

**FORMAL RECOMMENDATION BY THE
NATIONAL ORGANIC STANDARDS BOARD (NOSB)
TO THE NATIONAL ORGANIC PROGRAM (NOP)**

Date: 11/5/2009

Subject: Animal Welfare

Chair: Jeff Moyer

Recommendation

The NOSB hereby recommends to the NOP the following:

Rulemaking Action:	X
Guidance Statement:	_____
Other:	_____

Summary Statement of the Recommendation (including Recount of Vote):

This recommendation is to create more explicit rules for the care and handling of organic livestock, both mammalian and avian. The existing regulations have allowed for significantly differing interpretations; the Livestock Committee believes that augmenting the current regulations with the proposed recommendation will heighten animal welfare of organic livestock across the board such that there is a bright line between what is acceptable for certified organic production from other types of livestock rearing.

NOSB Vote: **Motion:** Hubert Karreman **Second:** Bea James

Board vote: Yes - 13 No- 0 Abstain- 0 Absent - 2

Summary Rationale Supporting Recommendation (including consistency with OFPA and NOP):

In 7USC6509, (section 2110), Animal Production Practices and Materials
(d) HEALTH CARE.

(2) STANDARDS.—The National Organic Standards Board shall recommend to the Secretary standards in addition to those in paragraph (1) for the care of livestock to ensure that such livestock is organically produced.

The Livestock Committee believes that sections 7CFR 205.238 and 205.239 are continually open to allow for continuous improvement in regards to the health and welfare of organic livestock.

Response by the NOP:

National Organic Standards Board

Livestock Committee

Recommendation
ANIMAL WELFARE
November 5, 2009

I. Introduction:

Animal welfare is a basic principle of organic production. The Livestock Committee of the NOSB considers that a focus on animal welfare warrants appropriate and effective regulation. From its conception, regulation in organic agriculture was intended to provide conditions that foster the natural behavior of livestock. Since research in organic animal production has increased considerably, it is now possible to obtain science-based evidence for justifying and supporting expanded regulation for improved animal management practices. With this proposal, which involves several terms defined and added language to **§205.238 Livestock health care practice standard** and **§205.239 Livestock living conditions**, the Livestock Committee intends to move closer to the goal of providing stricter definitions for animal welfare in certified organic operations.

II. Background:

The need for specificity regarding animal welfare has been considered by the Livestock Committee for considerable time. However, immediate priorities, such as material reviews, and lack of significant scientific data, had prevented the Committee from focusing on animal welfare from the perspective of the organic enterprise as a whole. Starting in 2007 and under the initiative of NOSB member Dr. Hubert J. Karreman, the Livestock Committee organized several conference calls with experts on animal welfare and conducted site inspections to farm operations. In addition, speakers were invited to the NOSB meetings of November, 2007 and a Discussion document on animal welfare was presented at the May 2009 meeting. The goal was simple: to raise awareness among Board members and the organic community for the need of improved regulation regarding animal welfare.

Livestock Committee members arrived at the conclusion that current livestock regulation lacked specificity, with the potential for creating confusion between producers, inspectors and certifiers. Further, it was considered that the imprecise language had created unintended production practices which restricted the welfare of animals to a considerable degree.

In completing the current proposal, the Livestock Committee carefully reviewed studies presented on animal welfare and considered existing legislation from other countries.

III. Relevant Areas in the Rule:

Those areas of the Rule which impact animal welfare include **§205.237 Livestock feed**, **§205.238 Livestock health care practice standard** and **§205.239 Livestock living conditions**. However, historical context relating to animal welfare and the intent of the Rule is best found in the testimony provided to the NOSB on November 28, 2007, by Kathleen Merrigan and William Lokeretz, both of Tufts University at that time. Dr. Merrigan reflected upon the time she had spent in helping write the Organic Foods Production Act as staff of the US Senate Committee on Agriculture, Nutrition and Forestry. The introduction to their presentation is reproduced here:

“The United States Congress foresaw the need to elaborate livestock standards in 1990 when it passed the Organic Foods Production Act. The report accompanying the Senate bill included the following statements anticipating additional standards and directing the NOSB to recommend additional standards to the Secretary.

More detailed standards are enumerated for crop production than for livestock production. This reflects the extent of knowledge and consensus on appropriate organic crop production methods and materials. With additional research and as more producers enter into organic livestock production, the Committee expects that USDA, with the assistance of the National Organic Standards Board will elaborate on livestock criteria. (Report, 292)

There are not many organic livestock producers at this time, perhaps as few as one hundred. A major reason is that few producers are willing to invest in raising animals organically since USDA explicitly

prohibits meat and poultry from being labeled as organically produced. There is also little consensus on appropriate livestock standards and thus State and private programs vary widely. (Report, 302)

The Board shall recommend livestock standards, in addition to those specified in this bill, to the Secretary. (Report, 303)²

Admittedly, these passages do not explicitly discuss health and welfare. Yet it was presumed that animal health and welfare would be encompassed whenever such standards were developed as one author of this paper can personally attest. As well, our records show, and many of you remember, the central role played by The Humane Society of the United States in advocating for passage of OFPA. This underscores our point that it was widely understood at the time that organic livestock production would eventually include standards requiring superior welfare for animals.

Animal health and welfare standards were also anticipated by USDA when it promulgated the National Organic Program Final Rule. The Preamble accompanying the NOP Final Rule describes several animal health and welfare practices, most of which have yet to be fully articulated by the program. According to the Description of Regulations, an organic livestock producer **must**:

- select species and types of livestock with regard to suitability for site-specific conditions and resistance to prevalent diseases and parasites
- provide a feed ration including vitamins, minerals, protein, and/or amino acids, energy sources, and, for ruminants, fiber.
- establish appropriate housing, pasture conditions and sanitation practices to minimize the occurrence and spread of diseases and parasites.
- maintain animals under conditions which provide for exercise, freedom of movement, and reduction of stress appropriate to the species.
- conduct all physical alterations to promote the animals' welfare and in a manner that minimizes stress and pain.
- establish and maintain livestock living conditions which accommodate the health and natural behavior of the livestock.
- provide access to the outdoors, shade, shelter, exercise areas, fresh air, and direct sunlight suitable to the species, its stage of production, the climate, and the environment.
- provide shelter designed to allow for the natural maintenance, comfort level, and opportunity to exercise appropriate to the species.

Furthermore, in sections relating to comments, the Preamble describes several issues that the Secretary understood would require elaboration in the short-term, but for which he had insufficient expertise to prescribe. In these cases, a central role for the NOSB is established, with the Board soliciting public comment, building consensus, and providing expert recommendations to USDA on animal health and welfare standards.

- (confinement) species-specific guidelines would be developed in conjunction with future NOSB recommendations and public comment.⁴
- We will seek additional input from the NOSB and public comment before developing such standards (on a specific length of time that cattle or other species may be confined prior to slaughter).⁵
- We anticipate that additional NOSB recommendations and public comment will be necessary for the development of space requirements.⁶
- The NOP will work with the NOSB to develop additional guidance for managing ruminant production operations.⁷
- We will continue to explore with the NOSB specific conditions under which certain species could be temporarily confined to enhance their well-being. ”

IV. Discussion:

The present recommendation was developed after careful analysis of research on animal welfare and the review of legislation already in place in other countries. In particular, the Canadian standards were considered closely, with attention also to the EU regulations. The approach not only allowed comparisons with organizations seen at the forefront of animal welfare, but provided greater equivalence and reciprocity with standards found in those countries. While the proposed changes might not provide for a comprehensive review in favor of animal welfare, the Livestock Committee considers these changes a significant first step.

V. Recommendation:

The language shown in the following pages is recommended for rulemaking.

§ 205.2 Terms defined.

Stock density. The number of animals on a given unit of land at any one time. This is traditionally a short-term measurement. This is very different from stocking rate which is a long term measurement of the whole pasture.

§ 205.238 Livestock health care practice standard.

(a) The producer must include in their organic system plan a list of practices or procedures designed to improve health care of the livestock operation, including:

(1) Selection of species and types of livestock with regard to suitability for site-specific conditions and resistance to prevalent diseases and parasites;

(2) Provision of a feed ration sufficient to meet nutritional requirements, including vitamins, minerals, protein and/or amino acids, fatty acids, energy sources, and fiber (ruminants), resulting in appropriate body condition;

(3) Establishment of appropriate housing, pasture conditions, and sanitation practices to minimize indoor crowding and the occurrence and spread of diseases and parasites;

(4) Provision of conditions which allow for exercise, freedom of movement, and reduction of stress appropriate to the species;

(5) All surgical procedures shall be undertaken in a manner that employs best management practices in order to minimize pain, stress and suffering, with the use of anesthetics, analgesics and sedatives

(6) Performance of physical alterations as needed to promote the animal's welfare and in a manner that minimizes pain and stress. Physical alterations when absolutely necessary to improve the health, welfare or hygiene of animals, or for identification or safety reasons (including but not limited to: beak tipping, sheep tail docking, pig teeth trimming, castration [including banding], branding, ear tagging and dehorning) shall be performed at the youngest age possible and by competent persons. Written standard operating procedures shall be created with the farm veterinarian and be available for audit. Each physical alteration shall be recorded in individual (or flock) animal health records with dates, reasons the physical alteration is needed and methods of alteration used.

(i) De-beaking and de-toeing of birds is prohibited

(ii) Tail docking of pigs is prohibited except when necessary for veterinary treatment of injured animals

(iii) Tail docking of cattle is prohibited except when necessary for veterinary treatment of injured animals.

(iv) Tail docking of sheep less than 3 inches is prohibited.

(v) Mulesing of sheep is prohibited

(7) Administration of vaccines and other veterinary biologics

(8) Monitoring of lameness and keeping records of the percent of the herd or flock suffering from lameness and the causes.

(b). When preventive practices and veterinary biologics are inadequate to prevent sickness, the provision of prompt treatment for animals with detectable disease, lesions, lameness, injury and other physical ailments shall be instituted. .

(1) Phytotherapeutic (i.e. herbal or botanical substances), homeopathic or similar products are encouraged to be used in preference to chemical allopathic veterinary drugs, provided that their therapeutic effect, for the condition which the treatment is intended, is improving.

(2) If the use of phytotherapeutic, homeopathic or similar products are not promptly alleviating illness or injury, synthetic medications may be administered: Provided, That, such medications are allowed under §205.603.

(3) Organic livestock operations shall have a comprehensive plan to minimize internal parasite problems in livestock. The plan will include preventive measures such as pasture management, fecal monitoring, and emergency measures in the event of a parasite outbreak. Parasite control plans shall be approved by the certification body. Parasiticides allowed under §205.603 may be used on:

- (i) Breeder stock, when used prior to the last third of gestation but not during lactation for progeny that are to be sold, labeled, or represented as organically produced; and
- (ii) Dairy stock, when used a minimum of 90 days prior to the production of milk or milk products that are to be sold, labeled, or represented as organic.

(c) The producer of an organic livestock operation must not:

(1) Sell, label, or represent as organic any animal or edible product derived from any animal treated with antibiotics, any substance that contains a synthetic substance not allowed under §205.603, or any substance that contains a nonsynthetic substance prohibited in §205.604. Milk from animals undergoing treatment with prohibited substances cannot be sold as organic or fed to organic livestock. Milk from animals undergoing treatment with substances having withholding time cannot be sold as organic or fed to organic livestock during the withholding time.

(2) Administer any animal drug in the absence of illness; with the exception of vaccinations and other veterinary biologics, and anesthetics, analgesics and sedatives used in surgical procedures;

(3) Administer hormones to for growth promotion or production;

(4) Administer synthetic parasiticides on a routine basis;

(5) Administer synthetic parasiticides to slaughter stock;

(6) Administer animal drugs in violation of the Federal Food, Drug, and Cosmetic Act; or

(7) Withhold medical treatment from a sick animal in an effort to preserve its organic status. All appropriate medications must be used to restore an animal to health when methods acceptable to organic production fail. Livestock treated with a prohibited substance must be clearly identified and shall not be sold, labeled, or represented as organically produced.

(8) Withhold individual treatment designed to minimize pain and suffering for injured, diseased or sick animals, which may include forms of euthanasia as recommended by the American Veterinary Medical Association.

(9) Neglect to identify and record treatment of sick and injured animals in animal health records.

(10) Practice forced molting or withdrawal of feed to induce molting.

(d) Organic livestock producers must provide their certifier with the following lists each year:

(1) all animals on the operation during the current year, including a separate list of all purchased animals

(2) all animals that have left the operation during the past year, and the reason for their departure

(3) all animals that have had a health issue, including hoof care, and the treatment(s) the animal received.

§ 205.239 Livestock living conditions. (Mammal section)

- (a) The producer of an organic livestock operation must establish and maintain livestock living conditions which accommodate the health and natural behavior of animals, including:
 - (1) Access to the outdoors, shade, shelter, (pasture, pending), exercise areas, fresh air and natural daylight suitable to the species, its stage of production, the climate and the environment;
 - (2) Access to pasture for ruminants.
 - (3) Animals must be kept clean during all stages of life, with the use of clean, dry bedding when necessary;
 - (i) Buildings shall have areas for bedding and resting that are sufficiently large, solidly built, and comfortable so that animals are kept clean, dry, and free of lesions.
 - (ii) If the bedding is an agricultural product (straw, cornstalks, fodder, weeds, etc.), it must comply with the feed requirements of §205.237;
 - (4) Exercise areas for swine shall permit rooting.
- (b) Shelter designed to allow for:
 - (1) Natural maintenance, comfort behaviors, and opportunity to exercise;
 - (i) Sufficient space and freedom to lie down in full lateral recumbence, turn around, stand up, fully stretch their limbs without touching other animals or the sides of the enclosure, and express normal patterns of behavior;
 - (ii) Production techniques that foster the long-term health of livestock, including the ability of all animals in a group to eat at the same time, and to have fresh water available at all times;
 - (iii) Livestock housing shall have non-slip floors, and the floor shall be primarily of non-slatted or non-grid construction.
 - (2) Housing, pens, runs, equipment and utensils shall be properly cleaned and disinfected as needed with approved materials in accordance with 205.603 and 205.604 to prevent cross infection and build-up of disease-carrying organisms.
 - (3) Calves may be housed in individual pens under the following conditions:
 - (i) Until weaning, providing that they have enough room to turn around, lie down, stretch out when lying down, get up, rest and groom themselves; individual calf pens shall be designed and located so that each calf can see, smell and hear other calves.
 - (ii) Calves shall be group-housed after weaning during the non-grazing season, and on pasture after six months of age during the grazing season.
 - (iii) Calves over six months of age shall have access to the outdoors at all times, except as allowed under 205.239(c).
 - (4) The mandatory group housing for swine, except:
 - (i) Sows may be housed individually at farrowing and during the suckling period;
 - (ii) Boars.
 - (5) Piglets shall not be kept on flat decks or in piglet cages.
 - (6) Temperature level, ventilation, and air circulation suitable to the species; and
 - (7) Reduction of potential for livestock injury.
- (c) The producer of an organic livestock operation may provide temporary confinement for an animal for the following reasons. Temporary confinement may last no longer than necessary to safely perform the procedure or address the condition:
 - (1) Milking, shearing, breeding, hoof trimming, birthing, health care procedures and recuperation from illness;
 - (2) Dangerous weather;

(3) Conditions under which the health, safety, or well being of the animal could be jeopardized;

(4) Risk to soil, water, or plants.

(5) During the non-grazing season or during times of temporary confinement, the following stocking rates shall be provided:

(i) In loose housing (bedding packs, dry lots, cover-alls, etc.):

Livestock	Indoor Space	Outdoor Runs and Pens
Adult cows		
Calves		
Sheep and goats		
Sows and piglets (up to 40 days' old)		
Growing pigs		
Sows in group pens		
Boars in individual pens		
Laying hens		
Broilers		
Turkeys, geese and large birds		
Mobile poultry units (moved daily) Laying hens Broilers Turkeys Ducks Geese		
Young rabbits		
Doe rabbits		

(ii) In confined housing (free stalls, tie stalls, etc.) at least one stall must be provided for each animal in the facility at any given time, except that:

(A) The confinement of animals in cages is not permitted under any circumstance.

§ 205.239 Livestock living conditions. (Avian section)

(d) The operator of an organic poultry operation shall establish and maintain poultry living conditions that accommodate the health and natural behavior:

(1) Access to:

(i) materials for dust bathing

(ii) adequate floor space areas, and outdoor run areas to escape from predators and aggressive behavior

(iii) perches must be provided for all laying hens at not less than 6" per hen. Perch area can include the alighting rail immediately in front of nest boxes. Multi-tier operations are required to provide perch space for 55% of birds at one time.

(2) Access to the outdoors, shade, shelter, exercise areas, fresh air and direct sunlight suitable to the age of the poultry, climate and the environment.

(3) Ventilation must be adequate to prevent buildup of ammonia. Ammonia levels of 10 ppm are considered acceptable while 25 ppm is considered to be high.

(4) For layers and mature birds, artificial light may be used to prolong the day length up to 16 hours. Light intensity should be lowered gradually to encourage hens to move to perches or settle for the night. Natural light should be sufficient indoors on sunny days so that inspector can read/write when lights are turned off.

(e) Suitable Flooring

(1) Mesh or slatted flooring under drinking areas to provide drainage;

(2) Houses with slatted floors must have 30% minimum of solid floor area available with sufficient litter available for dust baths;

(3) Litter must be provided and maintained in a dry manner.

(f) Birds must have sufficient exit areas, appropriately distributed around the building, to ensure that all birds have ready access to the outdoors. Exit areas must allow the passage of more than one bird at a time.

(g) Complete clean out of a poultry house is required if there have been adverse health issues with the previous flock; otherwise litter should be refurbished between flocks to maintain a sanitary environment.

(h) Space Allowance

Poultry housing must be sufficiently spacious to allow all birds to move freely, stretch their wings and engage in natural behaviors. Perching areas and nest boxes may not be used in the calculation of floor space. Slatted/grated floors may be considered floor space.

	Pullets	Layers	Broilers	Turkeys/ Large Birds
Permanent Houses				
Indoor Floor Space				
Outdoor runs (associated with permanent house)				
Perch Space				
Mobile Pens (without free range access to pasture)				
Structure Area				

(i) Access to Outdoors

(1) Outside access and door spacing must be designed to promote and encourage outside access for all birds on a daily basis, weather permitting. Producers must provide access to the outdoors at an early age in order encourage (train) birds to go outdoors.

Pullets must be provided with outside access from the age of 6 weeks providing they are fully feathered and weather permits. Broilers must be provided with outside access from the age of 4 weeks providing they are fully feathered and weather permits.

Once layers are accustomed to going outdoors, a brief confinement period to allow for nest box training is permitted.

(2) Birds may not be confined to the house due to a “threat” of an outbreak of disease. There must be a documented occurrence of an outbreak in the region or relevant migratory pathway, or state or federal advisory in order to confine birds.

(3) Producers must maintain records documenting periods of confinement. Producers must identify in the OSP how they plan to protect birds from disease and predators.

(4) For pasture based systems birds must be provided with access to a variety of vegetation. Management of pasture areas must be in compliance with §205.203 – §205.206. Birds must be protected from natural predators.

(j) Health Care – specific to avian species

(1) All requirements of the National Organic Program §205.238 Livestock health care practices must be met.

(2) Minimal beak trimming is allowed for protection of the flock and must be done in a manner that minimizes pain and stress, no later than 10 days old. Debeaking (severe beak trimming) is prohibited.

(3) Toe clipping or other surgical alterations are prohibited.

(4) Withdrawal of feed to induce molting is prohibited.

(k) Euthanasia

(1) Producers must have plan for prompt humane euthanasia for sick or injured birds.

(2) The following methods of euthanasia are permitted¹:

- (i) Hand held electrical or percussive stunning followed by neck cutting;
- (ii) Cervical dislocation must involve stretching the neck to sever the spinal cord and cause extensive damage to the major blood vessels.
- (iii) Carbon dioxide or a mixture of nitrogen and argon gases, delivered in an appropriate container at acceptable concentrations.
- (iv) Decapitation

(l) The following methods of euthanasia are not permitted²

(1) Suffocation

(2) Blow to the head by blunt instrument

(3) Equipment that crushes the neck including killing pliers or burdizzo clamps³

¹ Based on American Veterinary Medical Association guidelines.

² Animal Welfare Approved, 3.2

³ Humane Farm Animal, H. 13.c

(m) Carcass Disposal

Carcass disposal, whether from daily mortality or emergency euthanasia, must be promptly addressed, both to reduce the incidence of disease transmission, and to avoid degradation of soil and water.

Following a euthanasia procedure, birds must be carefully examined to ensure that they are dead. Producers must maintain carcass disposal records to include flock identification, type of euthanasia, where disposed of.

Carcass disposal can be either on or off the farm, but must be in accordance with state and local laws. If disposed of on farm, process must not degrade soil and water quality. On farm composting of carcasses is permitted. Incineration of carcasses is permitted.

(n) The producer of an organic livestock operation must manage manure in a manner that does not contribute to contamination of crops, soil, or water by plant nutrients, heavy metals, or pathogenic organisms and optimizes recycling of nutrients.

VI. Committee Vote:

Motion: Dan Giacomini

Second: Tina Ellor

Yes: 6

No:

Abstain: 0

Absent: 0