions compatible with highly pathogenic avian influenza in laboratory tests. Numerous flocks representing millions of chickens in three states to the south and north of Mexico City were subsequently infected with the highly pathogenic virus. The state of Yucatan and some states bordering the United States have since been determined to have seropositive flocks. Vaccination with inactivated, oil-emulsion vaccine has apparently been effective in reducing mortality and egg-production losses, but nonvaccinated sentinels left in the vaccinated flocks have seroconverted at a high rate, indicating that the nonpathogenic virus is likely circulating in the flocks.

The events in Mexico over the past several years represent the most widespread and lengthy known occurrence of avian influenza virus in poultry. The change in the pathogenicity of the virus after many

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months of circulating in poultry flocks was not unlike the experience in Pennsylvania in 1983, although the molecular basis of those changes differed (80).

A report from Pakistan (125) described a severe type H7 avian influenza outbreak that began in December 1994 in broiler breeders. It eventually affected all classes of poultry from 7 to 66 wk of age, with an overall mortality of 63% in the area of the initial outbreak. There was also an outbreak of highly pathogenic avian influenza (H7N3) in chickens in 1994 in Queensland, Australia. The birds on the affected premises were slaughtered and nearby flocks were monitored by serology. The HA-cleavage site contained a sequence that differed from the previous three highly pathogenic H7 avian influenza (AI) viruses isolated from disease outbreaks in Australia (159).

Since the first influenza isolates from turkeys in North America in 1963 (104), these viruses have frequently caused disease problems. Viruses found in turkeys on open range are often thought to have been introduced by migratory waterfowl (62, 67). An interesting situation in turkeys has developed during the last decade in that H1N1 viruses typically associated with pigs have been responsible for outbreaks in turkeys (72) characterized by respiratory disease and diminished egg production (120). This swine-turkey connection was the first indication that mammalian viruses could be responsible for infection and disease in birds. Studies on H1N1 isolates from pigs and birds throughout the world (12, 13, 73) suggest that swine viruses are being transmitted to turkeys and, in addition, that H1N1 viruses from ducks are being transmitted to pigs in some areas of the world.

Although evidence for the infection of wild birds existed prior to the 1970s, it was not until then that the high infection rate among migratory waterfowl was recognized. Surveillance studies revealed the widespread distribution of influenza viruses in these birds, particularly ducks (66, 69), and more recently in shorebirds (93). Such studies (67, 70) have shown that virtually all known antigenic subtypes of type A influenza viruses and combinations of HA and NA surface antigens exist in the avian wildlife reservoir; the viruses are typically avirulent for the hosts; the viruses possess broad host ranges, including other birds and mammals; genetic reassortment between their viruses occurs in the natural setting; and intestinal replication of the viruses in these birds may be an important factor in the efficient transmission of these viruses among waterfowl and potentially to other species. This reservoir in wildlife occupies an important role in the ecology of influenza.

During the last 10 yr. viruses typically found in avian species have been recovered from outbreaks

of disease in mammals, such as seals (74, 108, 181) and mink (49, 101), and have been detected in whales (76). These findings suggest that the association between birds and mammals in the natural setting may lead to transmission of avian viruses, resulting in significant disease problems.

INCIDENCE AND DISTRIBUTION. Avian influenza viruses are distributed throughout the world in many domestic birds, including turkeys, chickens, guinea fowl, chukars, quail, pheasants, geese, and ducks, and in wild species, including ducks, geese, sandpipers, sandertins, ruddy turnstones, terns, swans, shearwaters, herons, gullinots, puffins, and gulls (sec 5, 7, 10, 46, 67, 123). Migratory waterfowl, particularly ducks, have yielded more viruses than any other group, while domestic turkeys and chickens have experienced the most substantial disease problems due to influenza. Influenza viruses have also been isolated from caged birds, including mynahs, parakeets, parrots, cockatoos, weaverbirds, finches, and hawks (4, 86, 160, 164, 165). These birds were often being held in quarantine and the significance of infection in these birds is not yet clear. Passerine birds have yielded relatively few influenza viruses, particularly in view of the size of this bird population. There have been some isolations from passerine birds in contact with sick domestic birds, e.g., starlings in Israel (112) and Australia (41). Studies on the Australian isolate, A/starling/Victoria/5156/85 (H7N7) (131), led the authors to suggest that highly pathogenic viruses were transmitted between domestic poultry and passerine birds.

Precise distribution and prevalence of influenza viruses are difficult to determine because of the sampling anomalies. The World Health Organization has encouraged and supported surveillance programs to increase the available data on the prevalence and distribution. Even so, most surveillance efforts are conducted by investigators who have a specific interest in avian influenza and/or the ecology of influenza.

Distribution data on avian influenza are clearly influenced by the distribution of both domestic and wild species, the locality of poultry production, migratory routes, season, and disease reporting systems. Prevalence is also influenced by some of the same factors. Accurate prevalence rates are difficult to determine because of the variety of surveillance systems and procedures employed. For any one episode of avian influenza in a domestic species, a reasonable prevalence rate can be determined; however, the prevalence and distribution are not predictable. For example, in turkeys in Minnesota, the prevalence has been very high some years and nearly nonexistent during others (139). The absence is not due to residual immunity but, rather, to an un-

explained absence of the viruses. Waterfowl have been viewed as a significant source of viruses for turkeys on open range and this may be important in areas such as Minnesota and Wisconsin, which are located along a major flyway. Investigators there (62, 63) have recovered many influenza viruses from free-flying and sentinel ducks during the fall migration and have established that the outbreaks in turkeys coincide with the presence of the migratory ducks. Even so, it is difficult to predict which virus will appear and cause problems in the turkeys at any given time.

Surveillance of migratory waterfowl in North America has indicated that up to 60% of juvenile birds may be infected as they congregate in marshalling areas prior to migration (69, 75). As the birds migrate, the rate of virus recovery drops precipitously. Since ducks have been shown to excrete virus for as long as 30 days (180), this means that few cycles of transmission would be required to maintain the viruses. It seems possible that the viruses are maintained in the wild duck population by passage to susceptible birds, even at a low level, throughout the year until the next breeding season results in a new group of susceptible juveniles. Transmission can readily occur due to the excretion of high quantities of the virus in the feces, resulting in heavily contaminated lake or pond water (68). Recent studies (93) on shorebirds (such as sandpeeps, ruddy turnstones, and sandpipers) and gulls suggested that they constitute a significant reservoir of viruses. The involvement of wild birds, particularly waterfowl, with influenza viruses underlines the need for producers of domestic, commercial birds to provide separation between domestic and wild bird populations.

There have been only three incidents of influenza viruses in chickens in North America since the last fowl plague outbreak in 1929: Alabama in 1975 (83, 84), Minnesota in 1979 (61), and Pennsylvania during 1983-84 (48). There are reports of influenza infections in chickens in several other countries including Belgium, Scotland, Italy, the former Soviet Union, Australia, Hong Kong, Belgium, France, and Israel (5, 118). Influenza infections of domestic ducks have been detected in many areas of the world, including North America (154). Influenza in turkeys has also been reported in many countries, including Hungary, France, Holland, Italy, Ireland, England, Canada, the United States, and Israel (5, 6). Alexander (5), Hinshaw et al. (70) and the symposia proceedings (142, 143, 144) provide information and tabulations of the countries, years, and subtypes of viruses in wild waterfowl, chickens, domestic ducks, and turkeys.

In considering the prevalence and distribution of influenza viruses in avian species, it becomes clear that many viruses circulate in birds throughout the world. In view of that, it is puzzling that avian in-

fluenza viruses are not responsible for more extensive poultry disease problems.

ETIOLOGY

Classification. Avian influenza viruses, along with all other influenza viruses, constitute the virus family *Orthomyxoviridae* (98, 123). These are medium-sized, pleomorphic RNA viruses with helical symmetry and glycoprotein projections from the envelope that have hemagglutinating and NA activity. There are three antigenically distinct types of influenza viruses: A, B, and C. The type specificity is determined by the antigenic nature of the nucleoprotein (NP) and matrix (M) antigens, which are closely related among all influenza A viruses. Types B and C are typically found only in humans. Type A influenza viruses are found in humans; in swine; in horses; occasionally in other mammals such as mink, seals, and whales; and in many avian species.

CLASSIFICATION BASED ON THE HEMAGGLUTININ AND NEURAMINIDASE. Type A viruses are divided into subtypes according to the antigenic nature of the HA and NA. There are currently 15 distinct HAs and nine distinct NAs. A standard system of nomenclature for influenza viruses was proposed in 1971 (186) and revised in 1980 (187). The name of an influenza virus includes the type (A, B, or C), host of origin (except human), geographic origin, strain number (if any), and year of isolation followed by the antigenic description of the HA (H) and NA (N) in parentheses. For example, a type A influenza virus isolated from turkeys in Wisconsin in 1968 and classified as H8N4 is designated A/turkey/Wisconsin/1/68 (H8N4). The H and N subtype designations, which include the previous and current descriptions, are listed in Table 22.1.

Table 22.1. Type A influenza subtype nomenclature

| Hemagglutinin | | Neuraminidase | |
|------------------|----------------|------------------|------------|
| 1980- Present | Previous | 1980- Present | Previous |
| H1 | H0, H1, Hsw1 | N1 | N1 |
| H2 | H2 | N2 | N2 |
| H3 | H3, Heq2, Hav7 | N3 | Nav2, Nav3 |
| H4 | Hav4 | N4 | Nav4 |
| H5 | Hav5 | N5 | Nav5 |
| H6 | Hav6 | N6 | Nav1 |
| H7 | Hav1, Heq1 | N7 | Neq1 |
| H8 | Hav8 | N8 | Neq2 |
| H9 | Hav9 | N9 | Nav6 |
| H10 | Hav2 | | |
| H11 | Hav3 | | |
| H12 | Hav10 | | |
| H13 | Hav11 | | |
| H14 | — | | |
| H15 | — | | |

Sources: (94, 150, 187).

George Bass - Country Hen 978-928-5414

Dh2001 Avian influenza chapter

Avian influenza
(AI; Influenza)

DEFINITION

Avian influenza (AI) is a viral disease characterized by respiratory signs, depression and reduced feed and water intake. In egg laying birds there is a decline in egg production and quality. There are two pathotypes of AI virus: the most common is low pathogenic AI (LPAI) and the other is highly pathogenic AI (HPAI).

The most virulent form (HPAI) was once called fowl plague. At the 1981 International Symposium on Avian Influenza, the term fowl plague was replaced with the term "highly virulent" influenza virus infection. The AI epidemic of 1983-1984 required yet new terms to describe relative pathogenicity of different isolates of the same serotype (nonpathogenic, low-pathogenic, highly pathogenic).

OCCURRENCE

AI outbreaks have occurred throughout the world. LPAI is common in large turkey-producing areas, particularly where semi-confinement or range-rearing is still widely practiced. Outbreaks are more sporadic in other areas of the United States. AI can occur in most, if not all, species of birds. In the United States, most outbreaks have been in turkeys. A few outbreaks have occurred in chickens. Humans, horses, pigs, and some wildlife species may be infected with influenza viruses, and a cycle between birds and swine exists.

A Pennsylvania chicken outbreak of LPAI in 1983 mutated into HPAI in 1983-1984 resulting in a federal-state eradication program that required the depopulation of 17 million birds. Similar outbreaks of LPAI in Mexico in 1992 and Italy in 1999 also mutated into HPAI causing severe losses.

HISTORICAL INFORMATION

Highly pathogenic AI (fowl plague) was first documented in Italy more than 100 years ago. Highly pathogenic AI first occurred in the United States in 1924-1925 and again in 1929 but was eradicated both times. The epidemic HPAI in the northeastern United States in 1983-1984 cost over 70 million dollars and required over 2 years to eradicate. The United States has been HPAI free since 1986, although LPAI viruses are present and some have caused significant losses in poultry.

It was in 1964 that influenza viruses of low to moderate pathogenicity were first detected in poultry and they have been detected somewhere in United States poultry every year since 1964.

An International Commission for Control of Avian Influenza monitors outbreaks of HPAI and has designated certain laboratories as reference labs for diagnosis. In the United States, the National Veterinary Service Laboratory in Ames, Iowa, can identify influenza virus serotypes and pathotypes.

ETIOGENESIS

Avian influenza is caused by a type A influenza virus belonging to the orthomyxoviridae family. The agar gel diffusion test identifies antibody to type A antigen.

Influenza viruses have two important surface antigens, hemagglutinin and neuraminidase, that give rise to subtype names for specific viruses (eg. H4N6). There are 15 hemagglutinins and 9 neuraminidases making

for a large number of possible virus subtypes. Influenza viruses are subtyped by hemagglutination inhibition and neuraminidase inhibition tests. Cross-protection does not occur between subtypes.

Influenza viruses vary widely in pathogenicity and ability to spread among birds. Two pathotypes are recognized: LPAI and HPAI. These pathotype designations are derived from laboratory inoculation of 8 susceptible chickens; LPAI isolates cause death in 0 to 5 of 8 chickens and HPAI isolates cause death in 6 or more. Although most H5 and H7 isolates are low path viruses, so far all HPAI outbreaks have been due to H5 or H7 viruses.

All influenza viruses hemagglutinate chicken red blood cells. Most grow readily in embryonating chicken eggs and tissue culture. They are susceptible to detergents, disinfectants and heat.

EPIZOOTIOLOGY

Waterfowl and shorebirds (wild and domesticated) are the major natural reservoir of influenza viruses. Wild waterfowl are asymptomatic, may excrete virus in the feces for long periods, may be infected with more than one subtype, and often do not develop a detectable antibody response. Influenza virus has been recovered directly from lake and pond water utilized by infected wild ducks. Contact of these birds with range-reared commercial flocks is an important factor in some outbreaks. This source of infection often results in a seasonal incidence in some states.

Two other reservoirs worth mention are live bird markets and commercial swine facilities. Live bird markets have existed in large cities forever, but they are an emerging phenomenon in some areas. They serve as a focal point for gathering and housing many species of birds that are then sold in or around large cities. These facilities are usually neither cleaned nor depopulated. The continuous supply of susceptible poultry in such markets enhances opportunity for viral replication and mutation, and this in turn enhances the opportunity for viruses to be carried back to susceptible poultry flocks. Swine have been known to be infected with swine flu (H1N1) since the 1930s, but recently another subtype (H3N2) has been spreading in swine populations. Transmission of influenza from swine to turkeys has been documented.

AI viruses have been isolated from imported exotic birds. These infected birds are a potential threat to cage birds, wild birds, and poultry.

Although waterfowl shed virus for long periods, most viral shedding from infected poultry stops after seroconversion. Influenza virus is released in respiratory secretions and excretions and droppings of infected birds where it is protected by organic material. The virus is labile in warm conditions, but can survive for months in a cold environment. Influenza virus has been isolated from turkey eggs and semen, but there is no evidence of egg transmission. Improper disposal of infected eggs could potentially expose other susceptible birds, but such transmission has not been observed.

Once AI is introduced into the poultry industry it is transmitted from farm to farm by direct and indirect contact. AI viruses can be transmitted on contaminated shoes, clothing, crates, and other equipment and by movement of birds.

CLINICAL SIGNS

Most outbreaks are caused by LPAI viruses. The LPAI signs vary greatly and depend on many factors, including the age and species infected, the virulence of the virus, concurrent infections, and husbandry. In most outbreaks, signs are predominantly those of a respiratory disease with coughing, sneezing, rales, lacrimation, sinusitis, and depression. In egg layers decreased egg production and quality are seen.

In young growing turkeys the disease may be subclinical or severe, particularly where secondary infection with live pasteurized vaccine, *E. coli*, or *Bordetella* occurs. Outbreaks in laying turkeys often reduce production markedly and frequently are associated with abnormal eggshell pigmentation and quality.

Morbidity and mortality are highly variable, depending upon the same factors that determine clinical signs noted above.

HPAI is a severe form of influenza usually seen in chickens. Viruses of high pathogenicity may cause fatal infections preceded by few signs. Onset is sudden, the course is short, affected birds are quite ill, and mortality may approach 100%. Signs may relate to the respiratory, enteric, or nervous systems. There may be diarrhea, edema of the head and face, or nervous disorders.

LESIONS

With LPAI outbreaks in poultry there is mild to moderate inflammation of the trachea, sinuses, air sacs and conjunctiva. In laying birds there often is ovarian atresia and involution of the oviduct. Various degrees of congestive, hemorrhagic, transudative, and necrotic lesions have been described.

In HPAI infection, gross lesions in poultry species are the most extensive and severe. Fibrinous exudates may be found on the air sacs, oviduct, pericardial sac, or on the peritoneum. Small foci of necrosis may be apparent in the skin, comb, and wattles or in the liver, kidney, spleen, or lungs. Indications of vascular damage often include congestion, edema, and hemorrhages at many sites.

Classical lesions of HPAI in chickens include cyanosis and edema of the head, vesicles and ulceration on the combs, edema of the feet, blotchy red discoloration of the shanks, petechiae in the abdominal fat and various mucosal and serosal surfaces, and necrosis or hemorrhage in the mucosa of the ventriculus and proventriculus.

DIAGNOSIS

History, signs, and lesions may be suggestive of LPAL, but are similar to other diseases. With HPAI, lesions are more useful in a presumptive diagnosis. Confirmation of AI requires laboratory tests including serology and virus detection. Confirmation of HPAI requires pathotyping the virus.

Influenza virus usually can be isolated in chick embryos from tissue or swab samples of trachea, lung, air sac, sinus exudate, or cloaca. The virus hemagglutinates chicken red blood cells. An agar-gel precipitation test can be used to identify type A internal antigen of the virus or to demonstrate an increase in antibody titer between acute and convalescent sera.

Influenza must be differentiated from other poultry diseases including Newcastle disease, other paramyxovirus infections, mycoplasmosis, chlamydial infections, and fowl cholera. Highly pathogenic AI should be differentiated from velogenic viscerotropic Newcastle disease. Because AI viruses causing highly pathogenic AI are considered exotic to the United States, they are reportable to the USDA, and confirmation by virus isolation is essential.

CONTROL

Prevention of LPAL is largely through prevention of exposure to influenza viruses by direct or indirect contact with waterfowl and shorebirds, live bird markets and swine farms. Once LPAL is introduced into the poultry industry, control is largely dependent on voluntary efforts since there are no official state eradication programs.

- Routine serologic monitoring of blood or egg yolk antibody is used in areas where AI has been a problem. This effort provides early detection of an outbreak and permits other measures such as isolation and sanitation to be used early.
- Reporting outbreaks to industry personnel who are in direct or indirect contact with poultry is necessary so that people can take appropriate measures.
- Voluntary isolation of infected flocks is the responsibility of the owner and is necessary to prevent transmission to other flocks. (Often doing nothing is the single most important thing

- to reduce the spread of disease.) Rigorous measures to prevent the contamination of and control the movement of people and equipment are required in order to stop this disease.
- Different states and industries take different approaches to the next step. Controlled marketing of flocks after they have recovered from infection is common in the turkey industry. In some broiler producing states, voluntary destruction of infected flocks is encouraged.
 - Rescheduling flocks is necessary to make sure there is no active AI virus on the farm before another flock is placed.
 - Vaccines - Immunity is hemagglutinin subtype specific. Because birds are susceptible to all 15 hemagglutinins preventive vaccination is not practical. Once an outbreak occurs and the subtype is identified, however, vaccination is a tool that may be used to help bring the infection under control. Influenza viruses are unstable so no live vaccines have been developed for poultry. Only killed, injectable vaccines are available and currently USDA prohibits use of H5 or H7 vaccines.

History has proven that prevention of HPAI is based on successful control of H5 or H7 LPAI.

Current USDA quarantine measures reduce the possibility of introducing highly pathogenic influenza through importation of poultry or exotic birds.

All outbreaks of influenza should be reported immediately to the state veterinarian or other appropriate health authorities.

TREATMENT

There is no effective treatment. However, good husbandry, proper nutrition, and broad-spectrum antibiotics may reduce losses from secondary infections.

ZOOONOTIC POTENTIAL

Although infection of humans with AI virus is rare, in 1997 18 people in Hong Kong fell ill due to a HPAI H5N1 virus. Six people died. Eradication of the HPAI outbreak was successful and no further human infection occurred.

Table 1. Avian influenza introductions in Minnesota (1978-1999)

| Year | Flocks | Sub-Types |
|------|--------|--|
| 1978 | 141 | H1N1, H4N8, H6N1, H6N2, H6N8, H9N2 |
| 1979 | 30 | H4N1, H6N1, H6N2, H9N2, H10N7 |
| 1980 | 22 | H4N2, H4N6, H4N8, H7N3, H10N7 |
| 1981 | 50 | H5N2, H6N8, H10N7 |
| 1982 | 59 | H1N1, H3N2, H4N2, H4N8, H5N2, H6N1, H6N2, H6N8, H6N7, H9N2, H7N2 |
| 1983 | 2 | H5N7 |
| 1984 | 13 | H1N1, H2N3, H4N6, H6N8, H8N4 |
| 1985 | 73 | H1N1, H2N7, H4N2, H4N6, H4N8, H5N2, H5N6, H6N8, H7N3 |
| 1986 | 20 | H1N1, H4N3, H4N6, H4N8, H6N5, H9N9 |
| 1987 | 38 | H1N1, H3N8, H5N2, H5N8, H7N7, H9N5 |
| 1988 | 258 | H2N2, H4N6, H5N6, H7N9, H8N4, H9N2 |
| 1989 | 16 | H1N1, H4N3, H4N8, H9N2, H10N7 |
| 1990 | 14 | H1N1, H6N2, H10N7, H13N2 |
| 1991 | 110 | H1N1, H4N2, H4N6, H4N8, H5N2, H5N3, H6N1, H6N2, H6N8, H7N3 |
| 1992 | 17 | H1N1, H4N2, H6N8, H7N3 |
| 1993 | 4 | H1N1, H4N6, H5N9, H9N2 |
| 1994 | 8 | H5N2, H6N7, H7N1 |
| 1995 | 178 | H1N1, H6N8, H9N2, H10N7 |
| 1996 | 5 | H2N2, H9N2, H7N2 |
| 1997 | 0 | |
| 1998 | 1 | H1N1, (H5N2 pheasant) |
| 1999 | | H1N1, H6N1 |
| 2000 | | |

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March 12, 2002

National Organic Standards Board Livestock Committee

Members of the Committee:

This letter is being written in opposition to current recommendations to allow organic egg producing chickens outside access. We believe this is contrary to what is fundamentally best for the chicken. We discount organic consumers expectations when they are contrary to avian health. It is first and foremost our concern to what is best for the chickens that are under our care.

We oppose the standard for the following reasons:

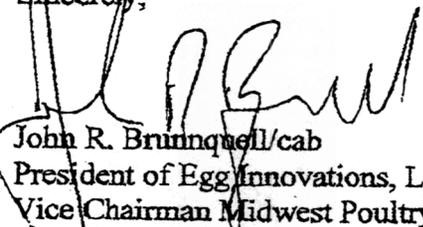
1. Regional prejudice: Because of latitude this rule cannot be consistently enforced throughout the United States. In Southern States this may be adhered to all year long and in Northern States there are several months where it is poor husbandry to expose birds to wind and cold.
2. Disease vectors: Almost all of our facilities are located in rural areas where exposure to wild birds, rodents and other vectors will expose the chickens to disease pressures they would not normally run into contact with. This is made worse by the fact that organic production allows for extremely limited avenues to treat chickens once they get sick, i.e.... prevention is the best method.
3. Predators: I cannot speak for other producers but I assume they have similar predators such as a fox, mink, raccoons, and birds of prey that will view a domesticated chicken as a more favorable target and easier to catch then prey caught in the wild. Additionally once they know where to look it can be assumed that this pressure will increase over time. We do not subscribe to a program of acceptable mortality that could have been prevented.
4. Consumer Expense: This practice will inherently cost consumers in the form of higher costs of production being passed along. These costs will arise from more labor, lower numbers of gradable eggs and higher overhead of maintaining a pasture.
5. Environment: Some of our facilities sit in a priority watershed that occasionally floods. In a pasture environment this will wash fecal material into the water, which is against our environmental management plan.



6. Avian Biology: Birds lay eggs in response to increasing photoperiod (day length). This is why wild birds lay eggs in Spring. A pasture system has a decreasing photoperiod beginning halfway through the Summer. A related issue is temperature variation. As an example, this past Saturday March 9, it was 55° at 9am; this is a temperature which birds could be given outside access. By 11am a front had come through and the temperature dropped to 33°, snow started to fall and the winds kicked up to 40 miles per hour. Because of the speed at which the climate changed it cannot be assumed that people are present 24/7 to open and shut doors and move the flock back inside. These temperature fluctuations are common in the Midwest in Spring.

In summary, I support allowing producers to give outside access on a voluntary basis. I would even be comfortable if they wanted to label them in that manner, but I firmly believe that a program that mandates outside access is counter to avian science and the best health of the chicken.

Sincerely,



John R. Brunquell/cab
President of Egg Innovations, LLC
Vice Chairman Midwest Poultry Consortium

3

TAMPA FARM SERVICE, Inc.

"Producer and Packer of Fresh Florida Eggs"

P. O. BOX 600
DOVER, FLORIDA 33527-0600
PHONE (813) 659-0805
FAX (813) 659-0197

VIA FAX - 202-205-7808 (2 Pages)

March 15, 2002

Ms. Katherine Benham
The National Organic Standards Board
Room 4008 - South Building
1400 and Independence Avenue, SW
Washington, D.C. 20250-0001

Re: NOSB Livestock Committee Draft Recommendations for Poultry

Dear Ms. Benham:

As a producer and marketer of certified, organically produced shell eggs, I wish to comment on the proposed recommendation from the NOSB Livestock Committee's draft of December 21, 2001, concerning access to the outdoors for egg laying hens. We respectfully disagree with the Committee's recommendation concerning yard access. It is our experience and belief that access to the outdoors is not in the best interest for the welfare of the hens and, therefore, undesirable. I would like to briefly share our reasoning with you.

Chickens with outdoor access are more vulnerable to parasites and there exists a greater potential for exposure to avian diseases, both of which pose real health concerns for the hens. Sudden, adverse weather conditions, such as thunderstorms, may result in undue mortality due to piling and suffocation as the birds huddle tightly together. There is a far greater potential for the intrusion of predator animals into a yard area than in a secured barn, resulting in significant and undue mortality within the flock. Because of the difficulty of rodent control in a yard setting, the potential for salmonella contamination among the hens is greater in a housing design that features exterior runs or yard access. Additionally, manure runoff from the yard area will be difficult to control and poses a potentially serious environmental concern. Through years of experience with hens in non-caged barns, we have found that the naturally occurring behavioral patterns of the

Ms. Katherine Benham
March 15, 2002
Page 2 of 2

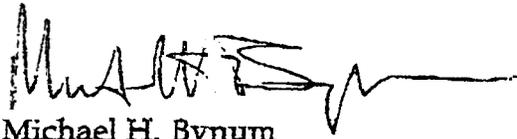
hens are not inhibited by the absence of yard access, since all such behaviors are routinely and regularly observed to occur in the barn setting.

For all of these reasons, we believe that we attain a higher level of well being for the hens in a barn where sunlight and fresh air is available through the secured sides of the building, than would be possible with a building design that features outdoor access.

Thank you for your consideration.

Sincerely,

TAMPA FARM SERVICE, INC.

A handwritten signature in black ink, appearing to read "Michael H. Bynum", with a long horizontal flourish extending to the right.

Michael H. Bynum
President

4



Poultry Council

PennAg Industries Association

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Harrisburg, PA 17112-1099
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Mail: jshirk@pennag.com

March 26, 2002

The National Organic Standards Board
c/o Katherine Benham
Room 4008 – South Building
1400 and Independence Avenue, SW
Washington, DC 20250-0001

Dear National Organic Standards Board:

Thank you for the opportunity of sharing the egg industry's concerns with the National Organic Program Final rule 7 CFR §205 dated December 21, 2000. We have serious concerns that the final rule will have a significant negative impact the production of organic eggs in the state of Pennsylvania.

The industry's concerns center on §205.238 "Livestock health care practice standards" and §205.239 "Livestock living conditions." Regulations for the organic production of eggs which potentially harm the health of the chickens contravenes the basic tenet of the final rule in its attempts to alleviate stress in the animal. What we hope to convey is an adjustment in the final rule that would provide outside access as an optional component of organic certification for poultry in the northeast.

There are four major areas of concern we would like to highlight where the proposed standards will create hardship for organic egg producers in our region: 1) weather, 2) disease susceptibility, 3) food safety, and 4) environment and water quality impacts. Each of these areas has the potential to negatively impact the health of organic poultry.

The colder weather patterns of the northeast mandate farmers provide adequate shelter during a significant part of the year. Producing organic certified eggs in northern states will be virtually impossible during the winter months under the final rule. The rule will create a regionally discriminatory effect favoring one region at the expense of the family farms in another area.

The Poultry Council believes the regulations should be interpreted to consider the winter months in cooler climates as conditions under which the health, safety, or well being of the birds would justify confinement rearing of chickens and be consistent with the stated objectives.

Disease control is a significant challenge for any poultry producer in Pennsylvania whether they produce for organic or other markets. All producers must establish appropriate housing and sanitation practices to minimize the occurrence and spread of disease. Access to the outdoors to comply with the proposed organic standards will without questing increase the risk of disease introduction into poultry houses.

According to a game and fisheries specialist at Penn State University, many species of waterfowl and other birds migrate through Pennsylvania as a part of their natural flyways. As evidenced in Minnesota recently and during studies conducted in an outbreak of avian influenza in Pennsylvania in 1983, devastating poultry diseases are commonly carried by waterfowl and can be transmitted to a poultry they or their feces come into contact. Exposure to the outdoors will increase the likelihood of chickens contracting disease and will have a tremendous economic impact on all farms in the area.

The poultry industry in Pennsylvania experienced devastation to poultry flocks as a result of exposure to AI-infected ducks and geese in 1983. Over \$63 million dollars was spent to destroy flocks of chickens and turkeys infected by this disease and created an incredible economic impact on the family farms who depend on poultry as their only source of income. It is imperative to minimize the risk of exposure to disease not only for the health of the birds but also the viability of the poultry industry.

Consumers buying organic foods make their buying decisions on a belief that organic foods are safer for their families. The safety of the eggs produced under the proposed organic standards will be compromised with the required access to outdoors. Unrestricted access of rodents to come into contact with the chickens will dramatically increase the risk of salmonella enteritidis contamination in eggs.

The Pennsylvania Egg Quality Assurance Program (PEQAP) is considered a national leader in food safety programs for egg production in the United States. We have very stringent criteria for rodent control in a layer facility as a primary tool for reduction of Se in poultry houses and to increase the safety of our eggs. A high level of management and expense to maintain the integrity of the house and keep rodents out is at the heart of our food safety program.

Mandating unrestricted doors for poultry to access the outdoors is an open invitation for rodent infestation in poultry houses and will lead to a higher risk of egg contamination. Outside access clearly decreases the level of food safety consumers expect when they purchase eggs, specifically eggs with organic labeling.

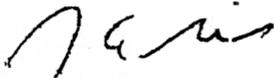
Water resource protection is a high priority for egg producers. Sound nutrient management to protect water quality has been a priority of the poultry industry for decades. Mandatory outside access has the potential to create a situation where soil levels of nitrogen and phosphorus become elevated and create a water quality hazard. Rainfall on unprotected outside pens will leach nitrogen and potentially phosphorus into groundwater and contaminate water supplies.

Flies will also become an even greater nuisance as they increase their populations in the ideal environments outside access will create. Allowing for covered protection with an impervious floor is the best way to manage poultry manure and protect our water resources.

Today's organic egg production practices have resulted from a growing demand for economically produced eggs while providing an environment for the chicken which minimizes disease and inclement weather challenges, increases food safety, and protects the environment. These production practices ultimately prove less stressful on chickens and should be adopted as acceptable production practices for organic poultry. At a minimum, we would recommend existing organic egg production facilities be grandfathered into the standards providing they make practical modifications which provide direct sunlight and ventilation for the chickens.

As a final note to our comments, we have difficulty understanding the inclusion of outside access as a provision of the consumer expectations of organic standards. We have seen no published data which would support outside access as something consumers are demanding. Without this basis, we would hope outside access would become only an optional part of meeting the standards for organic egg production.

Sincerely,



James A. Shirk
PennAg Poultry Council



United Egg Association

March 9:43 AM

5

Al Pope*
President

Gene Gregory*
Sr. Vice President

Ken Klippen**
V.P. Government Relations

Michael McLeod**
Washington Counsel

Randy Green**
Sr. Government Relations Rep.

March 14, 2002

National Organic Standards Board
C/o Katherine Benham
U.S. Department of Agriculture
Agricultural Marketing Service
Room 4008, South Building
1400 and Independence Avenue, SW
Washington, DC 20250-0001

Dear Ms. Benham:

United Egg Producers (UEP) representing nearly 90% of all the shell eggs produced and United Egg Association (UEA) representing 95% of all the further processed egg product appreciates this opportunity to comment on Draft Recommendations Access to the Outdoors for Poultry to the National Organic Standards Livestock Committee.

Both UEP and UEA strongly oppose the Board recommendation in the outdoor requirement in the Final Rule §205.239(a)(1) for three reasons. First, the stated intent by the Board for the access to outdoors is to "...reduce stress, strengthen immunity, and deter illness." This intent will not be accomplished by having chickens outdoors. Enclosed are the references from seven scientific research articles demonstrating that chickens in outdoor environments have increased mortality, increased parasites, increased predation, increased pecking, and increased chances of developing diseases such as Avian Influenza (AI). Recently a nationwide ban on all U.S. poultry and eggs was instituted by Japan due to an outbreak of low pathogenic AI in Pennsylvania. Wild migrating birds are known carriers of AI and chickens in outdoor environments will have increased susceptibility to this disease. The economic impact from trade bans amounts to the loss of millions of dollars by the commercial poultry industry.

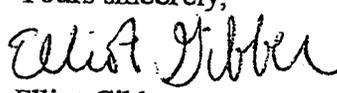
Secondly, the Food & Drug Administration has published its current thinking documents on egg safety encouraging improved biosecurity through rodent control. Having access to the outdoors allows access to the indoors for rodents. This may pose a human health risk from *Salmonella* contamination.

Thirdly, the Environmental Protection Agency will be issuing a final rule on Concentrated Animal Feeding Operations this December. The egg industry has worked hard at developing an XL Project with the Environmental Protection Agency (EPA) that

will be the means of containing poultry manure so as not to endanger watersheds from runoff. Chickens in outdoor environments will pose problems for runoff containment.

For these reasons, we strongly encourage the Livestock Committee to alter the language in its recommendations to exempt chickens from the outdoors. Egg producers seeking certification for organic production can provide housing for chickens that allow free roaming in a barn, have easy access to organically-produced feeds, fresh water, fresh air ventilated into the barns and direct sunlight by means of windows and curtain sidewalls. To mandate outdoor environments for chickens will increase actually harm the chicken.

Yours sincerely,


Elliot Gibber
UEA Chairman


Al Pope
President


Ken Klippen
Vice President for
Government Relations

Encl.

References

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March 26, 2002

The Honorable Ann M. Veneman
Secretary
U.S. Department of Agriculture
14th St. & Independence Avenue, S.W.
Washington, DC 20250

Al Pope
President
Ken Klippen
V.P. Government Relations
Michael McLeod
Washington Counsel
Randy Green
Sr. Government Relations Rep.

Dear Madam Secretary:

Please find enclosed a copy of a letter from Congress with eleven Members signing addressed to the National Organic Standards Board concerning the draft recommendations on access to outdoors for poultry. AMS is collecting comments on this draft recommendation.

We hope you have had an opportunity to consider this draft recommendation in light of the issue of Avian Influenza (AI) and the trade bans of poultry and egg products. Currently, Japan has imposed another ban due to an outbreak of AI in Virginia. It is a known fact that migratory waterfowl do carry AI and poultry kept outdoors can become a reservoir for continued outbreaks of this disease. APHIS and FAS are working diligently in addressing this current ban and were distressed when I informed them that another agency was considering a recommendation that would perpetuate the trade problems.

Please weigh in on this issue with AMS and use your executive authority to withdraw a misguided rule by exempting poultry.

Thank you.

Yours sincerely,

Ken Klippen
Ken Klippen
Vice President for Government Relations

Encl.

| | | | |
|------------------------|------------------|-----------|--------------|
| Post-it® Fax Note 7671 | | Date 3/26 | # of pages 3 |
| To Richard Mathew | From Ken Klippen | Co. | |
| Co./Dept. | | Phone # | |
| Phone # FYI | | Fax # | |
| Fax # | | | |

UEP Headquarters
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THE HUMANE SOCIETY OF THE UNITED STATES

MAR 19 10:23 AM

7

Dr MC Appleby
Vice-President

Farm Animals and Sustainable Agriculture

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NGO in general consultative status
with the Economic and Social Council

National Organic Standards Board
c/o Katherine Benham
Room 4008 - South Building
14th and Independence Avenue, SW
Washington, D.C. 20250-0001.

March 18th 2002

Dear Katherine Benham

Draft recommendation of the NOSB Livestock Committee: Access to the outdoors for poultry

On behalf of the Humane Society of the United States, the nation's largest animal protection organization with seven million constituents, we wish to support strongly the recommendation of the NOSB Livestock Committee that organic poultry should be allowed access to the outdoors.

For your information, I carried out scientific research on behavior, housing and welfare of poultry for 20 years at the Poultry Research Centre, Edinburgh and the University of Edinburgh, before coming to the USA in 2001. I am senior author of a book on the subject (Appleby et al 1992).

PRINCIPLES IN FAVOR OF OUTDOOR ACCESS

We agree that "Access to the outdoors fulfills an integral role in health care and living condition requirements in organic poultry production". Our support for your recommendation is based on all four of the principles you list as its intent:

1. To satisfy their natural behavior patterns

In addition to the natural behavior patterns you mention, these include foraging (which is a pervasive aspect of behavior in birds fed on concentrated diets), dust bathing and exploration. All these behaviors are much more readily carried out in the varied, extensive conditions provided outdoors than in the limited conditions of high-density housing.

Furthermore, varied, complex environments have other benefits: birds reared in such conditions show more adaptability, less susceptibility to stress and less fear of humans than those kept in barren conditions (Jones 1982).

2. To provide adequate exercise area

Adequate exercise improves foot condition and leg strength, as you say. It is also important for wing bone strength (Knowles & Broom 1990).

Promoting the protection of all animals

1
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3. To provide preventive health care benefits

We concur with the statement that outdoor access has health benefits. Disease exposure can be avoided by (a) fencing outdoor areas to reduce ingress of wildlife, (b) feeding poultry indoors, which largely prevents the potential of wild birds to spread disease and (c) using different outdoor areas for successive flocks to prevent build-up of disease organisms.

Health benefits include reduction of stress and strengthened immunity. They also include varied nutrition where this is available. We understand your decision not to require such nutrition, but it should obviously be encouraged when possible.

4. To answer consumer expectations of organic livestock management

Your comment that consumers expect organic livestock to have outdoor access is consistent with our understanding and with the general NOSB Principle (paragraph 1.3) that "The basis for organic livestock production is the development of a harmonious relationship between land, plants and livestock." *Denying this principle would devalue the whole standing of organic standards in the perception of the public.*

ARGUMENTS AGAINST OUTDOOR ACCESS

Three arguments are sometimes made against giving poultry outdoor access, but these can readily be addressed:

1. There is increased danger of predation

While this is true, it can be reduced to negligible risk by shutting poultry into the house at night, fencing outdoor areas and ensuring that people walk around the area occasionally. The latter provision is sufficient to deter daytime predatory birds such as hawks and should be normal practice for inspection of stock anyway.

2. Not all birds in large flocks go outdoors

This is no argument against providing access to outdoors for those birds that utilize it.

The fact that not all birds go outdoors is caused by two main factors, the unnaturally large flock size (combined with the fact that birds tend to move as a flock) and the lack of cover usual in outdoor areas (remembering that chickens evolved in forests).

We are pleased that the recommendation includes a requirement to "illustrate how the producer will maximize and encourage access to the outdoors" as this will maximize the number of birds that benefit.

The producer should provide ample doorways to allow egress from the house and should also consider providing cover (bushes, incomplete fences etc.).

3. It is sometimes claimed that free range birds have more problems such as cannibalism

This is not true. In birds that are not beak trimmed, cannibalism is worse in large groups than in cages, but is no worse in free range than in other non-cage systems. In any

case, beak trimming is just as effective at preventing cannibalism and feather pecking in birds allowed access to outdoors as in other systems.

RESERVATIONS ABOUT THE PROPOSED STANDARD

The proposed standard covers all species of poultry, and three diverse categories of birds: layers, broilers and breeders. Yet it is very brief, with some aspects very loosely specified. It may be appropriate in the future to expand the wording to give more detailed specifications for different categories of poultry, but we recognize that this would be ambitious at the present time. We are concerned about the following:

1. Minimum outdoor area should be specified

No indication is given of how much outdoor area should be provided, so a producer could, in theory, meet this requirement by providing a tiny area. It is difficult to specify an area appropriate to all categories of poultry but we suggest, as a starting point, that the outdoor area should be at least the same size as the area of their housing.

2. Planning should include poultry well-being and environmental protection

Provisions 2c and 2d allow confinement to safeguard the well-being of the poultry and the soil or water quality. However, there is a risk that these provisions will be used to justify confinement in circumstances that should have been foreseen. The producer's organic system plan should include measures to protect the well-being of both the birds and their environment. This is implicit in the current phrasing but should be made explicit.

3. "Temporary confinement" is not defined

There is also a risk that producers may confine birds for most of the time under the provision allowing temporary confinement. However, we recognize that it is difficult to define this term in a way appropriate for all categories of poultry and all circumstances. For now, we wish to emphasize that the word "temporary" must be retained in the final wording of the standard.

RECOMMENDATIONS

The key points we have made above would be clarified by alterations to the Recommended Standard, as follows. The word "temporary" is highlighted in the second clause to emphasize the importance of its retention.

1. Organically managed poultry must have DAYTIME access to AN OUTDOOR AREA AT LEAST AS LARGE AS THE AREA OF THEIR HOUSE during the months of the year when feasible. The producer's organic system plan must illustrate how the producer will maximize and encourage access to the outdoors, BY PROVISION OF AMPLE DOORWAYS AND OTHER MEASURES SUCH AS COVER (FOR EXAMPLE BUSHES OR FENCES).

2. The producer'S ORGANIC SYSTEM PLAN SHOULD EXPLAIN HOW BOTH THE BIRDS AND THEIR OUTDOOR ENVIRONMENT WILL BE PROTECTED, INCLUDING, FOR EXAMPLE, JUSTIFICATION FOR

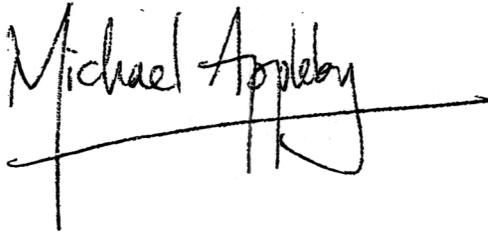
CHOICE OF SITE. IN EXCEPTIONAL CIRCUMSTANCES EXPLAINED IN THE PLAN, THE PRODUCER MAY provide temporary confinement because of:

- a. Inclement weather;
- b. The stage of production, up to 5 weeks of age;
- c. Conditions under which the health, safety, or well-being of the poultry could be jeopardized;
- d. Risk to soil or water quality.

We further recommend that consideration be given in future to more detailed standards for different species and categories of poultry.

Representatives of the Farm Animals and Sustainable Agriculture section of The Humane Society of the United States will attend the NOSB in Austin in May.

Yours sincerely,

A handwritten signature in black ink that reads "Michael Appleby". The signature is written in a cursive style with a long horizontal stroke extending to the right from the bottom of the name.

Dr MC Appleby
Vice-President, Farm Animals and Sustainable Agriculture Section
The Humane Society of the United States
Telephone 301 258 3111, Email mappleby@hsus.org

References

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PRODUCERS AND EXPORTERS · FRESH SHELL EGGS



March 22, 2002

Ms. Catherine Benham
USDA
Washington, DC

Dear Ms. Benham:

I write to you as an incredulous generic and Organic producer and distributor Of Eggs with regard to the Final Rule governing Organic Eggs. In our industry, we have worked very hard to ensure Biosecurity and Food Safety. The Final rule put forth by the NOSB does everything in its' power to not only make our conditions and food more risky and unsafe, but it also serves to potentially tarnish the reputation of USDA.

The Proposed Rule as it applies to laying hens mandates that outside access For chickens be required. This means that exposure to rodents, and a variety Of environments that will increase the risk of Avian Influenza, Salmonella Enteritidis, and other deadly pathogens into our food supply. Secondly, As a producer in New England where there are winters and cold weather, this Requirement is not only irrational, but also impractical.

In addition, currently, we have eggs packed under USDA supervision which Means that we have to spend \$hundreds of thousands of dollars\$ in sanitizing, Cleaning, maintenance and repair, and washing and cleansing of product, in addition To \$hundreds of thousands of dollars\$ annually in Food Inspection Costs. This is not small change for American Farmers like us.

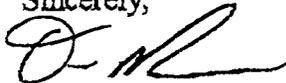
Meanwhile, the USDA Organic label(See Attached Exhibit "A") gives the credibility of the USDA, while providing NONE of the abovementioned Food Safety benefits. Customers who buy this "USDA Organic" product will buy it under the false sense that they are getting A USDA quality product PLUS organic. Nothing can be farther from the Truth. When the consumers and the media picks-up that USDA is putting-out an "inferior egg" while labeling it "USDA," it may cause more problems with regard to Uniform standards than there currently is now. Furthermore, if any Person gets sick because they feel that they were misled by the USDA in thinking That the product is as good of quality as regular eggs with the USDA shield, USDA will be in very unenviable position.

March 22, 2002
Radlo-USDA
Page Two

Perhaps, USDA needs to review its' entire program so that regular egg producers Will no longer have to pay a fortune of money both in inspection fees and Maintenance up keeps which "Organic Farmers" will not have to perform. Today, if I want USDA Cage Free or Organic, I must subscribe to the same washing and sanitizing as regular eggs. In October, if the rule does not change, The standards will be quite less to get a "USDA Organic" label on the shelf.

A lot more work needs to be done to rationally look at this issue before USDA Creates more issues through its' good intentioned regulations.

Sincerely,



David Radlo
Owner and President

9

FT. RECOVERY EQUITY INC.

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March 19, 2002

The National Organic Standards Board
Attention: Katherine Benham
Room 4008 South Building: 1400 and
Independence Avenue, SW:
Washington D.C. 20250-0001

The poultry industry has evolved and grown over the years, due to increased productivity and continuing improvements in bird livability and genetics. These improvements came from good sound animal husbandry practices and good nutrition.

Access to the outdoors will decrease livability due to predators such as fox, skunk, opossum, weasel, coyote, hawks and other predator species attacking these unsuspecting, domesticated birds. Fences will not keep predators out there sheer presence of predators will severely stress the birds. The potential of these birds contracting diseases from the wild that they are not vaccinated against is also a serious threat. The wild animal presence also leaves the increased incident of tracking diseases from farm to farm. Bio-Security is paramount in today's environment.

To volatility of the weather, such as pop up thunderstorms will compromise health and maybe the life of the bird. Another thing that will add stress would be a sudden cold front that can drop temperatures 30 to 40 degrees in a few hours or dumps 5 to 6 inches of snow or more. Would the birds get inside quick enough? Probably not and that is why we have created environmentally controlled barns.

We provide windows to allow sunlight to enter the barns, and air inlets that work with exhaust fans to allow the right flow of air. Even if the wind isn't moving and it is 100 degrees outside the birds still gets a nice breeze through the barn. On the other side if it is -20 degrees and a 20 mile hour wind blowing the barn stays at a nice comfortable temperature with good air quality.

Eggs produced outside in the mud or manure laden soil don't promote better, safer eggs. You have actually increased your odds of salmonella in the environment. Please, for the betterment of the bird and the consumer, don't require outside access.

Sincerely,


Arnie Sumner
C.E.O.


Jerry Knapke
Live Production Manager

03/18/02 11:02

202 789 2499

UEA.UEP.WASH. DC

001

From: Barrie Wilcox [bwilcox@wilcoxfarms.com]
Sent: Friday, March 15, 2002 6:16 PM
To: Katherine Behnam
Subject: Organic Standards

10

Dear Ms Behnam:

I am an egg producer in the State of Washington and I agree with the URP opposition to your proposed standards of requiring chickens exposure to the outdoors.

1. From a practical standpoint in cold weather no birds will go outside and if one tried to make them go there would be lots of negative results.
2. From a disease standpoint it would be negative.
3. From a food safety standpoint it concerns me that it can be a potential problem.
- 4 Finally the potential manure run off could be a hazard.

Thank you for considering my comments.

Barrie Wilcox
Wilcox Farms
Roy, WA 98580

March 22, 2002

The National Organic Standards Board
c/o Katherine Benham
Room 4008 – South Building
1400 and Independence Avenue, S.W.
Washington, DC 20250-0001

Dear Board Members,

I am writing to voice opposition to the "Draft Recommendation Access to the Outdoors for Poultry." The Draft Recommendation created by the Livestock Committee is based on false and fundamentally flawed arguments. The most distressing argument made in the recommendation is that of the "poultry health" benefits resulting from access to the outdoors. The recommendation states: *"Access to outdoors means exposure to direct sunlight. There are concerns with increased disease exposure for poultry but many organic poultry producers feel this is not the case and in fact there are health benefits."* I pose the following questions: Who are the "many organic poultry producers" in this statement; is the opinion of this "many" representative of the majority of organic poultry producers as a whole; and most importantly, what is the opinion of poultry health experts? Clearly, the opinion of poultry health experts has been ignored, and I suspect you will be hearing from a host of poultry health experts soon.

The recommendations made by the NOSB Livestock committee pose a significant risk to not only organic poultry production, but to poultry production as a whole. Mandating outside access for organic poultry could lead to parasitic infestations, and most importantly, a high likelihood of exposure to Avian Influenza from wild fowl. The effects of an Avian Influenza outbreak on an organic poultry farm could, and certainly would threaten commercial poultry producers and their markets both domestic and abroad.

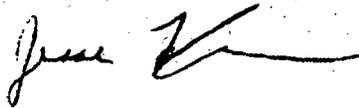
The poultry industry has worked tirelessly to reduce the incidence of salmonella contamination. These efforts have been concentrated on rodent control through rodenticide use, and improved building construction and farm sanitation. Rodenticide use is rightfully not an option in organic production leaving only sanitation and improved building construction. I pose the question: how can a farmer possibly control rodents through improved building construction when this recommendation mandates openings in the building walls for hens to enter and exit. This proposed rule could shatter the consumer perception of organic food as healthy and safe. The effects of this proposed rule will also be in direct conflict with the FDA objective to reduce the incidence of salmonella. Regardless of the salmonella risks this practice will pose, how would consumers respond to the image of rodents traveling feed trough at night leaving behind feces and urine that hens will consume the next morning.

The proposed rule of the NOSB Livestock Committee also poses a significant environmental conflict by introducing what will certainly be an unacceptable amount of feces onto land that is "bare soil, lightly vegetated, or pasture." Manure management is a reality of any poultry operation of any size or composition. Mandating

outside access for organic poultry contradicts effective manure management practices, and invites certain conflict with EPA regulations.

The NOSB Livestock Committee has chosen to ignore scientific fact in making this recommendation and the result will be to the detriment of both organic producers and consumers. I hope the NOSB as a whole will make a more informed and balanced judgment on this issue.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jesse Laflamme". The signature is written in black ink and is positioned above the printed name.

Jesse Laflamme

Pete and Gerry's Organic Eggs

Townsend Poultry

12

March 27, 2002

Dr. Eric Sideman
National Organic Program
1400 Independence Ave, SW
Washington, DC, 20090

Dear Dr. Sideman:

I am, again, writing in regards to our organic broiler chicken program, which is certified by an independent certifying agency, Quality Assurance International (QAI). We grow these chickens in North Carolina, with substantial changes in our regular production methods (including direct access to the outdoors), on independently owned contract broiler farms and process the chickens in our processing plant, again with significant changes in our normal process. In fact, I am writing in regards to this one issue:

Access to the outdoors

Important points of livestock living conditions are:

A. Biosecurity and Disease Control:

Animal disease is a "hot" topic with the current epidemic of Foot and Mouth Disease in Western Europe and South America. The United States is by no means immune to these situations.

Poultry have their own contagious infectious diseases, which include avian influenza (AI), chronic respiratory disease (CRD) as caused by **Mycoplasma gallisepticum**, Newcastle disease as caused by mesogenic and velogenic strains of that virus and cholera as caused by **Pasturella multocida**. These diseases cause extensive animal suffering, devastating emotional and financial hardships for people, and increased usage of medications. These diseases also have the potential, if unchecked, to reduce the available food supply to the American people.

AI virus is endemic in the wild bird populations of the world where it causes little if any problems. However, access of these birds to chickens and turkeys results in transmission of the virus causing disease, which has proven catastrophic. In the mid 1980's, USDA spent 67 million dollars in Pennsylvania and Virginia to eliminate AI. Even with that

program, the disease still occurs in fowl delivered to live bird markets of several major metropolitan cities. This serves as proof that the virus is well established in the wild bird population of this country. The **current** outbreak of AI in Virginia and North Carolina continues to illustrate the reality of this problem. In fact I have just been requested by the North Carolina Department of Agriculture to refrain from allowing our organic chickens access to outdoors until this current episode subsides.

CRD is a disease, which the commercial industry continues to attempt to eradicate. While tremendous progress has been made in this effort over the past 40 years, outbreaks still occur. The most recent outbreak of this disease occurs yet today in the state of North Carolina, where the outbreak has involved over 100 commercial farms over an 18 month period. While the understanding of the epidemiology of this outbreak is incomplete, the role of "backyard and free flying birds and the personnel who handle them" is substantial.

Mesogenic and velogenic Newcastle disease viruses have been virtually eliminated from poultry in this country because of the severe disease they cause. The most recent outbreak in commercial poultry occurred in California in the early 1970's with devastating suffering and losses. Periodically these viruses are found in wild and pet birds being imported into this country and in wild and pet birds brought into this country illegally. This further demonstrates that a reservoir of infection is still present in this country.

B. Health of Organically Produced Chickens:

Chickens are sensitive to temperature fluctuations. The organic meat type birds we will be raising will be processed as young healthy chickens. Chickens require a high temperature for the first three weeks of life of 90@F at placement decreasing gradually to 70@F by four weeks of age followed by a temperature of 67@F until processing at approximately 8 weeks of age. The presence of a physical opening in a chicken house from October through April in virtually all areas of this country will not allow maintenance of these temperatures. As chickens experience temperature fluctuations, their enhanced susceptibility to respiratory disease becomes a significant issue. This susceptibility results in increased suffering due to sickness and mortality, which requires medications not allowed, or wanted, in this program.

C. Vulnerability of Chickens to Other Animals:

Poultry are weak animals, which make them very sensitive to predatory animals (foxes, wild dogs and cats, rats, raccoons, snakes and others) found normally in a rural environment and to animals, which under proper circumstances are not predators, (pet dogs and cats) but often become so if allowed unrestricted access to birds. As an industry we have worked hard to rid our houses of these animals and to keep them out. When I first entered this industry in the early 1970's, chick mortality caused by rats was a frequently encountered problem, which caused suffering and hardship. While exterminators and their chemicals may take great credit for this accomplishment, restricted access to poultry houses is the most critical aspect of this successful control. I

might also add that we are attempting to produce an organic chicken, not a wild bird. See attachment II.

D. Meat Quality:

Bacteriological flora of chicken, especially the meat, is under increased scrutiny in regards to both food borne disease and antibiotic susceptibility profiles. **Salmonella** and **Campylobacter species** are the subject of great interest to public health officials. I might add that at one time **Salmonella** was a big issue in poultry health, but through testing, elimination of infected flocks and more intensive biosecurity, **Salmonella** poultry pathogens are not a significant issue today.

Contamination of poultry meat with these bacteria is a big concern to the American consumer and to our industry. We are making great strides in reducing this problem through interventions in the field and processing plants. The interventions in the field focus on reducing litter wetness, which has been shown to be a significant cause of high **Salmonella** numbers in young growing poultry. Specifically these interventions include the use of closed (nipple) water systems, precise formulation of feeds to keep dietary levels of sodium and chloride at bird requirement levels and ventilation equipment, which include fans, screens, curtains and sidewalls. Even with the changes in the ventilation system that we have made to accommodate the organic program, we can accomplish our goal of reducing the incidence of food borne bacteria. I might add that when I worked in the turkey industry in the late 1970's and early 80's, that industry was moving away from "total range" and partial confinement/range production because of problems with disease (cholera), predators and wet litter resulting from mud and water being tracked into the house by the birds.

E. Openness of our Organic Production Facilities:

These young chickens will roam freely through out the chicken house with a generous allowance of 1.5 square foot per bird, will walk, scratch and nest on wood chip litter and dirt floors, have open access to fresh air and sunshine as allowed by nature and consume only organically produced feed supplemented with fresh water for maintenance and growth. There is no opportunity for these chickens to roam and consume "unknown entities" on the outside. Chickens flourish under these conditions. They are much different than cattle, sheep and pigs ecologically, nutritionally and in their behavioral patterns. Thus we believe that our organic production program meets the definition of free access as described in NOP.

In closing, I would like to say that as a company, we are committed to our organic chicken production and recognize that we are new to it. However, we are not new to raising and processing chickens, but still recognize that we don't have all the answers. Thus, our comments are submitted to you as a constructive attempt to enhance the health

and welfare of not just our organically produced chickens, but also those of other avian species and the people who depend on them for their livelihood and the people who need them for food.

If you have any questions please contact me.

Sincerely,

Spangler Klopp, DVM, Dpl ACPV
Corporate Veterinarian

cc: Mr. Mark Keating/USDA
nosblet

Office of Commissioner
25 Capitol Street PO Box
2042
Concord NH 03302-2042

(13)

**New Hampshire
Department
Of Agriculture, Markets
& Food**

March 28, 2002

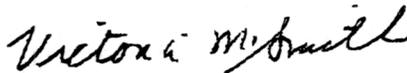
The National Organic Standards Board
C/o Katherine Benham
Room 4008-South Building
1400 and Independence Avenue, SW
Washington, D.C. 20250-0001
Fax: 1-(202) 205-7808

Dear Sir or Madam:

Attached please find a letter authored by NH Agriculture Commissioner Stephen H. Taylor regarding the draft recommendations from the NOSB Livestock Committee concerning access to the outdoors for poultry, dated December 21, 2001. The letter explains the Departments opposition to the language of the draft. The original letter will be mailed forthwith.

Sincerely,

Ms. Victoria M. Smith



Organic Certification Coordinator

(3 pages total)

New Hampshire
Department of Agriculture,
Markets & Food

Stephen H. Taylor, Commissioner

14

March 28, 2002

The National Organic Standards Board
c/o Katherine Benham
Room 4008- South Building
1400 and Independence Avenue, SW
Washington, D.C. 20250-0001

Re: Draft Recommendation: Access to the Outdoors for Poultry
Authored by: The NOSB Livestock Committee, Dated December 21, 2001

Ladies and Gentlemen of the Board:

The New Hampshire Department of Agriculture, Markets & Food (NHDAMF) submits this letter to the National Organic Standards Board regarding the NOSB Livestock Committee's draft recommendation as a clarification for poultry for the access to the outdoors in the Final Rule (Section 205.239(a)(1)). The NHDAMF is opposed to the draft's current language.

The NHDAMF has been certifying organic poultry operations for over six years. These are all egg producers. These flocks have numbered as few as 25 up to more than 50,000 birds.

The largest certified operation houses birds in two state-of-the-art floor barns. Fresh air, natural light and adequate floor-space is provided for the flocks in these barns. In addition, fresh potable water and certified organic feed is readily available. The barns have been designed to prevent predator intrusion, and the manure is removed daily by means of an automatic system. Consequently, pests and disease occurrence is not an issue. These barns house over 18,000 each.

The second largest certified organic egg producer has floor birds in similarly built barns, which also provide fresh air, natural light, and adequate floor-space to over 4,000 birds. The birds also have freedom of movement, access to fresh water and organic feed. Fowl mortality rates are very low at both of these farms. Outdoor access for the flocks is not addressed in our current program.

We oppose the draft's language regarding the outdoor access requirement for poultry for the following reasons:

Logistically, the movement of such a large number of animals to new fields would allow predators access thereby increasing mortality rates. Smaller producers can prevent predator attacks with adequate fencing and outdoor structures. The larger operations could not effectively or efficiently protect the flocks.

- There would be environmental impacts with the accumulation of animal manure, especially poultry manure, on the land. Manure run-off and the leaching into waterways would contribute to environmental contamination. Water quality issues would prevail.

The increase of pests as a result of manure accumulation could have detrimental health effects.

A high density of animals in a confined area would strip natural vegetation thereby increasing the possibility of environmental contamination.

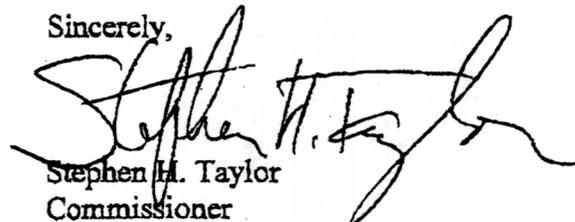
- The processing of eggs would not figure into current commercial packing operations. Poultry do not always lay in the provided nests. Eggs gathered from the ground could result in overly dirty eggs, requiring excessive cleansing, and possibly reducing egg quality.

The draft recommendations state that access to the outdoors fulfills an integral role in health care, and contributes to preventative health care management. Biosecurity issues come into play here. Commercial poultry producers cannot take the chance of flock exposure to diseases, such as avian influenza from contaminated land or contact with wild bird populations, or have the flock become infected by poultry mites, sourced from the ground. This not only becomes a health issue but also a financial one. Flock replacements due to disease mortality would cause undue financial strain on producers.

Finally, the comments regarding the humane consideration and consumer perception of how poultry are raised should not be included in the draft. Poultry housing that allows freedom of movement, and provides adequate nutritional substances constitutes humane treatment. Organic production is not a "social" issue. It is an alternative agricultural practice. Outdoor access for poultry should not be a requirement within the National Organic Program. When practical and financially feasible poultry producers should provide outdoor access at their discretion.

Thank you for your consideration of these comments.

Sincerely,



Stephen H. Taylor
Commissioner

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GLENWOOD FOODS, LLC
20850 Jackson Lane, Jetersville, VA 23083
Telefax Cover Sheet

Number of Pages Including Cover Sheet 4

TO: KATHERINE Benham

COMPANY: NO5B

FAX # _____

FROM: SANDRA Survello

Phone# 804-561-3201, x236

Fax # 804-561-1794

Date: 3-28-02

Time: _____

This letter was returned due to
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March 11, 2002

The National Organic Standards Board
c/o Katherine Benham
Room 4008 - South Building
1400 and Independence Avenue, S.W.
Washington, DC 20250-0001

Dear Board Members:

I am writing this letter in opposition to the "DRAFT RECOMMENDATION ACCESS TO THE OUTDOORS FOR POULTRY." Please find listed below the reason for my position:

A clear definition of "outside" is not given except in the IMPLEMENTATION ISSUES section where it says in line five "This requirement means clearly that livestock must have the ability to choose to be in the housing or outside in the open air and direct sunshine." This vague description stills leaves open the interpretation that if open air and direct sunshine was assessable that this would meet the requirement. If this means to go and come to a pasture, the pasture description needs to include specific square feet per bird, environmental management system, and required 100% of the time. Anything less would be hypercritical to all items listed in the INTENT and BENEFITS sections.

Indirect conflict with statements in the BENEFITS section regarding POULTRY HEALTH birds in free-roaming houses with 1-1/2 square feet per bird will have all the same benefits without the exposure to natural predators such as wild birds that transmit disease such as Avian Influenza and parasites such as worms and mites. It is not humane to purposefully expose animals to such conditions if adequate alternatives are available.

Environmental contamination will be difficult if not possible to prevent due to rain water run off from shelters that concentrate in pasture areas allowing fecal materials to go into local water supplies. This is controlled in free-roaming houses where waste is handled according to EPA and local soil and waters guidelines.

Page 2

March 11, 2002

Consumer perception for organic is that of free-roaming animals that are non-caged and humanely treated. If consumers were exposed to wet, cold, worm infested birds, organic productions of poultry would take a tremendous backward step. With more than 20% annual growth, consumers have enjoyed eating quality products at reasonable prices do to family farms properly taking care of their poultry in humane conditions.

In the original wording of the NOSB rules, Section 205.239(a)(1), **Livestock Living Conditions**, it states that poultry should have access to the outdoors, I would submit to you that birds housed under a roof with open side walls at a 1-1/2 square foot per bird will meet not only the letter of the rule but the spirit as well. Please find listed below a description to the access issue that most of the current organic poultry housing meets or exceed:

Access to Outdoors -

All of our houses have direct sunlight access for 75% of the day with 25% time of shade.

Access to Shade

All houses have covered areas to provide shade.

Access to Shelter

All houses provide shelter with outside curtains to prevent wind, snow and other unhealthy climate conditions. Shelter also is provided to contain run off of any manure or litter materials as to comply with all state, federal and local laws.

Access to Exercise Areas

All houses are free-roaming with a minimum 1-1/2 square foot per bird. Water and feed are available at free will consumption along with access to large dirt scratch areas.

Access to Fresh Air

Houses have natural winds flowing through the houses for majority of the time, if weather condition's permit. During excessive hot periods, power ventilation and water fogging is used to cool the birds.

Page 3
March 11, 2002

Access to Sunlight Suitable to the Species

Hens do not require direct sunlight to produce, but our houses supply a minimum of direct sunlight availability 75% of the time. Curtains being in the open stage will be documented daily to insure the maximum amount of time that sunlight is available. Curtains are also clear in color to allow sunlight to enter even with the curtains are in the closed position with minor reduction in light intensity. Documentation for reason to have curtains closed is required on each farms daily log-

If you should have any questions regarding this issue, please call me at 800-849-9057. Our company will be willing to host a tour of our facilities that are located just outside of Richmond, Virginia.

Sincerely yours,

BRASWELL FOODS



Bob Pike
General Manager

Original Signed By Bob Pike

- Farm Fresh Eggs
Egglard's Best
- Cage-Free Organic
- Liquid Eggs
- Natural Fertilizers

Herbruck's

6425 W. Grand River Avenue - Saranac, MI 48881 - (616) 642-9421
FAX (616) 642-9826



March 27, 2002

National Organic Standards Board
C/o Katherine Benham
US Department of Agriculture
Agricultural Marketing Service
Room 4008, South Building
1400 and Independence Avenue, SW
Washington, DC 20250

Dear NOSB Members:

My brothers and I are in a family business in Michigan that produces organic eggs. We supply numerous grocery stores and health food stores. Our flock of 98,000 hens are housed inside curtained, cage free houses. This allows hens access to sunlight and fresh air, while still protecting the hens. Our production process is certified organic by Quality Assurance International (Q.A.I.).

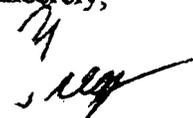
This letter is in response to the NOSB proposal to require our laying hens to range outdoors. We feel this is exactly the wrong practice to attain your stated goal of "reducing stress, strengthen immunity, and deter illness" in organic livestock. Outdoor access will expose our hens to increased mortality, increased parasites, more risk of predation, increased pecking and most significantly, increased exposure to the Avian Influenza virus. Migratory wild birds are known carriers and chickens outdoors will have direct exposure to this disease. Recently, Japan banned US poultry products due to an A.I. outbreak in Pennsylvania. This has had huge economic consequences and even greater for the future of all exports.

A second concern is an increased risk of Salmonella contamination from contact with rodents. The F.D.A. has published its opinion on trying to reduce exposure to rodents as part of an adequate bio-security plan. Salmonella has been significantly reduced in regular shell eggs by adopting this plan.

Our last concern are the potential risks to the environment by having birds outdoors with contact to the surface water drainage. Our industry has worked hard to contain poultry manure and not subject it to the watershed run off. Chickens outdoors only increase the risk to the environment.

We therefore, strongly urge the NOSB to exempt chickens from the rule requiring outdoor access for organic egg production.

Sincerely,


Greg Herbruck

[2]
[Handwritten marks: a circle with a scribble, a circle with '15', and a circle with '17']

The National Organic Standards Board
C/o Katherine Benham
Room 4008 - South Building
1400 and Independence Avenue, SW
Washington, D.C. 20250-0001

Dear Ms. Benham:

The following comments are in reference to the "DRAFT RECOMMENDATION ACCESS TO THE OUTDOORS FOR POULTRY" Final Rule (Section 205.239(a)(1)).

There appears to be an intent and benefit written into this recommendation, however, it is not apparent that it is directed at the welfare of the poultry for which these regulations are intended. The stated intent of requiring access to the outdoors in order to provide for living conditions that allow and encourage poultry to go outside their housing structure to satisfy their natural behavior patterns, provide exercise area, preventive health care benefits, and address consumer expectations. This only satisfies a single intent that of consumer expectations as presented to them by a small segment of the organic sector. Access to the outdoors by laying hens should not be a requirement in the Organic Standards Final Rule. The health and welfare of the laying hen can be just as well served with the use of curtain sided buildings which allow for the outdoors to come into the building. There are always preferences in husbandry practices that promote one environment over another however; mandating one practice over another does not improve the care of the animal in question. This is dictated more by the producers care of the animal.

Lets examine these intents associated with access to the outdoors in order. First, is to provide for living conditions that allow and encourage poultry to go outside their housing structure to satisfy their natural behavior patterns. The nature of poultry behavior is quite the opposite of what is proposed here. Chickens do not voluntarily venture into the outdoors that is open and without cover. This action would violate their instinctive behavior associated with aerial predators. This has been demonstrated through field observations in the United Kingdom. The hens that were provided access to range did not venture into it to a great extent. Feral chickens will avoid open areas and remain under cover as best as possible in nature. It was estimated that more than 90% of the hens never left the building due to their potential exposure to predators. In addition, chickens have a preference for housing conditions similar to the conditions in which they were reared. Dawkins (1983) indicated that chickens prefer the environments with which they are the most familiar.

Employment and program opportunities are offered to all people regardless of race, color, national origin, sex, age or handicap. North Carolina State University.

The component related to their natural behavior is open to interpretation (Duncan et al. (1978); Eskland, (1977); Anderson, (1987)). Chickens are highly adaptable and will modify their behaviors to fit the conditions that they are provided, and that behavior pattern in that instance is their natural behavior. Mandating access to the outdoors does not enhance the hen's welfare.

Second, is to provide exercise area for the hens. There are no differences in long bone development between floor and cage rearing (Anderson and Adams 1994). There are

Second, is to provide exercise area for the hens. There are no differences in long bone development between floor and cage rearing (Anderson and Adams, 1994). There are differences in bone strength between laying hens kept on the floor and those kept in cages. This is related to the theory that lack of use results in mineral and strength degradation. Bone strength has been shown to be greater in laying hens kept in floor environments versus a cage. However, there have been no instances that I am aware of that allowing access to range rather than floor confinement enhanced bone strength. Therefore, the supposition that access to range in an organic setting enhances bone strength and subsequent skeletal development is not supportable.

The third supposition, that access to range provides preventive health care benefits to the hens should be discussed. There has been research ongoing since *Gallus domesticus* was first domesticated for the production of meat and egg, in order to enhance their health status. Anytime birds are concentrated into one area the health status of the hen is compromised to some extent. That is why vaccines and other health care products, i.e. coccidiostats, wormers, and insecticides were developed to control diseases, bacterial infections, internal parasites, and external parasites, respectively. There would be no difference in the health care and health status of the hens kept in floor confinement or range (outdoors). There would actually be an increase in the use of wormers to reduce the impact of internal parasites on the flock if allowed access to the outdoors due to the increased contact with wild fowl populations that act as vectors for internal and external parasites.

There is a need to address consumer expectations in the way poultry are housed for commercial production purposes. Consumers have an expectation to have available to them a safe and wholesome food product, followed by an expectation that the animals used to produce this product had a reasonable safe and humane environment that provided for their needs. There has been a false perception presented to the average consumer that poultry are being mistreated if they do not have free access to the outdoors. On the contrary their welfare and life has been better served through confinement and separation from predators, parasites, wild fowl, and other insects which can act as carriers of diseases.

Poultry are a unique species group when it comes to the management and care that they need when cared for in large groups. Due to the susceptibility of poultry to predation, and transmittance of diseases, both viral and parasitic, from wild birds (resident and migratory) it is better for the hen to be confined to a structure, that allows the outdoors in. My recommendation would be to delete the requirement for access to the outdoors in the Organic Standards Final Rule. It is suitable as an option within the organic livestock

systems in order to satisfy the consumer segment, which desires this husbandry practice in the production of the products they consume.

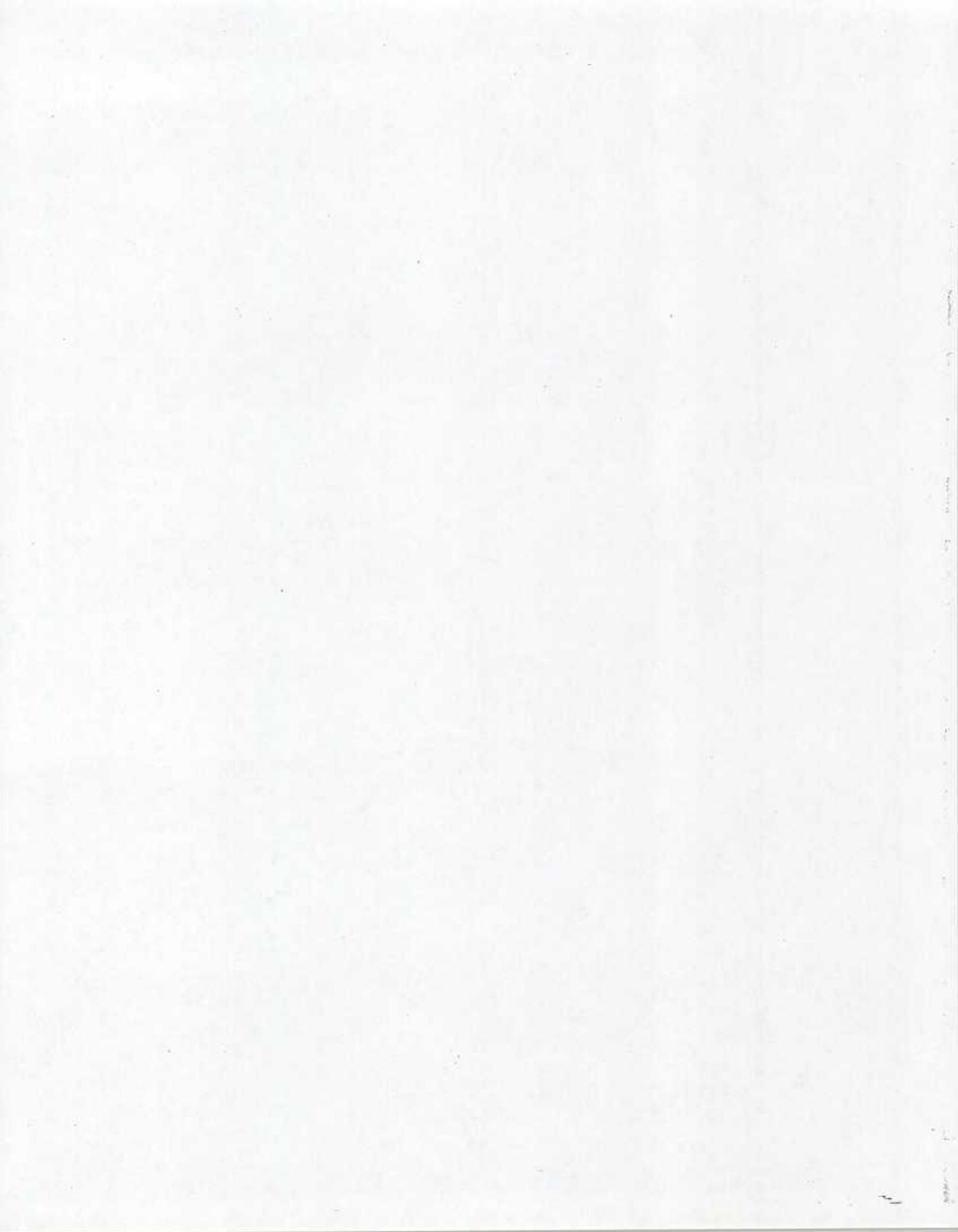
Respectfully,



Kenneth E. Anderson
Associate Professor,
Poultry and Food Science

References

- Anderson, K. E., 1987. Effects of type of rearing diet, cage shape, type of cage partition, and feed trough partitions on the productivity and behavior of layers. Masters Thesis, Department of Animal Sciences and Industry, Kansas State University, Manhattan Kansas.
- Anderson, K.E. and A.W. Adams, 1994. Effects of Cage Versus Floor rearing Environments and Cage Floor Mesh Size on Bone Strength, Fearfulness, and Production of Single Comb White Leghorn Hens. *Poultry Sci.* 73:1233-1240.
- Dawkins, M. S., 1983. Cage size and flooring preferences in litter-reared and cage-reared hens. *Brit. Poultry Sci.* 24:177-182.
- Duncan, I. J. H., C. J. Savoy, and D. G. M. Wood-Gush, 1978. Observations on the reproductive behavior of domestic fowl in the wild. *Appl. Anim. Ethol.* 4:29-42.
- Eskland, B., 1977. Behavior as an indicator of welfare in hens under different systems of management, population density, social status and by beak trimming. Scientific Reports of the Agricultural University of Norway. Department of Poultry and Fur Animal Science. Report No. 45.



Keating, Mark

From: Livestock, NOSB
Sent: Thursday, March 28, 2002 3:13 PM
To: Eric Sideman; Keating, Mark
Subject: FW: Comment on Access to Outdoors to Poultry



From: Karen Burns[SMTP:KBURNS@LAHINTERNATIONAL.COM]
Sent: Thursday, March 28, 2002 3:16:39 PM
To: Livestock, NOSB
Subject: Comment on Access to Outdoors to Poultry
Auto forwarded by a Rule

Dear Committee Members:

In light of recent outbreaks of low pathogenic avian influenza in numerous states in the past six months, I strongly encourage you to reconsider the exposure of production birds to this pathogen. Avian Influenza is a highly contagious virus that is commonly harbored in shore birds and other wild birds. This virus would be of great concern for your organically raised birds, as mortality could be quite severe if a more pathogenic virus was to evolve. The virus is currently creating havoc in Virginia, North Carolina and California.

The health benefits listed in your recommendations can also be accomplished in biosecure housing with birds placed at an appropriate density. You have no reference to a scientific basis to the claim of health benefits, only organic producers "feelings" In order for this to be added to the organic standards, your committee needs to completely research the detriment to poultry versus your perceived benefit. The other benefit listed is exposure to sunlight, if the ration is balanced, there is no health benefit from this factor.

The only thing correct in your recommendation is the access to the outdoors is a reaction to consumer perception. That is where you as an industry needs to work more diligently to educate the public, just as the rest of the poultry industry has to.

Sincerely,

Karen Burns, DVM, MAM
Technical Services Veterinarian
kburns@lahinternational.com

Keating, Mark

From: Livestock, NOSB
Sent: Thursday, March 28, 2002 3:34 PM
To: Eric Sideman; Keating, Mark
Subject: FW: Final Rule (Section 205.239@(1))

18

19

From: mel[SMTP:ANIMEL8@SONIC.NET]
Sent: Thursday, March 28, 2002 3:35:37 PM
To: Livestock, NOSB
Subject: Final Rule (Section 205.239@(1))
Auto forwarded by a Rule

I agree that poultry should be allowed and encouraged to go outside. I agree with the suggested wording for the final rule.

—
Melissa Minton
649 Southwood Dr.
Santa Rosa, CA 95407
707-546-1806

—
Mel

LeValle Egg Farms

19

20

March 28, 2002

The National Organic Standards Board
c/o Katherine Benham
Room 4008 – South Building
1400 and Independence Avenue, SW
Washington, DC 20250-0001

Dear National Organic Standards Board:

We appreciate the opportunity to express the concerns that we have in relation to the National Organic Program Final Rule 7 CFR §205 dated December 21, 2000.

We have been producing certified organic eggs in Pennsylvania since January 1997, and our management process begins with day old chicks. Currently we have five organic laying houses (avg. 10,000 hens) and three organic pullet houses, located in various points in Pennsylvania, that are certified with PCO (Pennsylvania Certified Organics) & NOFA-NY.

I would like to share my concerns that are in addition to the comments that have been submitted (also copied below) by James Shirk from the Penn Ag Poultry Council. We strongly agree with each of the specific concerns that Mr. Shirk has addressed in his comments

I had the opportunity to participate in the North Atlantic Poultry Health & Management Conference held on 3/21/02, in which Eric Sideman spoke on the topic of organic standards for poultry. As part of Mr. Sideman's presentation, he mentioned that one of the primary requirements of the organic consumer is that they receive a safe food for themselves and their family to consume. As a producer in organic eggs in Pennsylvania, we too have set this as our primary objective. Based around this concept, is our unanimous participation for all of our flocks, in the PEQAP (Pennsylvania Egg Quality Assurance Program) program. This program is considered a national leader of the food safety programs for egg production in the United States. The PEQAP program focuses on the specific needs that were identified by the President's Council on Food Safety, during the Clinton Administration, to eliminate Se in eggs. Based upon this conflict in goals, I would make a recommendation for the NOSB have written into the final ruling, the FDA's official response to this meeting this requirement of poultry outdoor access and the relationship in complying with the President's Council on Food Safety for the reduction of Se in eggs.

One of the key components for complying with the PEQAP program is eliminating rodents from accessing the pullet/layer house. We have worked very hard at eliminating any entry points for rodents that are the size of a pencils diameter or larger, into the pullet/layer house. There is a wealth of scientific data supporting the fact that both mice and rats are a vector's for transmission of Se. If we are required to modify our houses to comply with the current draft recommendation, by creating un-restricted access points to the outdoors for the hens, this will diminish all of the accomplishments we have worked so hard to obtain.

The draft recommendation also identifies that the organic consumer is expecting the production of organic eggs to come from hens that have the ability to go outside. During my discussion with Mr. Sideman, he identified that he was not aware of any data supporting that the consumer is actually having this expectation. Mr. Sideman responded to me, saying if anyone would know of any such data it would be Dr. William Lockeretz Acting Director, Center of Agriculture, Food and Environment and Program in Agriculture, Food and Environment at Tufts Nutrition University. I had contacted Dr. Lockeretz on 3/22/02 to discuss this subject, and he responded that he was not aware of any such information, that identifies the organic consumer has these expectations (organic laying hens need access to the outdoors).

I do support that there is an opportunity for the production of organic eggs that are raised on pasture, because I believe there is a market for this commodity. But, I would request that the NOSB not try to meet the needs of these two markets, by combining the requirements into one set of standards. I would make the recommendation, that there be two types of organic poultry standards developed. One that would be certified organic pasture, and those flocks have the requirement to access the outdoors, and the other for cage free/roaming that would be following the current standards, w/o requiring access to the outdoors.

As you prepare to make decisions that will clearly effect the future of our farms producing organic eggs, I would ask that you please base the final decision from the wealth of scientific data identifying how detrimental it will be to the hens, consumers, farmers and environment if the hens are required to access the outdoors.

Once again, I would ask the NOSB to review the public comments listed below by Mr. James Shirk with the Penn Ag Poultry Council, as these comments were put together by a group of dedicated and experienced poultry resources.

Sincerely,

Chris Pierce
LeValle Egg Farms
Annville, Pennsylvania

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Public Comments submitted by Mr. James Shirk, Penn Ag Poultry Council:

March 27, 2002

The National Organic Standards Board
c/o Katherine Benham
Room 4008 – South Building
1400 and Independence Avenue, SW
Washington, DC 20250-0001

Thank you for the opportunity of sharing the egg industry's concerns with the National Organic Program Final rule 7 CFR §205 dated December 21, 2000. We have serious concerns that the final rule will have a significant negative impact the production of organic eggs in the state of Pennsylvania.

The industry's concerns center on §205.238 "Livestock health care practice standards" and §205.239 "Livestock living conditions." Regulations for the organic production of eggs which potentially harm the health of the chickens contravenes the basic tenet of the final rule in its attempts to alleviate stress in the animal. What we hope to convey is an adjustment in the final rule that would provide outside access as an optional component of organic certification for poultry in the northeast.

There are four major areas of concern we would like to highlight where the proposed standards will create hardship for organic egg producers in our region: 1) weather, 2) disease susceptibility, 3) food safety, and 4) environment and water quality impacts. Each of these areas has the potential to negatively impact the health of organic poultry.

The colder weather patterns of the northeast mandate farmers provide adequate shelter during a significant part of the year. Producing organic certified eggs in northern states will be virtually impossible during the winter months under the final rule. The rule will create a regionally discriminatory effect favoring one region at the expense of the family farms in another area.

The Poultry Council believes the regulations should be interpreted to consider the winter months in cooler climates as conditions under which the health, safety, or well being of the birds would justify confinement rearing of chickens and be consistent with the stated objectives.

Disease control is a significant challenge for any poultry producer in Pennsylvania whether they produce for organic or other markets. All producers must establish appropriate housing and sanitation practices to minimize the occurrence and spread of disease. Access to the outdoors to comply with the proposed organic standards will without questing increase the risk of disease introduction into poultry houses.

According to a game and fisheries specialist at Penn State University, many species of waterfowl and other birds migrate through Pennsylvania as a part of their natural flyways. As evidenced in Minnesota recently and during studies conducted in an outbreak of avian influenza in Pennsylvania in 1983, devastating poultry diseases are commonly carried by waterfowl and can be transmitted to any poultry they or their feces come into contact. Exposure to the outdoors will increase the likelihood of chickens contracting disease and will have a tremendous economic impact on all farms in the area.

The poultry industry in Pennsylvania experienced devastation to poultry flocks as a result of exposure to AI-infected ducks and geese in 1983. Millions of dollars were spent to destroy flocks of chickens and turkeys to this disease and created an incredible economic impact on the family farms who depend on poultry as their only source of income. It is imperative to minimize the risk of exposure to disease not only for the health of the birds but also the viability of the poultry industry.

Consumers buying organic foods make their buying decisions on a belief that organic foods are safer for their families. The safety of the eggs produced under the proposed organic standards will be compromised with the required access to outdoors. Unrestricted access of rodents to come into contact with the chickens will dramatically increase the risk of salmonella enteritidis contamination in eggs.

The Pennsylvania Egg Quality Assurance Program (PEQAP) is considered a national leader in food safety programs for egg production in the United States. We have very stringent criteria for rodent control in a layer facility as a primary tool for reduction of Se in poultry houses and to increase the safety of our eggs. A high level of management and expense to maintain the integrity of the house and keep rodents out is at the heart of our food safety program.

Mandating unrestricted doors for poultry to access the outdoors is an open invitation for rodent infestation in poultry houses and will lead to a higher risk of egg contamination. Outside access clearly decreases the level of food safety consumers expect when they purchase eggs, specifically eggs with organic labeling.

Water resource protection is a high priority for egg producers. Sound nutrient management to protect water quality has been a priority of the poultry industry for decades. Mandatory outside access has the potential to create a situation where soil levels of nitrogen and phosphorus become elevated and create a water quality hazard. Rainfall on unprotected outside pens will leach nitrogen and potentially phosphorus into groundwater and contaminate water supplies.

Flies will also become an even greater nuisance as they increase their populations in the ideal environments outside access will create. Allowing for covered protection with an impervious floor is the best way to manage poultry manure and protect our water resources.

Today's organic egg production practices have resulted from a growing demand for economically produced eggs while providing an environment for the chicken which minimizes disease and inclement weather challenges, increases food safety, and protects the environment. These production practices ultimately prove less stressful on chickens and should be adopted as acceptable production practices for organic poultry. At a minimum, we would recommend existing organic egg production facilities be grandfathered into the standards providing they make practical modifications which provide direct sunlight and ventilation for the chickens.

Sincerely,

James A. Shirk
PennAg Poultry Council

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March 28, 2002

**U.S. Poultry & Egg
ASSOCIATION**

1530 Cooledge Road
Tucker, GA 30084-7303, USA
Telephone: 770/493-9401
Facsimile: 770/493-9257
www.poultryegg.org

National Organic Standards Board
c/o Katherine Benham
U.S. Department of Agriculture
Agricultural Marketing Service
Room 4008, South Building
1400 and Independence Avenue, SW
Washington, DC 20250-0001

Dear Ms. Benham:

I appreciate the opportunity to comment on the Board recommendations associated with the outdoor requirement in the Final Rule §205.239(a)(1). To require that layers have access to the outside is not a sound idea for several reasons including predation from the air and on the ground, parasites and disease exposure.

Chairman
Ralph Simmons
Nacogdoches, TX

Vice Chairman
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Bill Lovette
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Secretary
Norman Robinson
Atlanta, GA

Immediate Past Chairman
Lawton Wofford
Demorest, GA

President
Don Dalton
Tucker, GA

My primary concern is about their exposure to avian influenza. The U.S. turkey industry didn't stop the annual introduction of avian influenza viruses in their flocks until they moved away from range-rearing to enclosed housing. The Canadian industry had the same experience. The avian influenza viruses are widespread in apparently healthy migratory waterfowl. As they migrate across the U.S. from the Canadian breeding areas, they excrete the viruses in their droppings which serves to infect unhoused domestic poultry. Some of these viruses are the H5 and H7 serotype which can become highly pathogenic to poultry causing catastrophic production and death losses, not to mention the cessation of exports. As an experienced avian influenza scientist, I would strongly urge that the outdoor requirement be deleted from your rule. It is definitely not in the best interest of the layers involved nor for the poultry industry as a whole.

Sincerely,

Charles W. Beard, D.V.M., Ph.D.
Vice President, Research and Technology
cbeard@poultryegg.org

CWB:eh

**NATIONAL CAMPAIGN FOR
SUSTAINABLE AGRICULTURE**

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RAFI-USA

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Pittsboro, NC 27312 USA
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www.rafiusa.org

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March 21, 2002

National Organic Standards Board
c/o Katherine Benham
Room 4008 – South Building
1400 Independence Ave., SW
Washington, DC 20250-0001

National Organic Standards Board:

Following are comments by the National Campaign for Sustainable Agriculture Organic Committee and Rural Advancement Foundation International in response to the National Organic Standards Board (NOSB) Livestock Committee's proposed wording as a clarification for poultry for the access to the outdoor requirement in the Final Rule (Section 205.239 (a)(1).

Because the nature of these comments so closely mirrors previous comments by the National Campaign (as well as many of the over 300,000 comments to the proposed Rule), which object to factory farming in organic agriculture, we are additionally asking for a formal response concerning the role of public comments and the NOSB in National Organic Program (NOP) final rule implementation clarifications. There is an obvious conflict emerging when ongoing NOSB clarifications are characterized by an NOP official as being completely optional guidelines rather than binding interpretations of the final rule. In view of the fact that NOSB clarifications are the public access points to the rule implementation process, this conflict threatens true public access.

In addition, it has been brought to our attention that in individual communications with the NOP, certifiers may not have been given consistent interpretations of the meanings of the final rule. This points to the need to implement the critical peer-review component of USDA accreditation process. The peer review process would provide a clear measure of consistency in the evaluation and interpretations of the rule for certifiers. Without such a process there is a undermining of the "public/private partnership" originally intended by Congress in the framing of the law (OFPA). We strongly urge the NOSB and NOP to immediately install the peer review panel to ensure that certifiers are evaluated in a consistent manner.

Poultry – Access to the Outdoors

It has been an ongoing concern for the NOSB and public partners that the 'temporary exemptions' to outdoor access not become loopholes. As has been repeatedly stated, the public does not want factory farming in 'organic'. In order to remain true to this very clear public message, organic livestock exemptions must be narrowly defined and well justified. To accomplish this with the poultry standard, we urge the NOSB to expand their recommended language in the 'Recommended standard' section of their draft.

The suggested expansion of wording would simply frame NOSB's intent in to standards language where it will have the most force. Every single production cycle where the '5 weeks of age' exemption is used must be justified and documented and every operation must be completely able to meet the requirement for outdoor access before they opt for a 'temporary exemption' from outdoor access. This would not only further clarify that this exemption is not a loophole for factory farming practices but it would also solidify the NOSB's ongoing intent that exemptions not be permanent allowances due to limitations of the land available to meet requirements for outdoor access.

Recommended Standard language should be specifically amended as follows [deletions are indicated by strikethrough and additions are indicated by underlining]:

Access to outdoors for poultry

1. **Organically managed poultry must have access to outdoors ~~during the months of the year when feasible~~. The producer's organic system plan must illustrate how the producer will maximize and encourage access to the outdoors. All producers must identify and be able to meet the outdoor access requirements prior to the producer seeking to justify any temporary confinement of poultry as described in (2).**
2. **The producer of an organically managed poultry may, when justified in the organic system plan, provide temporary confinement because of:**
 - a. Inclement weather;
 - b. The stage of production, up to 5 weeks of age;
 - c. Conditions under which the health, safety, or well-being of the poultry could be jeopardized;
 - d. Risk to soil or water quality.
3. **Should the producer seek to justify temporary confinement because of the stage of production as provided in 2(b), the producer must justify and document such decision for every production cycle.**

Public Comments Past and Present

One of our key concerns regarding these and past public comments is the feedlot issue. The concept of feedlots was introduced in earlier NOSB clarifications without making it clear to the public that the recommendations would indeed allow for 'organic feedlots'. Despite specific public opposition to dry lots as an allowable outdoor environment, and standard feedlots generally being unacceptable in organic production on a diversity of levels, the topic has been broached with the public peripherally at best.

We have been, and continue to be, ardent supporters of the NOSB's role in the public/private partnership. It is disturbing to us to have such a key issue as 'organic feedlots' raised indirectly and not be given the benefit of full and informed public comment. We urge the NOSB to be very

clear about the process that is being followed for full consideration of the comments received and how legitimate concerns are to be further addressed by the NOSB in a direct and public manner. The public also needs to be very clear about the process whereby an NOSB recommendation becomes 'final' in the public/private partnership currently in place.

What is the Actual Role of NOSB Clarifications?

Following the last NOSB meeting, there is increasing confusion as to the role of NOSB standards clarifications. These clarifications are being viewed by many as providing specifics for certifiers to be in compliance with the NOP's final regulations. But the recent NOSB meeting notes record Richard Matthews stating that certifiers can choose to enforce or not enforce the clarifications. In short, it appears that all the ongoing hard work of the NOSB clarification of the regulations can simply be ignored.

This places us at a crossroads where we look to the NOSB for guidance about how to proceed with public input in a respectful and truly meaningful manner. The public's adamant comments to keep factory farming out of organic sent a very powerful message to the NOP. If the NOSB clarifications are only optional standards and the public voice is no longer truly relevant to the enforcement of organic standards beyond the existing regulations, then the public should be informed that this is the case. The public should also then be informed how they can engage in a meaningful manner to insure that factory farming is not allowed into organic production.

In conclusion, We strongly urge;

- The NOSB to make recommendations concerning livestock including poultry and their access to the outdoors which are consistent with the volume of public comments to not include "factory-farming and feedlot " practices in organic agriculture.
- That the NOSB and NOP clearly state the exact role of public comments and the NOSB recommendations regarding final rule clarifications.
- That the NOSB and NOP immediately install the peer review panel to ensure that certifiers are treated in a clear and consistent manner.

We thank you for this opportunity to comment and look forward to your timely response.

Sincerely,

*The Organic Committee of the National Campaign for Sustainable Agriculture:
Michael Sligh, Rural Advancement Foundation, International
Joe Mendelson, Center for Food Safety*

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Mark

From: Livestock, NOSB
Date: Friday, March 29, 2002 1:24 PM
To: Eric Sideman; Keating, Mark
Subject: FW: comment outdoor access usda nop

From: Steven Mahrt[SMTP:JUDYFARM@JUDYSFARM.COM]
Sent: Friday, March 29, 2002 1:25:54 PM
To: Livestock, NOSB
Subject: comment outdoor access usda nop
Auto forwarded by a Rule

To: National Organic Standards Board March 28, 2002
Katherine Benham
Room 4008 South Building
1400 and Independence Avenue, SW
Washington, D.C. 20250-0001

From: Steven P. Mahrt
700 Cavanaugh Lane
Petaluma CA 94952

Dear NOSB,

I am a dedicated certified organic egg producer since 1996. I have also been raising free roaming laying hens since 1983. As a caretaker of these hens, I am concerned by the recent NOSB livestock committee recommendation that requires outdoor access. The 250,000 responses to the first publication of the rules seemed to imply that organic egg production could occur in cages. The organic consumer was adamant that organic laying hens not be kept in cages. My personal communications with our organic consumers through our web site, or in person, has validated that finding. However, when I explained to our organic consumers that while we let the birds run and exhibit normal chicken behavior, we don't want them to go outside because it is not humane, environmentally sound nor does it provide for adequate food safety. Once provided the explanation, our consumers appreciated the thoughtfulness of our systematic approach to all aspects of organic egg production. Our sales have continued to increase. The intent of the requirement for outdoor access is to ensure that poultry is not raised in cages. Freedom of movement and the ability to exhibit natural behavior is an important part of the organic system. A properly designed poultry barn should allow for natural ventilation, access to direct sunlight, and room to exercise. Many years of studying chicken behavior and health does not support the notion that outdoor access improves the hen's welfare, otherwise chicken farmers wouldn't have abandoned the practice in the 1940's. I will elaborate in the following pages about the concerns the USDA NOP should have about outdoor access to organic laying hens.

Stress Management

One of the keys to raising organic laying hens is the reduction of stress and limiting the exposure to unknown disease vectors and predators. During the 70's, the West Coast lost millions of chickens

due to Exotic Newcastle disease. This was traced back to exotic birds brought in from South America. In the 80's, the USDA had to slaughter millions of chickens because they were exposed to Avian Influenza from migratory water fowl. With both of these cases, the USDA indemnified the producers because of a mandatory eradication program. Is the USDA willing to risk increasing the opportunities of these diseases or others reappearing because of the increased exposure to wild fowl in an open system? During the 90's, Salmonella exposure from rodents changed the way consumers looked at the once safe egg. In every instance, these diseases were brought on by contamination of a domestic hen by wild or natural vectors. Vaccines have helped control some of the diseases, but they are most effective when combined with a rigorous bio-security program with an emphasis on exclusion.

Outdoor access creates a parasite load that will contribute to compromising the immune system of the laying hen. Mites, a blood sucking parasite, coccidiosis, a protozoan parasite that destroys the intestinal wall and worms, which deprive the birds of nutrients, create much suffering and leave the bird vulnerable to a host of other debilitating diseases. All of these threats are transferred to the hens by rodents and wild birds. Once the hens have these, there are little or no tools for the farmer to use to break the cycle because many of these diseases can lie dormant in the soil for years. One must not forget that the laying hen has a productive life of over 2 years as compared to the broiler of just 7 to 8 weeks.

Most laying hen farms have a separate facility to raise their young laying stock. Typically these houses are isolated from their laying operations in order to limit the disease exposure until the young bird has been properly vaccinated and their immune system has developed. A proper vaccination program is the organic farms number one tool to maintain a healthy flock. On our farm the pullet (young chicken) receives her last vaccination at 14 weeks. This proposed rule would compromise my entire vaccination program by exposing the pullet to known vectors before her immune system can mature. Five weeks of age may be appropriate for a broiler hen because they have lived 70% of their useful life. By comparison, a laying type chicken would be almost 75 weeks old at the same stage in her life.

Many layer farms in the U.S. now have a HACCP program to ensure the health of both the chickens and also their consumers. On my farm one of our goals is to have no holes larger than the end of pencil eraser within two feet of the ground in order to keep mice out, which are major carriers of Salmonella. The balance of the walls are open with 1 by 2 inch wire to keep wild birds out and yet allow direct sunlight and fresh air. My family has been raising laying hens for eggs since the 1920's. I can remember seeing my uncle's chicken ranch and asking him why he had these wire pens next to every chicken house. His reply was that he thought he needed them. He then went on to say that the best thing he did for the chickens was keep them out of those yards because they always made the chickens sick. And once he kept them inside he said mortality dropped in half. This mortality didn't happen immediately, it was a gradual increase over time. By requiring outside access to laying hens I will be threatening the flocks to inhumane disease challenges that in most cases have no organic treatments. This will force the organic farmer to make a hard choice, either medicate if possible and lose organic standing or hope that the losses will not be too severe once the disease runs its course. Neither of these alternatives are in keeping with the organic principles of humane treatment of animals. Those that say they have their birds go outside are simply playing Russian roulette because it is not if something will happen but when.

Environment

Environmental concerns when allowing a laying hen outdoors varies from ground water contamination to polluting our water ways. The Petaluma area was once considered the Egg Basket of the World. It's sandy loams and rolling hills lent itself well to providing good

drainage for the many small chicken farms that kept their hens in yards and houses. This system initially worked well because the area was never used for chickens and the breeds available were not too distant from their ancestors and the outdoor access provided Vitamin D. Every one was ignorant of the potential problems of ground water pollution and manure run off. This began in the 1920's and continued until the 1940's. Adding Vitamin D to the feed eliminated the need for outdoor access, but the damage was done. This entire area is now a nitrate zone. All wells must now be cased down to 100 feet deep so that nitrate contaminated water will not filter into the well. Nitrates are a problem because they interfere with oxygen absorption particularly in young children. My house is on an old chicken ranch and we buy bottled water because our water has 12 ppm and safe drinking is less than 5 ppm.

As organic eggs become more accepted by the public, farm and house size will grow. This is a natural by product of success. One of the natural tendencies of a hen is the desire to be near to the area where they sleep at night. This habit tends to keep the hens close to the houses which concentrates their manure in a specific area. This is true for large scale farms as well as small ones. Also, many traditional agricultural areas are beginning to share the land with their suburban counterparts who are less interested in the dust, feathers, and flies that will not be accepted, understood or allowed. During a big wind storm in Petaluma, when the feathers were blowing all over, many termed this "Petaluma snow". This would be undesirable to the average home owner in the new century. Loose chickens, while cute to some make a mess of someone's patio. Containing the chickens would be a requirement with a fenced area which includes wire over its top in all but the most rural areas. Speaking with representatives from The Regional Bay Area Water Control District, they recommended some type of barrier that would not allow the rain to drive the manure from the range area into the soil. To prevent this, some type of covering would be recommended so that rain water does not run off this area. This would be the environmental sound way of giving the hens the benefits of exercise, fresh air, and direct sunlight without polluting the area.

Summary and Recommendations

When the 250,000 people responded to the first proposed rule, they wanted to be assured that poultry would not be kept in cages. That recommendation was not restrictive enough. Now, however the pendulum has swung to the other extreme by requiring outdoor access to poultry. This proposal has a high likelihood to jeopardize the hen's health and welfare, causing environmental pollution and erosion, while endangering human health with Salmonella disease.

The livestock committee has acknowledged that outdoor access is problematic by recognizing the many stated exceptions. This is a difficult issue to resolve because it has political and emotional implications. This proposal may work in certain areas of the country where a poultry ranch could be isolated from other birds. In the areas of the country that receive little rainfall and have deep aquifers so that ground water remains clear it may also work. The problem is that scenario describes a very small area of the country. The rest of the country has on going issues that should not allow outdoor access. Many egg producers have converted abandoned ranches and upgraded them for organic production. Is this recommendation going to put them out of organic production even though they have been a member of the organic community for many years? I would recommend the following standard as a solution to the problem.

1. Organically managed poultry must have access to outdoors during the months of the year when feasible OR provide for natural ventilation and direct access to sunlight when present. Poultry should have the ability to access a substantial portion of the house freely while providing dusting and scratching areas. If these requirements cannot be fulfilled because they are using a closed type house (closed walls and powered

ventilation with artificial lighting). Then an area outside of the confines of the building must be provided which provides access to direct sunlight and natural ventilation while protecting bird health and the environment. This recommendation has the bird's welfare as its focal point while not endangering the environment. Consumers desire for the birds to exhibit natural behaviors will be fulfilled and all areas of the country should be able to meet these requirements.

Sincerely,

Steven Mahrt

Keating, Mark

From: Livestock, NOSB
Sent: Monday, April 01, 2002 1:29 AM
To: Eric Sideman; Keating, Mark
Subject: FW: comment outdoor access to laying hens-a final thought

From: Steven Mahrt[SMTP:JUDYFARM@JUDYSFARM.COM]
Sent: Monday, April 01, 2002 1:30:23 AM
To: Livestock, NOSB
Subject: comment outdoor access to laying hens-a final thought
Auto forwarded by a Rule

Dear NOSB,

I would like to add one final thought to my earlier comment when you consider requiring outdoor access for laying hens. Consider the schedule of a broiler type chicken. Five weeks requiring heat, no outdoor access required. Two weeks if the weather is favorable, outdoor access OK. Two weeks of clean up time. Out of forty to fifty possible weeks a year they will be only outdoors 9 weeks. This happens at most 8 to 9 months of the year. They will only have outside access 7 to 9 weeks. Compare this with laying hens having outdoor access 9 out of 12 months and consider the amount of disease exposure and the opportunity for long term manure build up in the soils next to the chicken houses. The risks associated with a laying type chicken are 9's times greater than that of a broiler type. This should not be allowed in an organic farming system in order to protect the hens from exposures so much greater than their broiler cousins.

Sincerely,

Steven Mahrt
An Organic Chicken Farmer - Laying Hens Only.

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Keating, Mark

From: Livestock, NOSB
Sent: Monday, April 01, 2002 12:38 PM
To: Eric Sideman; Keating, Mark
Subject: FW: Outdoor Access for Poultry



tmp.htm

From: Steve Gemperle[SMTP:SGEMPERLE@GEMPERLE.COM]
Sent: Monday, April 01, 2002 1:39:55 PM
To: Livestock, NOSB
Subject: Outdoor Access for Poultry
Auto forwarded by a Rule

Stephen Gemperle
Gemperle Family Farms
10218 Lander Ave
Turlock, Ca. 95380

I am writing this letter to express my concerns with outdoor access. In California, there is a fairly high concentration of Poultry facilities, and there is a very high presence of wild birds due to all the trees and fruit and nut crops. We are not a state with thousands of acres of corn fields every direction you look. We also have a high level of migratory fowl that migrate and occupy our state on a regular basis. In fact, within about 40 miles of my farm, the very large Kesterson Wildlife refuge is home to many wild fowl. Because of all of these situations, it is very poor animal husbandry practices to allow our birds to access the outdoors. This is a breach of our biosecurity plan as written today. To allow outdoor access, I strongly feel I would compromise the health, welfare and safety of the hens. I would not improve their quality of life. The University of California Extension service that advises the industry strongly suggest that buildings be maintained in good condition, and the walls examined regularly. This stops wild birds from accessing the buildings and compromising one's biosecurity plan. In fact, many conventional farms consider a bird that accesses the outside to be a risk to the farm and will euthanize the bird instead of risk the health of all the birds on the farm by reintroducing the hen to the house. The greatest risks I see are as follows: MG, MS, Infectious Coryza, Fowl Cholera, Bronchitis, Fowl Pox, Mites, Salmonella Enteritidis, and Avian Influenza. Once a disease enters a farm, many of them will be on the farm forever, since the hens will pass the disease to each new generation of birds that enter the farm. The only way to eradicate many diseases is to euthanize every bird on the farm which is not an option.

All the above diseases are very bad for the health of the flock, and when one bird gets sick, the disease quickly spreads to every bird on the farm. The disease of greatest concern to me is avian influenza. This is a devastating disease. In the last two years, there have been some cases of low pathogenicity avian influenza cases in the State of California. This disease will cause significant health problems to birds, and it will devastate production. The disease is present in Mexico, and the migratory fowl are considered very high risk for this disease... I am being asked to have my hens run around outside and mix

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with these ducks, geese etc. that fly overhead on a regular basis. They will be able to pick at or eat the wild birds fecal droppings, a very serious biosecurity breach. If we have an outbreak of this Avian Influenza that is typed as high pathogenicity, it will shut down international trade for meat and eggs. Our trading partners do not allow us to export if we have a High Path Avian Influenza outbreak. This will financially hurt many conventional egg and broiler farms accross America and kill at least 80% of the laying hens on the Organic farm. High Pathogenicity Avian Influenza is that devastating. California is currently under extremely high biosecurity to protect the hens on our farms. Every truck that enters the farm is disinfected, and workers wear protective rubber boots. They must clean their boots every day before entering the poultry barns in order to protect the hens from disease that may be present in the fecal droppings of the wild population of birds and migratory fowl that fly overhead daily. I will comply with whatever the USDA finally writes as the rule, but the health of the hens will be compromised if the hens run free outdoors. I predict the organic industry will see significant disease problems if outdoor access is adopted. For the sake of the health of the hens, I urge you to consider not having outdoor access for poultry.

Thank you for your consideration, Stephen Gemperle



The Organic Trade Association Proposes Refinements Regarding the National Organic Standards Board's Recommendation on Outdoor Access for Poultry

*Tom Spiro
April 1, 2002*

The Quality Assurance Committee (QAC) of the Organic Trade Association (OTA) supports the general direction of the National Organic Standards Board's (NOSB) recommendation on outdoor access to poultry.

In order to clarify the rationale for temporary confinement #2.b., the QAC recommends that the phrase "up to five weeks" in #2.b. be changed to read:

"including sufficient feathering to prevent health problems caused by outside exposure".

If NOSB prefers to specify a definite time period, the QAC suggests that "four weeks" should replace the current "five weeks" in order to have a longer period of outdoor access.

QAC also requests that the NOSB Livestock Committee add the word "operation" within recommendation #2, to read:

2. The producer of an organically managed poultry **operation** may, when justified in the organic system plan, provide temporary confinement because of:



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April 2002

National Organic Standards Board
c/o Katherine Benham
Room 4008-South Building
1400 Independence Ave., SW
Washington DC 20250-0001



National Organic Standards Board,

The following comments represent a composite of feedback gathered from the Organic Valley CROPP Coop poultry growers. It is by no means representative of all our producers nor is it the only time some of these comments are presented since the pool of producers were encouraged to submit comments directly to the NOP.

The CROPP Poultry Pool currently consists of 42 farmers 20 of which are Amish producers. The pool is responsible for 135,000 layers, 65,000 broilers, and 15,000 turkeys. With so many farmers there is not total consensus and in fact there was a fair amount of dissention, to be expected.

There was consensus and enthusiasm that the need to define outdoor access for organic poultry is necessary. The organic poultry industry has had a difficult time establishing themselves as different than so called "Free Range" production. By establishing these standards organic producers would better their market position by further removing themselves from the conventional model and by being able to represent their products as being tied to higher humane/behavioral standards. There was a lot of discussion and desire to use this directive to effectively limit or exclude large-scale organic poultry production. However, just as with pasture for ruminants, scale of production regulations should be addressed separately. The challenge was recognized that even more than the pasture for ruminants standards this outdoor access for poultry standard will encompass tremendous diversity. Different production models for layer and broiler operations, crossing species boundaries of chicken, turkey, ducks and even emu need to be considered. The standard must be clear enough to be interpreted universally by various certification agencies and inspectors. Organic poultry is unique in the fact that a producer can easily convert to organic, production is relatively quick (broilers can be ready in 8-10 weeks) and so noncompliance issues are likely not be settled until after the product has been sold. The way to prevent such abuses is with tighter standards resulting in a clearly compliant farm plan.

Without suggesting specific language here are some of the major points of concern and agreement voiced by our producers:

- "Outdoors" needs to be more clearly defined.
 - Defining actual square footage ratios. Very difficult to pin down given geographic differences. Our producers were divided on if and how best to construct such standards.
 - A better approach might be to establish a definition for "Outdoors" as you did with pasture. The same language could be used, "Land used for LIVESTOCK (including poultry) grazing that is managed to provide feed value and maintain or improve soil, water and vegetative

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Keating, Mark

From: Don Franczyk [dfranczyk@starpower.net]
Sent: Monday, April 01, 2002 6:03 PM
To: Keating, Mark
Subject: Comment on Access to Outdoors for Poultry

Hi Mark,

I hope I am not late with our comments on the Draft Recommendations for Access to the Outdoors for Poultry. The Board of Massachusetts Independent Certification believes that access to the outdoors is critical for the raising of organic poultry and all producers must meet basic requirements for allowing their poultry to have access to the outdoors. We do not believe that operations which "barn raise" their poultry and allow no or very limited access to the outdoors are organic. We recommend that the NOSB recommendations be adopted with the following changes:

Access to outdoors for poultry

1. Organically managed poultry must have access to outdoors. The producer's organic system plan must illustrate how the producer will maximize and encourage access to the outdoors. All producers must identify and be able to meet the outdoor access requirements prior to the producer seeking to justify any temporary confinement of poultry as described in (2).
2. The producer of an organically managed poultry may, when justified in the organic system plan, provide temporary confinement because of:
 - a. Inclement weather;
 - b. The stage of production, if poultry does not have sufficient feathering to prevent health problems caused by outside exposure.
 - c. Conditions under which the health, safety, or well-being of the poultry could be jeopardized;
 - d. Risk to soil or water quality.
3. Should the producer seek to justify temporary confinement because of the stage of production as provided in 2(b), the producer must justify and document such decision for every production cycle.

Don Franczyk
Executive Director
Massachusetts Independent Certification
(NOFA/Mass Organic Certification Program)

resources. This approach is endorsed here as easier to enforce and yet flexible enough that the producer remains in control of their farm plan.

- Temporary variances, while necessary, must not be so loose as to allow "loopholes" to producers who choose to opt out of outdoor access at every opportunity. This issue has been well addressed by other trade organizations including RAFI-USA. CROPP Producers are in agreement with Rafi's position that as worded this language is weak and needs to be clearer.
- Stage of production up to 5 weeks of age is an overly restrictive standard. It does not seem to fit the wide variety of application in organic poultry production and so should probably be extended in scope to differentiate specific applications.
 - Particularly difficult is Pullet production. Twenty five egg producers here rely primarily on one certified pullet producer who is very reluctant to put the birds outdoors at all for the 18 weeks that he raises them due primarily to disease concerns coupled with the fact that organic producers are strictly limited on medication tools.
 - Another stage of production concern involves acclimating the 18 week old pullets to their new facilities. It is generally agreed upon that 4-6 weeks of confinement are necessary in order to "train" the birds to their nest boxes. Without this training the birds will lay their eggs anywhere and everywhere. Natural behavior to be sure but not practical or safe.
- EU regulations should be considered so that the US standard is as good as or better than the EU in order to avoid unnecessary trade restrictions.
- There is concern and some precedent that by mandating outdoor access some producers will inadvertently jeopardize the 100% feed and no manure feeding rules since chickens in particular are opportunistic feeders. We have had producers faced with decertification when their chickens foraged on horse and cattle manure. Whatever language is ultimately developed needs to consider this potential problem.

The poultry producers at Organic Valley fully endorse the development of access to outdoors standards for poultry in order to differentiate themselves to consumers and to strengthen the integrity of organic. As it stands however this proposed standard is not strong or clearly worded enough to accomplish the intent. Hopefully these comments, representative of many of the pioneers in the field of organic poultry production will aid in guiding further discussion and revision of this standard.

Respectfully submitted by,

Jim Pierce, Certification Czar
Organic Valley CROPP Cooperative

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April , 2002

National Organic Standards Board
c/o Katherine Benham
Room 4008 – South Building
1400 Independence Ave., SW
Washington, DC 20250-0001

Dear National Organic Standards Board:

As individuals working closely with certification organizations, and as concerned organic consumers we would like to support the comments made by the National Campaign for Sustainable and Rural Advancement Foundation International in response to the National Organic Standards Board (NOSB) Livestock Committee's proposed wording as a clarification for poultry for the access to the outdoor requirement in the Final Rule (Section 205.239 (a)(1)). Our comments do not represent official position of the Organic Material Review Institute, but are our individual opinions.

Because the nature of these comments so closely mirrors previous comments by the National Campaign (as well as many of the over 300,000 comments to the proposed Rule), which object to factory farming in organic agriculture, we are additionally asking for a formal response concerning the role of public comments and the NOSB in National Organic Program (NOP) final rule implementation clarifications. There is an obvious conflict emerging when ongoing NOSB clarifications are characterized by an NOP official as being completely optional guidelines rather than binding interpretations of the final rule. In view of the fact that NOSB clarifications are the public access points to the rule implementation process, this conflict threatens true public access.

In addition, it has been brought to our attention that in individual communications with the NOP, certifiers may not have been given consistent interpretations of the meanings of the final rule. This points to the need to implement the critical peer-review component of USDA accreditation process. The peer review process would provide a clear measure of consistency in the evaluation and interpretations of the rule for certifiers. Without such a process there is a undermining of the "public/private partnership" originally intended by Congress in the framing of the law (OFPA). We strongly urge the NOSB and NOP to immediately install the peer review panel to ensure that certifiers are evaluated in a consistent manner.

Poultry – Access to the Outdoors

It has been an ongoing concern for the NOSB and public partners that the 'temporary exemptions' to outdoor access not become loopholes. As has been repeatedly stated, the public does not want factory farming in 'organic'. In order to remain true to this very clear public message, organic livestock exemptions must be narrowly defined and well justified. To accomplish this with the poultry standard, we urge the NOSB to expand their recommended language in the 'Recommended standard' section of their draft.

The suggested expansion of wording would simply frame NOSB's intent in to standards language where it will have the most force. Every single production cycle where the '5 weeks of age' exemption is used must be justified and documented and every operation must be completely able to meet the requirement for outdoor access before they opt for a 'temporary exemption' from outdoor access. This would not only further clarify that this exemption is not a loophole for factory farming practices but it would also solidify the NOSB's ongoing intent that exemptions not be permanent allowances due to limitations of the land available to meet requirements for outdoor access.

Recommended Standard language should be specifically amended as follows [deletions are indicated by strikethrough and additions are indicated by underlining]:

Access to outdoors for poultry

1. **Organically managed poultry must have access to outdoors ~~during the months of the year when feasible~~. The producer's organic system plan must illustrate how the producer will maximize and encourage access to the outdoors. All producers must identify and be able to meet the outdoor access requirements prior to the producer seeking to justify any temporary confinement of poultry as described in (2).**
2. **The producer of an organically managed poultry may, when justified in the organic system plan, provide temporary confinement because of:**
 - a. Inclement weather;
 - b. The stage of production, up to 5 weeks of age;
 - c. Conditions under which the health, safety, or well-being of the poultry could be jeopardized;
 - d. Risk to soil or water quality.
3. **Should the producer seek to justify temporary confinement because of the stage of production as provided in 2(b), the producer must justify and document such decision for every production cycle.**

Public Comments Past and Present

One of our key concerns regarding these and past public comments is the feedlot issue. The concept of feedlots was introduced in earlier NOSB clarifications without making it clear to the public that the recommendations would indeed allow for 'organic feedlots'. Despite specific public opposition to dry lots as an allowable outdoor environment, and standard feedlots generally being unacceptable in organic production on a diversity of levels, the topic has been broached with the public peripherally at best.

We have been, and continue to be, ardent supporters of the NOSB's role in the public/private partnership. It is disturbing to us to have such a key issue as 'organic

feedlots' raised indirectly and not be given the benefit of full and informed public comment. We urge the NOSB to be very clear about the process that is being followed for full consideration of the comments received and how legitimate concerns are to be further addressed by the NOSB in a direct and public manner. The public also needs to be very clear about the process whereby an NOSB recommendation becomes 'final' in the public/private partnership currently in place.

What is the Actual Role of NOSB Clarifications?

Following the last NOSB meeting, there is increasing confusion as to the role of NOSB standards clarifications. These clarifications are being viewed by many as providing specifics for certifiers to be in compliance with the NOP's final regulations. But the recent NOSB meeting notes record Richard Matthews stating that certifiers can choose to enforce or not enforce the clarifications. In short, it appears that all the ongoing hard work of the NOSB clarification of the regulations can simply be ignored.

This places us at a crossroads where we look to the NOSB for guidance about how to proceed with public input in a respectful and truly meaningful manner. The public's adamant comments to keep factory farming out of organic sent a very powerful message to the NOP. If the NOSB clarifications are only optional standards and the public voice is no longer truly relevant to the enforcement of organic standards beyond the existing regulations, then the public should be informed that this is the case. The public should also then be informed how they can engage in a meaningful manner to insure that factory farming is not allowed into organic production.

In conclusion, We strongly urge;

- The NOSB to make recommendations concerning livestock including poultry and their access to the outdoors which are consistent with the volume of public comments to not include "factory-farming and feedlot " practices in organic agriculture.
- That the NOSB and NOP clearly state the exact role of public comments and the NOSB recommendations regarding final rule clarifications.
- That the NOSB and NOP immediately install the peer review panel to ensure that certifiers are treated in a clear and consistent manner.

We thank you for this opportunity to comment.

Sincerely,

Emily Brown Rosen, M.S.

25 Independence Way, Titusville NJ 08560

Brian Baker, PhD.

PO Box 12256, Eugene OR, 97440

Cindy Douglas

2795 McMillan St. Eugene OR 97405

Mar-25-02 03:26pm From-Congressman- Bob Etheridge, NC 2nd Dist 2022255662

T-380 P.002/003 F-901

Congress of the United States
Washington, DC 20515

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March 22, 2002

National Organic Standards Board
c/o Katherine Benham
Room 4008 - South Building
1400 and Independence Avenue, SW
Washington, DC 20250-0001

Dear Board Members:

We are writing regarding certain regulations under the National Organic Program, particularly 7 C.F.R. 205, dealing with livestock health care practice standards and living conditions. Specifically, we question the benefits of requiring chickens and poultry products to be produced in a free-range environment.

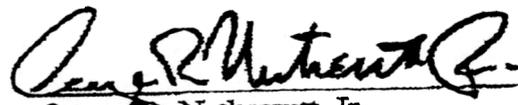
The National Organic Program's rules require livestock to have access to pasture in order to gain the benefits of direct sunlight and fresh air. However, it has been brought to our attention that such access would expose chickens to a wide range of risks that could jeopardize their health. We are especially concerned that forcing chickens to free range would increase their likelihood of infection from wild birds with diseases, such as avian influenza (AI). No doubt you are aware of the impact that one report of AI in Pennsylvania had on the entire American poultry industry - both organic and non-organic - when the Japanese government refused to accept U.S. poultry exports.

Egg and poultry producers interested in marketing organic products have agreed to provide housing for chickens that allow them to roam freely in a barn, have easy access to organically-produced feeds, fresh water, fresh air ventilated into the barns, and direct sunlight through windows. We believe the hazards facing these birds when forced to range outweigh the benefits of free-ranging, benefits they can be achieved through safer methods. Therefore, we urge you to reconsider the "access to the outdoors" provisions in the organic production guidelines to exempt chickens from the requirement of being free-ranged.

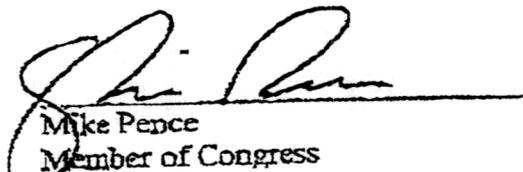
Thank you for your consideration of this issue.

Sincerely,


Bob Etheridge
Member of Congress


George R. Nethercutt, Jr.
Member of Congress


Bob Riley
Member of Congress

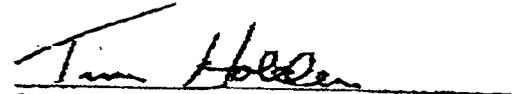

Mike Pence
Member of Congress

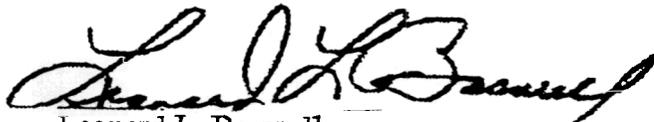
National Organic Standards Board

Page 2

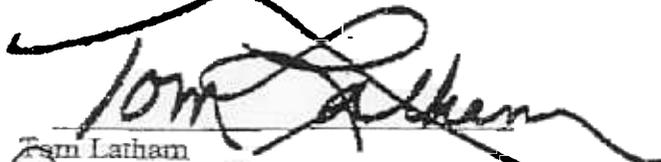
March 22, 2002


John A. Boehner
Member of Congress

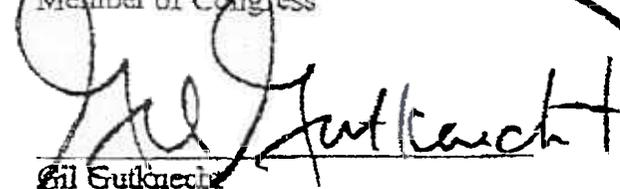

Tim Holden
Member of Congress


Leonard L. Boswell
Member of Congress


Marion Berry
Member of Congress


Tom Latham
Member of Congress


Collin C. Peterson
Member of Congress


Gil Gutknecht
Member of Congress



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31

March 29, 2002

The National Organic Standards Board
c/o Katherine Benham
Room 4008 – South Building
1400 and Independence Avenue, SW
Washington, DC 20250-0001

Dear Board Members:

After having read your "Draft Recommendation Access to the Outdoors for Poultry" in great detail, I am writing generally in opposition to most of the so-called recommendations. I am probably better qualified to address this topic than almost anyone else from whom you may receive comments.

I have been involved with or earned my living from poultry and egg production since my first 4-H Chicken Project 60 years ago. I was producing poultry and eggs organically many years before "organic eggs" were even thought about. I once had to grind up dried cow manure into my chicken feed to get a UGF (unidentified growth factor) that my chickens needed so their eggs would hatch (that was before we knew about Vitamin B12). In 1947, I built what some people think was the first time-clock to turn on a light at 3 a.m. so my chickens had "a normal amount of time to be awake" so they would lay eggs in the winter months (that was before we knew about the effect of day length changes). I built another time-clock in 1947 to turn my chickens out of the hen house after 12 Noon so they could get their "sunshine vitamin exposure" (before we knew about Vitamin D₃).

When I turned them outside so they could run loose in the grass and weeds and scratch in the dirt or pick up undigested grain from fresh cow-piles, I was also letting them pick up parasites and diseases. Wild birds brought lice and mites to them. They got worms (round, cecal, tape and capillary) as well as E. coli coccidiosis, leucosis and salmonella. When we built them a new "modern" laying house with deep litter to scratch in, 3 square feet of space per hen, fresh water and adequate nesting and roosting space, they spent most of their time inside the house. It was warmer in winter and cooler in summer as well as dry when it rained. They seemed to "enjoy", if you will, not having to work for survival.

Since they spent most of their time in the house eating a more balanced diet based on what we knew, their parasites were reduced to mostly roundworms (which we could treat to get rid of) and tape worms at times and the only serious disease problem was leucosis (chicken cancer). We effectively prevented access to the house by rats and most mice and particularly wild birds and snakes. We completely stopped night-time killings and mutilations by mink, weasels, rats, coons, and foxes. The hens were healthier with normal mortality less than 10% per year and I got over 200 eggs per hen per year up from about 150 eggs per year.

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I do have empathy for the concept of removing hens from laying cages and letting them roam free of that type of confinement. Much of my adult experience and expertise has been with cage layer operations, and I would personally prefer that we could produce the eggs we need without cages. However, the laws of supply and demand affectively prevents us from production without using cages. However, nowhere does there exist any reasons (scientific or otherwise) that will justify a requirement that hens must be allowed to run free in the dirt of a chicken yard in order to produce organic eggs. Buildings can be constructed that will allow confined birds access to fresh air, sunshine, wind, and even rain if they want to do so.

The draft refers to "natural behavior patterns," "adequate exercise areas," "preventive health care", "reduction of stress and illness", and "strength of immunity." A properly constructed structure providing between 1 ½ to 3 ft²/hen, depending upon the strain used, will allow or enhance all of this. Eggs and broilers produced under the provisions of this Draft should not be labeled as organic. Rather, they should be referred to as "Humanized Eggs" because almost everything of substance in the Draft comes from a concept of human fantasies about animal needs and wants. Allowing chickens to run free in nature exposes them to parasites, disease risk, the elements of nature and the stress of predation.

If this Draft is approved as written, then the broilers and eggs produced under these conditions should be required to carry a warning label. The label should state that the "*broilers produced and the hens that produced these eggs were exposed to the elements of weather and also to the risk of natural diseases such as E. coli in manure, coccidiosis from soil, Salmonella enterididis from rats and mice, and worms from natural insects. These eggs may contain an increased level of S. enterididis due to this exposure. Broiler meat tissue may have increased risk of E. coli contamination.*" This approach may seem harsh, but the ethics of Truth in Advertising should leave little doubt as to the need for such warning. Regardless of consumer perceptions, there is very little that is humane about the management procedures outlined in this Draft. Consumers should be taught the TRUTH about animal and poultry husbandry so they have the correct perception about the ways and means of nature. They should be taught the facts of where their food comes from instead of the fiction promoted by environmental fantasies.

I am available to discuss in greater detail any of these points with anyone on the Board if clarification is necessary.

Sincerely yours,



Paul L. Ruzler
Extension Poultry Specialist,
Poultry Husbandry and Management

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FAX TRANSMITTAL

| | |
|--|---|
| <p>Eggland's Best, Inc. 842 First Avenue King of Prussia, PA 19406-1404</p> |  |
| <p>Phone: (610) 265-6500 FAX: (610) 265-8380</p> | |

DATE: March 29, 2002

ATTENTION: Katherine Benham

COMPANY: USDA National Organic Standards Board

FAX NO: (202) 205-7808

FROM: Bart Slaugh

Number of Pages (including Cover Page): 4

Letter of comment against Draft Recommendation Access to the Outdoors for Poultry.



**EGGLAND'S
BEST**

EGGLAND'S BEST, INC.

842 First Avenue, King of Prussia, PA 19406-1404
Phone: 610-265-6500 • Fax: 610-265-8380

33

March 29, 2002

The National Organic Standards Board
c/o Katherine Benham
Room 4008 - South Building
1400 and Independence Avenue, S.W.
Washington, DC 20250-0001

Dear Board Members:

I am writing in opposition to the "Draft Recommendation - Access to the Outdoors for Poultry".

The draft states, "The intent of requiring access to the outdoors is to ensure that the organic poultry farm plan provides for living conditions that allow and encourage poultry to be able to go outside of buildings to satisfy their natural behaviors, provide adequate exercise area, provide preventive health care benefits and answer consumer expectations of organic livestock management."

I agree with the general idea conveyed in the draft that our objectives as producers of organic products should be to ensure a healthy environment for the birds and provide consumers the product they want. I am not convinced, however, that the proposed management requirements make a positive contribution toward achieving those objectives.

My interdepartmental PhD covering both animal husbandry and wildlife biology, followed by a continual pursuit of information in both areas, has provided a broadened perspective on what "natural" truly means. When I think of natural, I recall several clips from nature movies where animals have died slow, painful and even torturous deaths from predation, starvation, weather and disease; deaths that were far more "cruel" than would hopefully ever occur under any form of modern animal husbandry. "Natural" for fowl-type wild birds means 80-90% mortality in the first year. Providing an environment for animals that is more natural is not necessarily improving their welfare. An article from the Eggsaminer states, "A report from the Ethical Council for Domestic Animals of the Danish Ministry of Agriculture has cast doubt on the benefits of "free range" or "organic" systems of egg production. The council said that the death rate among birds in these systems is 3-4 times higher than conventional systems. Poor quality foods, illness, lack of medicines, feather picking, cannibalism, and stress contributed to a death rate among birds of about 16 percent." There is little question that "provide preventive health care benefits" should not be listed as an advantage of providing outdoor access for chickens. Even the amount of exercise would not be sufficiently influenced by outdoor access as to provide a significant improvement in physical health.

Our technical advisor (poultry veterinarian) offers the following information:

Exposure to soil would result in a marked increase in infections deleterious to the health of flocks. Bacterial pathogens such as *Salmonella*, *Erysipelothrix*, *Pasteurella* and *Clostridium* in addition to parasitic diseases including coccidiosis, histomoniasis and helminth infections which persist in soil for years and will infect successive flocks. Mortality of up to 50% has occurred in the EU following introduction of extensive housing systems.

Outbreaks of poultry diseases, rendered obsolete by modern housing and hygiene, would be difficult to treat, as effective drugs which were available for therapy through the 60's and 70's have been withdrawn. In any event, administration of drugs to producing flocks would be contra-indicated by concerns for residues and would be disallowed by the restraints of organic production.

Extensive systems are associated with a high rate of predation loss from raptors and carnivorous mammals. In the UK, there has been an explosion in the fox population as a result of extensive housing systems. In the context of the USA and continental Europe, this has public health implications as a result of the potential increase in contact with carriers of rabies.

Experience has shown that highly selected hybrid laying strains are unsuited to extensive housing systems, and high mortality occurs as a result of cannibalism, metabolic stress, disease and exposure to climatic extremes. This can be viewed as a significant welfare issue.

Eggs derived from extensive systems have a higher level of fecal and soil contamination compared to eggs from caged, confined-to-floor, or aviary systems. This results in an increase in prevalence of infection with *Salmonella* which is of importance to consumers. Exposure of floor laid eggs to *Pseudomonas* and other soil-borne organisms detracts from quality.

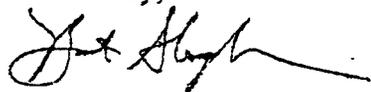
The red junglefowl is the wild ancestor of domestic fowl. *The Pheasants of the World* by Paul Johnsgard provides a good overview of what constitutes natural behavior, habitat, etc. for junglefowl. Junglefowl are found in nearly all tropical to subtropical habitats. Encouraging outdoor access in any habitat type other than tropical or subtropical would appear to be placing an unnatural stress on the species. It could be argued that domesticated descendants of the junglefowl (the heavier commercial layer strains, in particular) are now better adapted to survive in non-tropical climates. However, with modern strains, even more selective breeding has gone into making them adaptable to cages and an indoor environment, so an outdoor environment is most likely less "natural" to them than being indoors. As I review the natural ecology of junglefowl, it becomes apparent that even the best free range environment we might come up with would be so inadequate and insignificant at providing for the truly natural behaviors of the species, that the token intermittent seasonal access to the outdoors is not worth the associated health risks it presents.

One of the main topics of my dissertation was imprinting. Most of us are familiar with the strong imprinting or bonding of birds such as goslings that results in their becoming so attached to the first moving object they see, that they will follow human caretakers around as though they were their parents. Birds also experience environmental imprinting. They will undergo strong bonding with the environment they grow up in and it becomes their "home". Pheasants hatched from eggs taken from the nests of wild birds can be raised indoors and they will become imprinted on and very accustomed to their indoor environment. Moving them to an outdoor run can require almost as big of an adjustment as moving wild trapped pheasants into an enclosure. Commercial strains of laying chickens are genetically selected for life in an indoor environment and upon hatching they become imprinted on an indoor environment. Their welfare needs must therefore be looked at from that perspective.

The proposal for outdoor access appears to be simply a marketing effort and should be dealt with as such. As I see it, the most pertinent reason proposed for providing outdoor access is to "answer consumer expectations of organic livestock management." Eggland's Best receives thousands of consumer inquiries each year, by E-mail, letters and phone calls. A significant portion of the calls relate to keeping hens in cages. It is rather uncommon for the issue of outdoor access to even be mentioned. As long as the hens are not in cages and can move around freely, consumers' welfare concerns are satisfied. The success of current cage-free (not free-range) organic products attests to consumer acceptability.

As you give a final review to this issue, please consider these thoughts and implement standards that are truly for the benefit of the laying hens and the organic egg industry, which in my estimation constitutes removing the requirement for outdoor access.

Sincerely,



Bart T. Slauch, PhD
Director of Quality Assurance



**EGGLAND'S
BEST**

EGGLAND'S BEST, INC.

842 First Avenue, King of Prussia, PA 19406-1404
Phone: 610-265-6500 • Fax: 610-265-8380

March 29, 2002

The National Organic Standards Board
c/o Katherine Benham
Room 4008 – South Building
1400 and Independence Avenue, S.W.
Washington, DC 20250-0001

Dear Board Members:

I have one more thought after sending my letter of comment in opposition to the "Draft Recommendation – Access to the Outdoors for Poultry".

The American Humane Association Welfare Standards for Chickens do not require outdoor access for laying hens in order to be classified as "free-farmed", which I feel adds credibility in support of not requiring outdoor access.

Sincerely,

Bart T. Slauch, PhD
Director of Quality Assurance

For deep litter systems, the use of perches above the litter floor can cause problems with litter management. The use of perches other than lighting rails or those provided on top of nest boxes is therefore not required. Where 'A' frames are used, the caretaker must ensure that litter is managed.

E27

There must be a gap of no less than 0.5m on either side of any perch to allow hens to grip the perches without risk of trapping their claws.

E28

Perches must be positioned to minimize dirtying of any hens below and, where possible, must be over a droppings pit.

Free-range



The AHA Welfare Standards for Laying Hens do not require that hens having access to range. Where range is provided, the following standards must be met.

E29

The outdoor area in free-range systems must:

1. be designed and managed in ways which ensure that the land around the house does not become damaged, contaminated, or sodden;
2. consist of pasture mainly covered by living vegetation.

E30

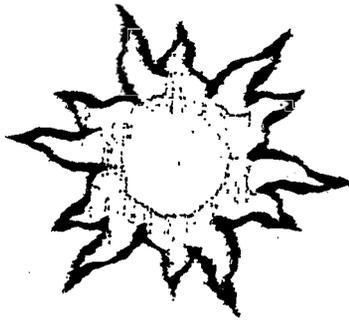
Hens kept in free-range systems must have sufficient exit areas appropriately distributed around the building to ensure that all hens have ready access to the range. Each exit area must allow the passage of more than one hen at a time.

E31

If the dust-bathing environment for free range hens is only provided outdoors, the hens must have access to this area for at least 4 hours every day. Outdoor dust-bathing environments must have a substrate suitable for the performance of dust-bathing behavior.

E32

In free-range systems, a cover of living vegetation should be maintained over the grazing area, with active management of damaged ground.



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March 26
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For more information, contact us at: info@freefarmed.org

You can also reach us at:

Farm Animal Services
236 Massachusetts Ave NE, #203
Washington, DC 20002
(202) 543-2335
(202) 546-3266 Fax

April 1, 2002

P.S. our Policy

no commercial feed company
or commercial egg processor
should own any production!
The farmer may buy feed and
sell product to processor, but
ownership needs to be in farmers
hands!! only!!

From: Small Farmer Produce
% Eldon T. Miller
5697 Eagle Ave SW
Kalona, Ia. 52247
Phone: 319-683-2206
Fax 319-683-2256

To: NOSB % Katherine Benham,

My attention has been drawn to the fact that
outdoor excess for chickens is coming up for comments.
I was at a meeting in Washington DC last fall at the time
of the Organic Food show and this subject was discussed.
Kelly Shea was chair person and she asked me to voice my
opinion then. This letter I got from Tom Hutchison
describes my views at the meeting and also all our Grower
Grower's opinion consisting of 36 members.

- | | | |
|------------------|-------------------|---------------|
| S Quane Miller | Wallace Bontrager | Cephas Yoder |
| Simon Miller | Clayton Bontrager | Lester Miller |
| Joni Miller | David Kauffman | Fred Mast |
| Cephas Kauffman | Mahon Mast | Dennis Miller |
| Ervin Miller | Quane Bontrager | David Miller |
| Al Bontrager | Rudy Bontrager | Toby Miller |
| Arne Miller | Laban Miller | Cliff Miller |
| Vernon Miller | Caron Miller | Eldon Miller |
| Lloyd Mast | Marlin Mast | |
| Ben Mast | Samuel Yoder | |
| Art Mast | Marcus Kauffman | |
| Alvin Graber | Abe Kauffman | |
| Melvin Yoder | Ben Ray Hengerich | |
| Verlyn Bontrager | Norman Jay Miller | |

35

Garden Valley Organic

From: Tom Hutcheson <thutcheson@ota.com>
To: <eagletop@discover-net.net>
Sent: Wednesday, March 27, 2002 6:51 AM
Subject: NOSB recommendation

Dear Tony,

Here's the words.

Yours,
Tom

NOSB ITEM FOR PUBLIC COMMENT

The National Organic Standards Board (NOSB) is seeking public comment on recommendations regarding access to the outdoors for poultry until April 1, 2002. With respect to receipt of comments by the NOSB during the comment period, the following provisions have been established to ensure that your comment has the greatest probability of being received and reviewed by the Board: **•Mail:** Persons may submit comments on listed Board recommendations by mail to: The National Organic Standards Board; c/o Katherine Benham; Room 4008 - South Building; 1400 and Independence Avenue, SW; Washington, D.C. 20250-0001.

- E-mail:** Comments may be sent via internet to respective Board committees by submitting an E-mail to Board committee E-mail accounts provided with each recommendation.
- Fax:** Comments may be submitted by fax to (202) 205-7808.
- Clearly indicate if you are for or against the Board recommendation or some part of it and why. Include recommended wording changes as appropriate.
- Include a copy of articles or other references that support your comments. Only relevant material should be submitted.

DRAFT RECOMMENDATION ACCESS TO THE OUTDOORS FOR POULTRY
NOSB LIVESTOCK COMMITTEE
DECEMBER 21, 2001
 The NOSB Livestock Committee submits this proposed wording as a clarification for poultry for the access to the outdoor requirement in the Final Rule (Section 205.239(a)(1)). The following addresses what we see as the intent and benefits of the access to the outdoor requirement and includes a recommended standard. **Intent:** The intent of requiring access to the outdoors is to ensure that the organic poultry farm plan provides for living conditions that allow and encourage poultry to be able to go outside of buildings to satisfy their natural behavior patterns, provide adequate exercise area, provide preventive health care benefits and answer consumer expectations of organic livestock management. The intent is to incorporate the management plan for outdoor access as a required part of the livestock organic system plan. Access to the outdoors fulfills an integral role in health care and living condition requirements in organic poultry production. Access to the outdoors represents the complex task of applying the organic principles to an organic poultry operation. The organic livestock plan will be different for each farm in fulfilling this standard and will take into consideration the difference in geographic regions, seasonal weather, farm layout, species and breeds. Access to the outdoors contributes to preventive health care management by enabling poultry to develop and reproduce under natural conditions that can reduce stress, strengthen immunity, and deter illness. Access to the outdoors affords poultry the freedom of choice



to satisfy natural behavior patterns such as availability to the soil, direct sunlight and increased exercise area. **Benefits:** Access to the outdoors provides many potential benefits to an organic poultry farm, including: Poultry health – Common benefits associated with access to outdoors are related to increased exercise with potential improved feet and leg strength, ability to perform natural behavior patterns and increased ventilation. Access to outdoors means exposure to direct sunlight. There are concerns with increased disease exposure for poultry but many organic poultry producers feel this is not the case and in fact feel there are health benefits. Consumer expectation – Public comment from the two proposed rules on national organic standards shows a clear expectation that consumers have for access to outdoors as part of humane management for organically raised livestock. **Recommended standard:** Access to outdoors for poultry Organically managed poultry must have access to outdoors during the months of the year when feasible. The producers's organic system plan must illustrate how the producer will maximize and encourage access to the outdoors. The producer of an organically managed poultry may, when justified in the organic system plan, provide temporary confinement because of:

- a. Inclement weather;
- b. The stage of production, up to 5 weeks of age;
- c. Conditions under which the health, safety, or well-being of the poultry could be jeopardized;
- d. Risk to soil or water quality. **Implementation issues:** The organic livestock farm plan must incorporate site-specific conditions, the uniqueness of each species, overall feed plan, environmental concerns, health concerns and other issues into the plan to satisfy the access to outdoors requirement. Site-specific conditions in organic poultry management include the area and make up of land available for access to outdoors and environmental concerns. This requirement means clearly that livestock must have the ability to choose to be in the housing or outside in the open air and direct sunshine. There must be the ability to go outside and this standard can not be satisfied by bringing the outdoors inside a building (sunlight through screens/windows, air transfer etc). The recommended standard provides several temporary exceptions to provide flexibility for the well being of the livestock and the environment. It is understood that in some cases short lived poultry such as broilers may spend their entire life inside due to inclement weather and concern for livestock well being. The requirement for access to outdoors is not based on the nutritional needs of poultry but rather on humane consideration and consumer perception. Providing nutrition from land as part of access to outdoors is an appropriate option as part of applying organic principles to the organic livestock plan but is not required. Environmental concerns are a major part of the organic livestock plan in satisfying this standard. Site-specific conditions and land use regulations will determine the land available to livestock and whether the land available is bare soil, lightly vegetated, or pasture. Livestock living conditions are a major factor in the organic livestock plan and would require that the 'outdoors' offered must satisfy these requirements. The Livestock Committee recommends that organic poultry production should satisfy the principles of organic agriculture adopted by the NOSB in October 2001. Organic poultry producers must document all applicable practices in the organic system plan. The organic system plan must demonstrate how access to the outdoors in an organic poultry operation enhances the well being of the livestock and the land on which they depend.



Meg Scott Phipps
Commissioner

Weldon B. Denny
Chief Deputy Commissioner

North Carolina
Department of Agriculture
and Consumer Services
Veterinary Division

David T. Marshall, DVM
State Veterinarian
Assistant Commissioner
of Animal Industry

(Handwritten initials)

(Handwritten initials)

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April 1, 2002

The National Organic Standards Board
c/o Katherine Besham
Room 4008 - South Building
1400 and Independence Ave., SW
Washington, DC 20250-0001

Dear Board Member:

I am writing in opposition to the "Draft Recommendation-Access to the Outdoors for Poultry" as proposed by the NOSB Livestock Committee.

While noble in its intent, this concept is ill conceived and not conducive to the mass rearing of poultry for human consumption. Modern poultry raising strategies for meat type birds more than satisfy a bird's innate requirements for access to fresh ventilation and sunshine, while doing so in an environment that promotes a quality finished product that is wholesome for the consumer.

My primary objection to the proposal is the threat that it will present to the overall health status of our nation's poultry industry. We are currently expending vast resources here in North Carolina battling an outbreak of low pathogenic Avian Influenza (AI) virus infection in our turkey and farm raised quail population. The states of Pennsylvania, Connecticut, Virginia, and Maine are also currently struggling with or have encountered their own bouts with this disease in the last four months. Poultry exports to the country of Japan are currently nationally embargoed; the economic viability of North Carolina's our \$2.4 billion poultry industry is being jeopardized.

Avian Influenza (AI) has the ability to mutate to a highly pathogenic form with extensive morbidity and mortality for avian species. It is currently endemic in the wild bird population, particularly waterfowl, and these are the same species that will commingle with free ranging birds raised in the type of environment you propose. In addition, the virus is circulating through the extensive New York and New Jersey live bird market system, many of whose source birds are raised in these open environment type operations. We also have extensive knowledge of circulating diseases of other types including Mycoplasma gallisepticum and Mycoplasma synoviae in our numerous "back yard" poultry populations. This type of proposed system negates the ability to prevent exposure to wildlife and conduct basic biosecurity protocols that are necessary for the bird's health.



Page 2
The National Organic Standards Board

I respectfully request that you reconsider this poorly conceived idea for the sake of the health of the birds and the poultry industry of our country. While the concept is probably idealistically appealing to someone with little or no experience in raising poultry, I do not think the resulting product of diseased birds of poor quality is what the organic consumers' desire. In addition, mass depopulation of infected flocks by government regulators because of infection with program diseases will not fare well for the growing organic industry.

can be reached at 919-733-5657 with questions.

Sincerely,



David T. Marshall, D.V.M.
State Veterinarian, Assistant Commissioner

DTM/sbb

c: Dr. JoAnna Quinn, NCDA&CS
Mr. Archie Hart, NCDA&CS
Mr. Bob Pike, Braswell Milling Co.
Mr. Kim Decker, NCDA&CS



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Dear NOSB,

I would like to take this opportunity to provide some very needed commentary about access to the outdoors for organic poultry. In my role as Pool Director for the Egg Pool at Organic Valley/CROPP Cooperative, I have the unique position to work with over 40 farm families that produce organic eggs as a major source of their family income. Our family farmers come from 4 states and have a total of 135,000 organic laying hens.

Our farmer pool has been active since 1994 and has always required access to the outdoors. We have a prescriptive requirement of 5 ft² per hen of outdoor access and require our farmers to provide 1.75 ft² per hen inside. We made these rules as a farmer group to insure that our hens had the best health and happy natural life as possible. In almost 10 years of organic production we have never had an incident of Avian Influenza (AI). Perhaps requiring outdoor access has the benefit of increased hen immunity.

Understand also, that the organic consumer expects organic poultry to have access to the outdoors. We cannot allow unsubstantiated fear of AI to influence a severe weakening of the intent of the proposed rule. In all these years and on all the different farms we have not experienced health problems or disease outbreak. This is a testament to the safety of requiring outdoor access, please do not allow fear to enter the equation.

The law requires that we “accommodate the health and natural behavior of animals, including: (1) access to the outdoors, shade, shelter, exercise areas, fresh air, and direct sunlight suitable to the species and the environment”. If the exception is made that organic poultry does not require access to the outdoors then we circumvent the spirit of organic farming. This will promote factory farming in the organic industry by allowing conventional chemical farmers to become organic farmers by simply changing the feed from conventional to organic. You will see organic egg farms with 50 houses on one farm feeding 8,000 hens per house because they will not have to put the birds outside. In addition to being inhumane, this will have serious repercussions on farmer pay price and the sustainability of family farms in the United States.

Please understand that our co-op has been successfully producing organic eggs for almost 10 years, all while requiring access to the outdoors for our birds. We must choose to do the right thing for family farmers and provide sustainability into the future.

Concerned,

Tedd Heilmann
Pool Director – Juice, Eggs, Meat, Produce
Organic Valley/CROPP Cooperative
La Farge, WI 54639

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Keating, Mark

From: JGWORD@aol.com%inter2 [JGWORD@aol.com] on behalf of JGWORD@aol.com
Sent: Thursday, April 11, 2002 6:19 PM
To: Keating, Mark
Subject: As discussed, USDA Organic Regulations

Mr. Mark Keating
U.S. Department of Agriculture

Thank you for your willingness to read the following.

Judith Greer

March 28, 2002

The Country Hen
P.O. Box 333
Hubbardston, MA 01452

Dear Egg Farmers,

I've enjoyed your eggs and appreciate the recent enclosure on whether to put hens outside. I'm quite sure you won't award me a trip to Canada for this response because I'm quite adamant on the subject and not at all in support of your thinking. I'll number my comments in order you requested them, as follows:

1. Chickens cannot defense themselves against predators
Haven't you heard of chicken coops? These would allow the chickens outdoor exposure without danger.
2. Weather
Put the coops under an overhang & have clear plastic sheets or other pull-downs that come down from the overhangs in inclement weather.
3. Disease from wild birds
Chicken coops and overhangs would protect.
4. Water pollution & devaluation of property
Other egg companies do sell eggs from free range hens. You should apply whatever principals they use. You could have an outdoor flooring that would protect the ground. Regarding property values, this should never be a basis for treating animals cruelly and making hens spend their lives indoors is cruel treatment.
5. Cost of additional land that would be required to accommodate hens
Your argument here is absurd. You quote textbooks written 77 and 63 years ago, respectively, that call for 100 birds to an acre to justify your giving those poor hens only 1.5 square feet of space each. Isn't there something in between? Land was more available in those days and concepts of land use were very different; even people don't live on as much land and in as large spaces now as they did back then.

If land is a problem, have fewer hens and charge more for the eggs and sell to gourmet and organic stores where consumers are more likely to pay more. I'd personally be willing to pay even \$15 or more for a dozen eggs to know the hens are treated humanely. Your profit margins are not an excuse for mistreating animals.

6. An armed border patrol would be needed to keep out predators

C'mon. An armed border patrol? Harry Winston doesn't even have this to guard their jewels. Surely, there's a more practical solution. Maybe locking outside access and putting some alarms or barbed wire around the chicken coops. And, yes, you could have a 24 hour security guard.

7. 1.5 square feet of space

This is horrifyingly little space. If this is six times the space conventionally given to each hen in cages, those that cage should be imprisoned for animal cruelty and you should at least be heavily fined.

If needed, consumers would pay additional for eggs that appear on the market as a result of costs associated with new accommodations for the hens. Just put a short notice on the egg boxes and, if need, distribute eggs to specialty shops where consumers look for higher quality products.

Thank you for your invitation to respond to these issues I intend to send a copy of this letter to the USDA.

Very truly yours,

Judith Greer
Jgword@aol.com
212 360 6208
65 E. 96 St., 8C
New York, NY 10128

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Poultry Science Dept.
North Carolina State University
P.O. Box 7608
Raleigh, NC 27695-7608
March 27, 2002

The National Organic Standards Board
c/o Katherine Benham
Room 4008 – South Building
1400 and Independence Avenue, SW
Washington, DC 20250

Dear Board Members,

I am writing this letter in response to the Board's request for comments on the "Draft Recommendation Access to the Outdoors for Poultry" by the NOSB Livestock Committee. I would like to express opposition to the recommended stipulations that the poultry must be "outdoors" to be considered organic poultry.

First I would like to give you some of my personal background. I am currently Professor and Poultry Extension Specialist Emeritus at North Carolina State University. I have been working with poultry since I was six years old and have over 45 years of experience that includes range reared poultry, commercial poultry and a 38 year long academic career in poultry management. While working as a Poultry Extension Specialist I have had the opportunity to work with a number of consumers and producers of organic eggs and meat. This technical help included nutrition, housing, strain evaluation, marketing and management

It is my understanding that the board's objectives in writing the recommendations for having poultry that are classified as organic being raised "outdoors" is to: 1) satisfy natural behavior, 2) provide adequate exercise area, 3) provide preventive health care benefits, 4) answer consumer expectations, and 5) consider environmental impact. I would like to take each of the five points and make comments to each as to their merits.

Behavior

I think one first has to realize that today's domestic chicken does not have the same behavior patterns as a jungle fowl from which the domestic chicken originated. One factor of natural behavior that does remain in today's domestic chickens is to seek the least threatening environment and that is usually something with a roof or extremely dense vegetation canopy. Today's chicken does usually seek an environment that is similar to one in which it is raised. When I was a boy and reared range layers, we had to train the chickens to go outside. We had to feed them outside to train them to be comfortable going outside. If we continued to feed them inside only a few would venture outside. A few years ago I had the opportunity to visit several broiler flocks in Kentucky that were being grown as organic broilers. All the houses had access to outdoors, but of

the five houses we visited none had birds that had ventured outside even though a special strain was being used that were bred to be “scavengers”. It is my view that a chicken’s natural behavior does not necessarily include the desire to be outside. What value is mandating that chickens be given access to the outdoors if it they do not feel comfortable in that situation.

Exercise

Being outdoors and exercising are not interdependent. Scientific evidence has shown that chickens given enough floor space and freedom of movement will have enough exercise to keep their bones and muscles healthy regardless of where they are. I am enclosing a reprint of research that demonstrates that adequate exercise occurs within a floor type poultry house to promote healthy skeleton and muscles of chickens (Anderson and Adams, 1994). I would also direct you to research reported by Rowland and Harms (Poultry Science 73:958-964).

Health and Welfare

It is implied in the committee’s report that health is improved for poultry when given access to “outdoors”. This not accurate. Some of the worse cases of internal and external parasites and coccidiosis I have seen have involved range-reared birds. If chickens are forced to live in a situation such as an “outdoor” environment, which they are not comfortable with the stress, actually could lower its immune system causing unnecessary health problems. Physical damage to chickens by varmints, cats, dogs etc is common for chickens in the “outdoors”. If one wants to see a sad situation one ought to experience a group of chickens after being mauled by dogs. Being “outdoors” does not necessary mean better living conditions. Modern ventilation, evaporative cooling and other modern management actually will result in better air temperature and air quality for the chickens than outdoors regardless of geographic area particularly in temperature extreme situations.

Consumer Expectations

It is mentioned in the committee recommendations that many comments from consumers prefer outdoors for chickens that produce organic products. The report also states that many people “feel” that chickens do better having accessed outdoors. Many consumers I have talked to change their thinking that outdoors has a good feeling after I explain the previous points I have made. They continue the desire to buy organic eggs that have a guarantee of products that are produced using organic feed ingredients, and free roaming chickens that floor housing provides. It is my opinion that suggestions for the organic poultry products should deal with the welfare of the chicken. Welfare can be evaluated on the basis of fact. When one begins to talk about feelings etc. then the situation is being evaluated on the basis of emotion and probably the perceived “right” of the chicken, which is theology, based. When one uses fact as basis the conventional floor system for poultry will provide excellent welfare for poultry.

Environmental Standards

The next to last paragraph of the committee's report mentions that being "outdoors" would have to satisfy environmental concerns, but has little specific information on how one would accomplish dealing with the high nutrient excreta of chickens in the outdoors. I would estimate that nearly 2 million chickens would have to be grown to satisfy the demand for organic eggs. This would mean that over 90,000 tons of chicken excreta would be exposed to the elements annually by chickens producing organic eggs. With no specific plans for use of the nutrient rich excreta to avoid nutrients from reaching streams and underground water this would be a serious pollution problem. In contrast standard floor systems contain the excreta away from the elements. Then when the poultry houses are cleaned out the nutrient rich litter can be recycled as crop fertilizer (and other uses) at agronomic rates and timing so that the nutrients are utilized by the crops and do not have the potential of polluting water. Regulations are already on the books to enforce this environmentally sound practice. Chickens raised "outdoors" do not generally fall under these regulations.

Summary

If one were to factually evaluate the merits of keeping today's domestic chicken in "outdoor" situations versus confinement that provides good welfare it is obvious that access to the outdoors is of little value to the chicken or the consumer of organic products. Thank you for the opportunity to make comments

Sincerely,



Thomas A. Carter
Professor Emeritus
North Carolina State University

04-08-02

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Dear NOSB,

My name is Larry Mikshowsky, I am a poultry farmer. I my wife Donna and our three children, have a flock of 2800 chickens. We are on our 3rd flock and have had no problems in farming them in a TRUE ORGANIC intent of farming. We strive to do our best. I feel you may very well be able to have outside access. I have used it for 3 years without any problems and all of the other farmers in our egg pool, with 7 years experience, have not had a problem with outside access. Lets define outside access, no ifs, ands, buts about it, outside access means the chickens have access to the outside, a pasture of 5 square feet per bird. You can write the law to say outside access but you need to define it. Don't leave a loop hole, don't lie, cheat, and misrepresent our public consumers. I and Donna both grow up on farms. Family farms have more value than any corporate farm could ever present. We need value in this country of the U.S.A.

Since 9-11-01 this country needs "Value". Leave your family farms survive, in return you will see all parts of our wonderful U.S.A. grow. You will create more revenue for towns, and small business', weather its machinery dealers, feed stores, grocery stores, ect.

It is a proven fact that if you own your own "Business" a family farm, you will strive to do your very best for quality.

Take the flip side of this, on the factory farm and you will have personnel that really don't care to be there some days. It's just a job, your a number, you get a check every week and go home.

Organic farming can be a true thing. The intent is to be honest, hardworking, and work the soil the way our previous generations did. Letting our animals graze pasture, be and do what they naturally do.

SINCERELY

Larry Mikshowsky

DEPARTMENT OF FOOD AND AGRICULTURE

1220 N Street, Room A-114
Sacramento, CA 95814
(916) 654-0881

March 29, 2002

(1PR1) 12:13PT



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National Organic Standards Board
C/O Katherine Benham
Room 4008 – South Building
1400 Independence Avenue, SW
Washington, DC 20250-0001

Dear Ms. Benham

I wish to submit comments concerning the *Draft Recommendation Access to the Outdoors for Poultry NOSB Livestock Committee, December 21, 2001*. The above-mentioned recommendation proposes to require access to outdoors in order to meet organic poultry certification standards. I wish to state my concern for this requirement since it does not consider the need for flexibility and professional assessment required to protect the health of poultry flocks in the United States. Although some organic poultry producers may use outdoor access, the committee recommendation is best considered an option rather than a requirement, as explained below.

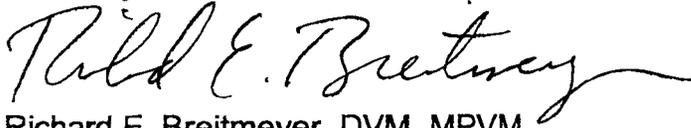
The central recommendation states, "The requirement for access is not based upon the nutritional needs of poultry, but rather on humane consideration and consumer perception". This central recommendation does not consider the complex interaction between flock health and environmental health, especially in poultry growing facilities situated between urban and rural environments. In 1994, *Salmonella enteritidis* (SE) Phage Type 4 was transmitted from human effluent to a poultry layer facility that included both caged birds and birds reared on dirt floors. Significantly, the highest prevalence of SE contaminated eggs were laid by layers raised on dirt floors (see attached reference) and was most likely due to the fecal contamination of feed bins by rodents and well as recycling of SE by the layers themselves. I have included the paper by Dr. Hailu Kinde, et al., from *Avian Diseases* for your review.

The draft recommendation also states that "many organic poultry producers feel" that there is no increased disease exposure by allowing outdoor access, the scientific basis for this feeling has not been satisfactorily presented by the committee. Interestingly, organic poultry standards in the European Union are based on standards pertaining to feed, not housing.

National Organic Standards Board
March 29, 2002
Page Two

Finally, the President's Food Safety Initiative has stated clearly that science-based decision-making is vital to the continuing safety and affordability of the nation's food supply. To do less, would be to undermine accepted national policy development standards.

Sincerely,

A handwritten signature in cursive script, reading "Richard E. Breitmeyer". The signature is written in black ink and includes a long, sweeping horizontal flourish at the end.

Richard E. Breitmeyer, DVM, MPVM
State Veterinarian and Director
Animal Health & Food Safety Services

DC:th

Attachment

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March 28, 2002

**U.S. Poultry & Egg
ASSOCIATION**

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President
Don Dalton
Tucker, GA

National Organic Standards Board
c/o Katherine Benham
U.S. Department of Agriculture
Agricultural Marketing Service
Room 4008, South Building
1400 and Independence Avenue, SW
Washington, DC 20250-0001

Dear Ms. Benham:

I appreciate the opportunity to comment on the Board recommendations associated with the outdoor requirement in the Final Rule §205.239(a)(1). To require that layers have access to the outside is not a sound idea for several reasons including predation from the air and on the ground, parasites and disease exposure.

My primary concern is about their exposure to avian influenza. The U.S. turkey industry didn't stop the annual introduction of avian influenza viruses in their flocks until they moved away from range-rearing to enclosed housing. The Canadian industry had the same experience. The avian influenza viruses are widespread in apparently healthy migratory waterfowl. As they migrate across the U.S. from the Canadian breeding areas, they excrete the viruses in their droppings which serves to infect unhoused domestic poultry. Some of these viruses are the H5 and H7 serotype which can become highly pathogenic to poultry causing catastrophic production and death losses, not to mention the cessation of exports. As an experienced avian influenza scientist, I would strongly urge that the outdoor requirement be deleted from your rule. It is definitely not in the best interest of the layers involved nor for the poultry industry as a whole.

Sincerely,



Charles W. Beard, D.V.M., Ph.D.
Vice President, Research and Technology
cbeard@poultryegg.org

CWB:eh

APR 12 12:52