

Robert Haddad - HSUS Comments to NCSB
May 2003 5

As we all know the NOP simply perceives organic agriculture as a marketing tool which seemingly is the root of all the problems the federal law faces. With that in mind, let's focus on fixing at least on main problem, outdoor access for poultry. We need to strengthen and clarify this important segment of the rule. It is time for the NOP to quit manipulating the intentions of the regulation to make it easier and less costly for corporate poultry interests to acquire the USDA organic seal.

Before you are proposed clarifications to assist you in strengthening the regulatory language and close the loopholes opened by the NOP's "statements of interpretation" announced after October 21, 2002. It is time to make outdoor access the major issue it is. Outdoor access must be part of the organic farm plan and implementation of these plans must be in place by the farmer prior to gaining organic certification. Any producers applying for certification and not providing the opportunity for outdoor access must not be granted certification or allowed to sell products as organic until access to the outdoors, following all the proper regulations are in place. Any producer already certified, who is not allowing the opportunity for outdoor access must be found in major noncompliance.

The issue of outdoor access has been attacked by corporate poultry interests. Claims of increased risks of disease prevalence as compared to confinement production have not been scientifically proven by research. In fact, the major outbreaks of Avian Influenza, Salmonella, and other pathogenic diseases have been highly associated within confinement production systems.

The issue of weather is also not a real threat to deny totally outdoor access for poultry. By allowing the opportunity for birds to go outdoors – on the ground not on porches or other artificial structures – is based on the bird's ability to determine their own comfort levels. Birds have been raised in this manner successfully from the Deep South to the far north. If producers are so concerned about weather conditions to deny outdoor access, then organic production is not an option. No one is forcing a producer to be organic.

Please take the recommendations before you seriously. This issue will not go away until it is solved satisfactorily. The integrity of organic agriculture depends on how this issue and others soon to follow are acted upon.

THE HUMANE SOCIETY OF THE UNITED STATES

OFFICERS

David O. Wiebers, M.D.
Chair of the Board
Anita W. Coupe, Esq.
Vice Chair
Amy Freeman Lee, LL.D.
Secretary
Paul G. Irwin
President, CEO
Andrew M. Rowan, Ph.D.
Senior Vice President/Chief of Staff
G. Thomas Westra III
Treasurer, CFO
Patricia A. Forkan
Executive Vice President
Roger A. Kindler, Esq.
Vice President/General Counsel

STAFF VICE PRESIDENTS

Martha C. Armstrong
*Senior Vice President
Companion Animals
and Equine Protection*
John W. Grancy, Ph.D.
*Senior Vice President
Wildlife Programs*
Wayne P. Gault
*Senior Vice President
Communications and
Government Affairs*
Michael C. Appleby, B.Sc., Ph.D.
*Farm Animals and
Sustainable Agriculture*
Katherine Benedict
*Administration, Information
Services, and Technology*
Richard M. Clugston, Ph.D.
Higher Education
Randall Lockwood, Ph.D.
Research and Educational Outreach
Steve Putnam
*Business Development
and Corporate Relations*
Robert G. Rupp, Ph.D., SPHR
Human Resources and Education
Melissa Seide Rubin, Esq.
Rare and Endangered Species
Martin L. Stephens, Ph.D.
Animal Research Issues
Pamela W. Swan, Jr.
Investigative Services
Gretchen Wyler
Hollywood Office

DIRECTORS

Patricia Maria Asp
Peter A. Bennett
Donald W. Casner, Ph.D.
Anita W. Coupe, Esq.
Judith Friedman
Alice R. Galley
David John J. Harad, Ph.D.
Jennifer Leasing, M.D.
Amy Freeman Lee, LL.D.
Franklin M. Loew, D.V.M.
Eugene W. Lorenz
Jack W. Lydman
William F. Mancuso
Patricia L. McDonnell
Judy J. Peil
Joe Ramsey, Esq.
Jenery O. Ross
James D. Ross, Esq.
Marilyn G. Sevier
Maurice F. Strong, P.C., C.C., LL.D.
John E. Tatt
David O. Wiebers, M.D.
Marilyn E. Wilhelm
K. Williams Weisman
John A. Hoyt
President Emeritus
Murdaugh Stuart Madden, Esq.
Vice President/Senior Counsel

NGO in genuine consultation with
the Economic and Social Council
of the United Nations

Printed on recycled paper

Proposed Clarification and Strengthening of Language for Access to Outdoors for Organic Poultry Production

Robert Hadad
Director of Farming Systems
Farm Animal & Sustainable Agriculture Section
The Humane Society of the United States
2100 L St. NW
Washington, DC 20037
301-258-3113
rhadad@hsus.org

NOSB recommends the following clarification to the final rule's requirement that poultry shall have access to outdoors:

1. **Organically managed poultry must have access to outdoors.** Outdoor access for poultry is a prerequisite for certification. As with organic crop production, there is no transition period allowed. The access to outdoors must be in place and operational prior to certification being authorized.
 - a. Organic livestock facilities shall give poultry the ability to choose to be in the housing or outside in the open air and direct sunshine.
 - b. Access to outdoors is dependent on the stage of maturity of the birds.
 - c. Birds will be kept in at night using methods that prevent attack by predators. Poultry in mobile pen systems already have this feature built in.
 - d. The area to be used for outdoor access must be managed in an environmentally sound manner. Management must take into consideration disease and parasite prevention and control.
 - e. The producer's organic system plan shall illustrate how the producer will maximize and encourage access to the outdoors and the management of the land that the poultry will use.
2. **Access must be to an outdoor vegetative or pasture/forage area and this vegetative system must be managed organically**
 - a. Bare surfaces other than soil (e.g. metal, concrete, wood) do not meet the intent of the rule.
 - b. Pasture is the preferred environment for outdoor access.

Promoting the protection of all animals

2100 L Street, NW, Washington, DC 20037 • 202-452-1100 • Fax: 202-778-6132 • www.hsus.org

regeneration and rotation must be in place and followed.

d. Density

i. **Maximum allowed outdoor density of free range birds** will be in the appropriate range from up to 4400 birds per acre (1 bird per 10 sq. ft.) down to 400 birds per acre (1 bird per 110 sq. ft.), or even less, if soil and environmental conditions are at risk. For instance, in a free range system that doesn't allow for rotation during the year, the density could not exceed 400 birds per acre. This is due to wear and tear on the pasture as well as disease and parasite load considerations, as well as individual nutrient load considerations. For a pasture-based system where rotation is provided on daily or every other day based on conditions of the pasture, then 4400 birds per acre would be the maximum. This must be clearly spelled out in the management plan and plainly seen in practice by the certifier upon inspection

ii. **Moveable Pens**

1. **Moveable pen production of poultry, such as pasture poultry cages** where the birds are enclosed except for access to a vegetative floor provides the necessary access to outdoors as required. Spacing for poultry within a movable pen system must be adequate as to not overcrowd or stress the birds. The minimum square footage of space per bird must be 3 square feet for full grown birds provided the pens are moved to fresh vegetation at least once a day. Space for growing birds may be adjusted *pro rata* according to their weight.

3. **Outdoor Access will be provided free-choice.** This means that outdoor areas will be set up for use by breeds of poultry that can take the rigors of an outdoor environment and depending on the weather, the birds can go in or out of the outdoor areas.

a. **Temporary Confinement.** The producer of organically managed poultry may, when justified in the organic system plan, provide temporary confinement because of:

- i. Inclement weather;
- ii. Conditions under which the health, safety, or well being of the poultry could be jeopardized; or
- iii. The stage of production, i.e. sufficient feathering to prevent health problems caused by outside exposure;
- iv. Risk to soil or water quality.
- v. These conditions are only allowed as temporary and must not exceed 5 days unless there is a natural disaster, state declared quarantine due to disease, or excessive weather conditions. In all cases, written exemptions must be given by the certification agency and are to be filed in the farmer's records.

4. Compliance. The issue of outdoor access is a very significant statute.

- a. Application for certification. A farm plan detailing outdoor access must be in place prior to inspection. Poultry must have access at the time of inspection and from then on forward. Organic certification will not be issued until these prerequisites are in place.
- b. Recertification of producers. Any producer already certified found not be giving birds outdoor access as required by the organic regulations or is found selling poultry products as organic certified without providing outdoor access will be cited for major noncompliance and certification will be withdrawn until problem is adequately adjusted. No products will be allowed to be sold as organic during the time of noncompliance.