

CENTER *for*  
RURAL AFFAIRS



BY ELECTRONIC MAIL

March 27, 2003

Mr. Barry L. Carpenter  
Deputy Administrator, Livestock and Seed Program  
Agricultural Marketing Service, USDA  
Room 2029 South Building  
1400 Independence Avenue SW  
Washington, DC 20250

We are writing in regard to the December 20, 2002 Notice published by the Livestock and Seed Program for U.S. Standards for Livestock and Meat Marketing Claims.

The Center for Rural Affairs is a private, non-profit organization incorporated under the laws of the State of Nebraska. The Center for Rural Affairs is located in Walthill, Nebraska, a farm trade and service center in northeast Nebraska with a population of 900. Founded in 1973, the Center for Rural Affairs is committed to building rural communities that stand for social justice, economic opportunity, and environmental stewardship. We encourage people to accept both personal and social responsibility for creating such communities. We provide opportunities for people to participate in decisions that shape the quality of their lives and the futures of their communities. The Center engages in research, education, advocacy, and service work to further this vision of rural America.

We commend the agency for seeking public comment before instituting process verification systems for these meat marketing claims and welcome this opportunity to inform you of our serious concerns. We strongly urge you to postpone finalizing the standards for the four meat marketing claims we address within our comments below, as we believe USDA needs to undertake a more extensive and inclusive process, allowing for input from a diverse group of farmers and ranchers, and agricultural, consumer, and environmental organizations to build consensus on new, uniform standards. We recommend that a substantially revised proposal then be re-issued for public comment.

We have reviewed the December 30, 2002 Federal Register Notice for "Standards for Livestock and Meat Marketing Claims," and we are deeply concerned the proposed standards, in their current form, for label claims related to antibiotics, hormones, grass-fed, and free-range will do nothing more than place small and mid-sized farmers and ranchers – who have pioneered the emerging markets these standards seek to define – at a huge disadvantage. These standards also stand to confuse and mislead the consumers who seek to purchase products that are produced and grown in a manner that is conducive to their views regarding humane treatment of animals and a healthy environment. The unintended consequences that could stem from the proposed standards in their current

form could very likely be that of compromising the integrity of the labeling system which will in turn diminish consumer confidence. Thus, snuffing out the hope these markets hold for key segments of agricultural.

We also believe that although participation under this verification process is voluntary, we expect that USDA, in setting minimum standards, will largely transform the marketplace and thus the actions taken by AMS will have far reaching implications for small and moderate-sized farms and ranches who have made their livelihoods on such claims, including young and beginning farmers and ranchers who we desperately need to attract to production agriculture.

The unintended harm that could be placed upon small and mid-size farmers and ranchers, including beginning farmers and ranchers, constitutes the basis for our comments that follow and justifies our request that you: 1) Withdraw the meat marketing standards for the four meat marketing claims we address within our comments; and 2) Postpone further action until there has been extensive discussions with affected parties.

Our comments regarding the specific proposal from the Federal Register Notice focus on the following four claims: Standards for Antibiotics Claims, Standards for Hormone Claims, Standards for Grass-fed Claims, and Standards for Free-range, Free-roaming and Pasture-raised Claims.

#### **Standards for Antibiotic Claims:**

- 1. We support the proposed claim for antibiotic use which states “No antibiotics used, or Raised without antibiotics.”***

Innovative farmers have responded to the weighty concerns surrounding production practices whereby antibiotics are added to animal feed for non-therapeutic purposes, i.e., to promote slightly faster growth and to prevent diseases that would otherwise result from the stressful, unsanitary conditions prevalent at large confinement operations. These innovative farmers have developed production systems that do not require the use of antibiotics for non-therapeutic purposes and are thus meeting consumer expectations by implementing a zero tolerance standard.

We support this firm standard because it upholds the integrity of the claim used to develop this niche market. We believe it will enable consumers to make informed decisions when purchasing such products and promotes the farmers and ranchers who do follow this strict standard.

- 2. We do not support and we strongly urge that the following claims be withdrawn:***
  - a. “No subtherapeutic antibiotics added” or, “Not fed antibiotics”***
  - b. “No detectable antibiotic residue”***

These claims stand to confuse farmers, ranchers and consumers alike as none of them are clearly defined. For example, the term subtherapeutic is not a widely-known term and is extremely technical in nature. The proposal does not demonstrate a clear understanding or definition of the application of antibiotics under this claim.

The same problem is indicative with the claim “Not fed antibiotics”. Neither of these claims clearly separates the differing methods of antibiotic application. For example, the method of application where livestock are given antibiotics as a means of disease “prevention” versus the method of application where livestock are given antibiotics as a means of disease “treatment”. Many of the farmers and ranchers we work with apply the “treatment” method of application should their livestock become ill and that is much different than the “prevention” method as described above. Ultimately, we also believe this term – “Not fed antibiotics” will confuse consumers and lead them to the impression that they have purchased a product that was “raised without antibiotics”.

The claim “No detectable antibiotic residue” does nothing to demonstrate to the consumer just exactly what this label means. We believe it will do nothing more than spread mass confusion about the nature of antibiotic use with livestock production and the threats that have been proven to exist, versus the mythical threats that are not based on sound science.

Consumers that desire to purchase products that have been raised in a manner they believe demonstrates respect for the animal and the environment will stand to be confused by such a labeling claim. It would allow large-scale industry to corner this value-added market that has been pioneered by the small and mid-size sustainable farmers and ranchers.

#### **Standards for Hormone Claims:**

- 1. We support the following claim “No supplemental hormones used, or Raised without supplemental hormones.”***

We support this claim because it also follows the strict nature of a zero tolerance and allows the consumer to make an informed purchasing decision. We believe this strict criteria will preserve the integrity of the claim and continue to strengthen the farmers and ranchers who adhere to such standards.

- 2. We strongly urge you to abandon the following claim: “No hormones administered during finishing.”***

This claim will only serve to jeopardize the integrity of the label because the use of supplemental hormones serve no other purpose than to increase the amount and rate of production. There are no necessary medical reasons for their use. The issue is whether or not the livestock were given hormones, not a matter of when they would have been given. Such a claim will do nothing more than confuse the consumer and ultimately

deflate consumer confidence. Therefore, this proposed claim should be withdrawn completely.

### **Standards for Grass-fed Claims:**

- 1. We strongly oppose the proposed claim for Grass-fed livestock which states, “Grass, green or range pasture, or forage shall be 80% or more of the primary energy source throughout the animal’s life cycle.”*

We urge that USDA verified “grass-fed” livestock adhere to a 100% grass, green or range pasture, or forage standard, which of course would constitute the phases of the animal’s life cycle between weaning and harvest. To do otherwise would jeopardize the integrity of the label and would fail to support the farmers and ranchers who have been raising livestock by following the 100% standard in order to market their value-added product.

This strict standard has been a very important marketing tool that has allowed the farmers and ranchers following it to capture a premium for their value-added product. Consumers have been willing to pay such a premium because the product meets their expectations. Any attempt to dilute this 100% standard would be a disservice to those farmers and ranchers who have carved out this value-added niche market, as well as to the consumers who desire to make informed purchasing decisions.

### **Standards for Free-range, Free-roaming and Pasture-raised Claims:**

We are concerned with the proposed standard regarding swine and how it fails to account for varying climate conditions and the production practices such climate conditions require. The claim, “Swine – Shall have continuous access to pasture for at least 80% of their production cycle. We believe this is problematic because it fails to account for weather conditions in colder climates. Therefore, we suggest the following substitute: “Swine – Shall have access to the outdoors at least 80% of the time throughout the life cycle of gestation and growing.”

Colder climates require more shelter in the winter months for the sows, litters and market hogs. In this instance, they continue to have access to harvested fields where they can root and forage, yet they have shelters they can retreat to in order to protect themselves from the elements. During the farrowing and nursing cycles in the winter, sows are kept indoors for approximately six weeks.

Regional climate differences require these additional production practices and to ignore them would be to exclude the many farmers who do follow strict free-range, free-roaming and pasture-raised criteria. Thus, providing consumers a value-added product that meets their requirements.

Thank you for the opportunity to provide comments and considering our views.

Sincerely,  
Traci Bruckner

Policy Analyst  
Center for Rural Affairs