



260 SW Madison Ave. Ste 106 | Corvallis, OR 97333 | www.tilth.org | PH 503.378.0690 | FX 541.753.4924 | organic@tilth.org

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Patricia Atkins
National Organic Standards Board
National Organic Program,
USDA-AMS-NOP
1400 Independence Ave., SW.,
Room 2646 So., Ag Stop 0268
Washington, DC 20250-0268

Via www.regulations.gov

RE: NOSB Livestock Committee Recommendation on Animal Welfare and Combined Proposed Animal Welfare

Oregon Tilth would like to thank the Livestock Committee for the ability to comment on the Animal Welfare and Combined Proposed Animal welfare document.

While Oregon Tilth generally supports the intention of the recommendation, we are concerned that the addition of strict definitions does not take into account the unique challenges of each farming operation. To get a producer perspective, all Oregon Tilth livestock producers and handlers were notified of these proposals, however due to the quick deadline for comment submission many were unable to comment. Due to far reaching effects of this proposal we request that it is not presented to the NOP for further rulemaking at this National Organic Standards Board Meeting, but is discussed and presented after further deliberation.

In summary our comments are:

- Definition of outdoor access and access to outdoors is confusing and contradictory, specific examples below
- Indoor stocking density needs reworking due to conflicting language
- Mobile poultry housing requirements do not support mobile poultry housing due to indoor space requirements

Specific issues below:

The definition of Outdoor Access and Access to the Outdoors

The discussion section states that this proposal sought to clearly define what constitutes outdoor access and outdoor access areas. While the proposal included a definition of “Outdoor Access” and “Access to the Outdoors”, however there are statements within §205.239 that do not support or agree with the definition provided:

1. Proposal §205.239(a)(1) Allows the use of yards, feeding pads and feedlots for supplemental feeding during the grazing season. At this time, yards, feeding pads, and feedlots are not defined as soil based.
2. Proposal §205.239(a)(1) During the grazing season all areas contributing to outdoor access must be on soil, conflicting with #1 above.
3. Proposal §205.239(a)(5) requires that housing, pens, runs, equipment and utensils shall be properly cleaned and disinfected with allowed materials. Outdoor access areas that are on soil are difficult to clean without contributing to degradation of the soil.
4. Proposal §205.239(I)- Living condition section requires that manure must be managed in a way that does not contribute to contamination of crops soil and water. In locations where rainfall is excessive this requirement cannot be met by managing livestock on soil year round as required by §205.239(a)(1).
5. Current Regulation §205.239(a)(5) requires that the yards, feeding pads, and laneways are kept in good condition including frequent removal of wastes. This can not be met if the yards, feeding pads and laneways must be soil.
6. Current Regulation §205.239(e) requires that pastures and other outdoor access areas are managed in a manner that does not put soil or water quality at risk. This directly conflicts with the mandate that outdoor access areas must be on soil.

Indoor and Outdoor Stocking densities

Similar to the comments made in the outdoor access section of this comment. We do not believe that the Livestock Living conditions section gives a clear definition of what constitutes indoor stocking density. It is vital to Certification Agencies that this wording is defined. As written the definitions are as follows:

1. **Space is calculated by the floor space on the inside of the animal’s living space.** Under this definition, the square footage requirement stated in the indoor stocking density tables includes all areas of the animals’ living space, including bedded areas and lane-ways.
2. **The discussion sections states that the indoor stocking densities are of bedded space only.** This definition conflicts with #1 above.
3. **The indoor stocking density table heading states “indoor bedded space”.** This definition conflicts with #1 above.

There have been comments made from other sources about the affect that the indoor stocking densities will have on producers who have a free stall barn system. This should be taken into account when crafting requirements for housing.

Mobile Poultry Housing vs. Static housing

Avian producers who pasture their poultry will have significant challenges in complying with this recommendation. The mobile housing indoor space requirements are equal to those of the static housing. Housing in a free-range system is specifically built so that shade, shelter and nesting boxes are available for the birds, but that the houses are small enough to be moved to fresh pasture. The majority of producers with this type of operation will have to re-build their mobile housing units to comply. Note that the Humane Farm Animal Care Standards do not require indoor space requirements for avian species in free-range systems.

Respectfully submitted,

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Oregon Tilth, Inc.

Oregon Tilth, Inc. is a non-profit 501(c)(3) organization that supports and promotes biologically sound and socially equitable agriculture. Oregon Tilth offers educational events throughout the state of Oregon, and provides organic certification services to organic growers, processors, and handlers internationally. An NOP accredited certifier since 2002, Oregon Tilth currently certifies over 650 farms and ranches and over 600 handlers in more than 35 states affording us a broad perspective of current practices and challenges faced by organic producers and handlers.