

Agricultural Marketing Service (AMS) National Organic Program (NOP)
Organic Livestock and Poultry Production Proposed Rule
Open Public Call

Good Morning! Thank you for joining me on this call today. I am Miles McEvoy, Deputy Administrator for the National Organic Program, part of the US Department of Agriculture's Agricultural Marketing Service, or AMS.

The National Organic Program's mission is to establish and enforce clear standards that protect the integrity of the USDA organic seal. Clear organic standards are essential to ensuring consumer confidence in the organic market. In 2014, that market was worth over \$39 billion in the U.S. alone.

Today, I want to talk about a new proposed rule on organic livestock and poultry practices.

This proposed rule will clarify standards for organic livestock and poultry production. This will support the continued growth in the organic livestock and poultry sectors, and ensure consumer confidence in the organic label.

On this call, I'll summarize the factors that shaped the development of the rule, highlight some of the specific requirements of the rule, and share how to provide comments to AMS.

A number of factors prompted AMS to develop the proposed rule:

In the Organic Foods Production Act of 1990, the law that authorized the organic program, Congress called for USDA to develop detailed regulations, with notice and public comment, to guide organic livestock standards. Further, the final rule that established the USDA organic regulations stated that USDA would work with the National Organic Standards Board, or NOSB, and the public to develop species-specific guidelines and space requirements for organic animals.

The NOSB is a citizen advisory committee that advises the USDA. The NOSB has 15 volunteer members who represent the entire organic sector, including farmers and producers, handlers and processors, consumer representatives, retailers, environmental specialists and natural resource conservationists, a certifying agent representative, and a scientist.

In 2011, the NOSB completed a series of recommendations stating that USDA should expand and clarify existing animal welfare provisions in the organic livestock and poultry standards.

The NOSB has urged the USDA to complete rulemaking that better aligns organic livestock and poultry standards with consumer expectations, especially regarding outdoor access for poultry.

In addition, a 2010 report from the USDA Office of the Inspector General recommended that USDA issue guidance to clarify the requirements regarding outdoor access for poultry.

The USDA has also received significant stakeholder input, mainly through public comments to the NOSB. This feedback indicates that most organic stakeholders strongly support rulemaking to better align organic livestock and poultry practices with consumer expectations, especially regarding outdoor access for poultry.

The proposed rule aligns closely with the NOSB's recommendations, which were based on years of robust public comment, and is also consistent with feedback from many stakeholders.

The proposed rule was written with two primary goals – one, to ensure that organic farms and businesses are consistently applying organic regulations for livestock and poultry operations; and two, to maintain consumer confidence in organically-labeled products.

Let's get into the details about what is in the proposed rule.

The current organic livestock standards include five sections – Origin of livestock, livestock feed, livestock health care practice standards, livestock living conditions and pasture practice standards.

The proposed rule would

- add new definitions to the USDA organic regulations,
- amend the livestock health care practice standards,
- amend the livestock living conditions to cover mammals only,
- and add two new sections –
 - one on poultry living conditions,
 - and another on transport and slaughter.
- There are no proposed changes to the other organic livestock provisions - origin of livestock, livestock feed, or the pasture practice standards. AMS is working on a final rule on the origin of livestock section through a separate rule making action.

There are 19 new **definitions** that specify types of physical alterations as well as poultry housing types. These definitions are important to clarifying the organic requirements.

The **current livestock health care practices** allow physical alterations as needed to promote the animal's welfare and in a manner that minimizes pain and stress.

AMS is proposing, as per the NOSB recommendations, to specifically prohibit some types of physical alterations such as de-beaking and tail docking. Some physical alterations are restricted, such as beak-trimming for poultry, which is only allowed up to 10 days of age.

Also in the health care practices section, fresh air and ventilation must be adequate to prevent a buildup of ammonia in poultry houses. When ammonia levels exceed 10 parts per million (ppm), producers must implement additional practices to reduce ammonia levels below 10 ppm. Ammonia levels must not exceed 25 ppm.

The proposed rule includes changes to livestock living conditions.

For all livestock, including poultry, animals must be provided sufficient space and freedom to fully lie down, turn around, and stand up when they are indoors. All animals must be able to fully stretch their limbs without touching other animals or the sides of the enclosure, and express normal patterns of behavior.

The proposed rule sets separate standards for mammalian and avian living conditions. Separate standards for mammals and poultry will better reflect the needs and behaviors of the different species in line with the NOSB recommendations.

Revisions to the **mammalian living conditions** section are relatively minor because this section was addressed thoroughly in 2010 as part of the Pasture rule, which requires all ruminant livestock to be pasture based, grazing on pasture to receive a significant amount of their feed.

For swine, group housing would be required, except for boars. All exercise areas for swine, whether indoors or outdoors, must permit rooting, which is an important natural behavior for swine. Sows may be housed individually at farrowing and during the suckling period, and piglets shall not be kept on flat decks or in piglet cages.

The proposed rule also includes changes to poultry living conditions.

For organic poultry, the proposed rule would establish minimum indoor and outdoor space requirements. It also requires that poultry have year-round outdoor access to an area that is at least 50% soil cover, that allows them to carry out natural behaviors, such as dust bathing.

Outdoor areas must provide clean water for drinking, direct access to sunlight and shade, and adequate space to escape from predators.

Outside access and door spacing must be designed to promote and encourage all birds to go outside on a daily basis. Producers must provide access to the outdoors at an early age to encourage birds to go outdoors. Outdoor areas must have suitable enrichment to entice birds to go outside.

Poultry houses must have a sufficient number of exits that are wide enough to allow more than one bird at a time to get through the exits. All of the birds in a poultry house must be able to access the outdoors within a single hour.

Roofed areas that are attached to a poultry house are not considered outdoor areas. This was done to ensure that porches and similar structures are not construed as outdoor space. Areas under portable or permanent shade structures that are not attached to the poultry barn are considered outdoors.

Natural light must be sufficient inside poultry houses on sunny days. One way to judge this is that an organic inspector can still read and write, even when all lights are turned off. For layers and mature birds, artificial light may be used to prolong the day length up to a total of 16 hours.

Houses with slatted or mesh floors must provide at least 30 percent solid flooring in a poultry house. This must include sufficient litter available for dust baths so that birds may freely dust bathe without crowding. Litter must be provided and maintained in a dry condition. For birds that perch, six inches of perch space must be provided per bird.

The organic poultry portions of the proposed rule align closely with the NOSB's unanimous recommendations. There are two areas in which the proposed rule provides additional flexibility to organic poultry producers:

First, the proposed indoor stocking densities for layers allow a maximum of 2.25 to 4.5 pounds of hen per square foot of indoor space, depending on the housing type. The NOSB recommended 2 square feet per bird, which is equivalent to 2.25 pounds of hen per square foot.

The levels AMS is proposing will accommodate the variability in bird species and sizes, and are consistent with standards established by third-party animal welfare certification programs such as Certified Humane and Animal Welfare Approved. Those standards were established by their scientific committees.

Second, the proposed rule requires that the outdoor areas be at least 50 percent soil-based, and that they have enrichment in the outdoor area to encourage birds to use the space. The NOSB recommended 50 percent vegetative cover for outdoor areas for poultry. AMS is proposing that the 50 percent soil cover and enrichment requirements meet the NOSB objective of poultry utilizing the outdoor space, while recognizing the wide range of site-specific conditions in different ecosystems.

The outdoor space requirements for layers is 2.25 pounds of hen per square foot, which is equivalent to the NOSB recommendation of 2 square feet per bird.

Now, I'll discuss the importance of biosecurity in organic poultry operations.

Effective biosecurity measures are essential, whether birds are raised in indoor or outdoor production systems. And, all producers have an interest in protecting their animals' health, safety and well-being.

The USDA organic regulations allow producers to temporarily deny animals' access to the outdoors for several specific and justified reasons. If temporary confinement of birds is needed to protect the health, safety, and welfare of organic flocks, then producers and certifiers work together to determine an appropriate method and duration of confinement of organic poultry flocks. An agreed-upon confinement period would not result in the loss of organic certification.

This allowance for temporary confinement would not be affected by the proposed rule. If there is an active disease outbreak, USDA would continue to notify organic certifiers and producers. Our notifications reaffirm the allowance for temporary confinement, and refer to the appropriate resources from the Animal and Plant Health Inspection Service.

For example, the Agricultural Marketing Service issued such guidance in 2015 following the highly-pathogenic avian influenza outbreak. The USDA organic regulations also allow other mitigation techniques, including the depopulation of infected flocks.

The USDA organic regulations also require preventative health care practices including: the use of vaccines, nonlethal physical barriers like netting or electric fencing, management practices such as guard animals, and hunting or trapping.

Organic producers must comply with all Federal regulations, including those related to animal health and food safety. For example, organic producers must comply with FDA regulations, using industry guidance, to prevent *Salmonella enteritidis* in shell eggs.

The proposed rule maintains all of these elements. Further, the Animal and Plant Health Inspection Service, APHIS, reviewed the proposed rule and determined that it would not negatively impact biosecurity efforts.

So let's move on to the transport and slaughter section.

All producers and handlers of livestock are required to maintain organic integrity and provide for animal welfare throughout an animal's life, including during transportation and slaughter. The proposed rule adds specific requirements to ensure that all livestock are fit and well enough for transport to auction or slaughter facilities. Sick, injured, weak, disabled, blind or lame animals must not be transported for sale or slaughter.

Livestock trailers must be adequate with season-appropriate ventilation to protect against the stress of cold and heat. In addition, bedding must be provided on trailer floors and holding pens to keep livestock clean, dry and comfortable. Water and organic feed must be provided if transportation and holding times exceeds twelve hours.

Operations must comply with the Twenty-Eight Hour Law and its implementing regulations for transportation and holding. Depending on the species, organic producers and handlers must comply with the Federal Meat Inspection Act (FMIA), Poultry Products Inspection Act (PPIA), and the USDA Food Safety and Inspection Service (FSIS) requirements for slaughter for livestock, poultry, and exotic animals, respectively.

The producer or handler must also provide any and all relevant non-compliant records and subsequent corrective actions related to livestock transport and slaughter during the annual organic inspection.

Moving on now to the proposed implementation schedule.

Within one year of publication of a final rule, all provisions must be implemented, except for outdoor space requirements for poultry.

Within three years of publication of a final rule, any new poultry operations and any new poultry houses must comply with outdoor space requirements, before they can obtain organic certification.

Within five years of publication of a final rule, all certified organic poultry operations must comply with outdoor access requirements.

We understand that some organic poultry producers may need to purchase and transition additional land to organic production, and modify existing poultry structures to comply with the proposed rule.

The proposed changes will promote consistency among organic certifying agents by clarifying how organic livestock and poultry are to be produced and handled. Because different livestock and poultry management systems have different costs, particularly those with significantly different levels of outdoor access, stakeholders have expressed concern that the current inconsistencies create an uneven playing field for organic livestock and poultry producers.

These modifications will support the continued expansion of the organic livestock and poultry industry, while increasing organic integrity, and meeting consumer expectations.

In closing, I would like to summarize the goal of this proposed rule and review next steps.

USDA strongly supports organic agriculture, and is committed to establishing a level playing field that protects all organic farms and businesses. By setting specific requirements for livestock and poultry production, transport, and slaughter practices, this proposed rule will assure consumers that organically produced products meet a consistent standard.

Public participation and comments are vital to AMS, and we encourage all members of the public to take part in formal comment opportunities. The comment period will open on the date the rule is officially published in the federal register and will be open for 60 days.

AMS will be holding a webinar providing an overview of the proposed rule provisions for the public at 2:30 pm Eastern Daylight Time on April 15, 2016.

The proposed rule is now available on the AMS website and an Insider will be sent with a link shortly.

Thank you for your time.