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Lorraine Coke National Organic Standards Board USDA-AMS-TMP-NOP 1400 Independence Ave., SW., Room 2646-So., Mail Stop 0268 Washington, DC 20250-0268

Docket: AMS-NOP-11-0081; NOP-11-15

RE: Animal Welfare and Stocking Rates Regulatory Language, Animal Welfare and Stocking Rates Guidance Language, Proposal for Species Specific Animal Welfare Score Cards, and the Proposal for Species-Specific Guidance

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

While Oregon Tilth generally supports the intention of the recommendations, we are concerned that the addition of strict definitions on stocking density and animal welfare do not take into account the unique circumstances of each farming operation. At the last National Organic Standards Board meeting, Oregon Tilth requested that the recommendations were discussed and voted on at the next meeting to give more time for Producer and Certifier input. However, the Species-Specific Guidance Recommendation (46 pages) and scorecards are entirely new documents that require more than two weeks of review for developing clear and insightful comments for consideration by the NOSB. Therefore, OTCO requests that these items are discussed during the Fall 2011 NOSB meeting and then voted on during the Spring 2012 meeting.

In summary our comments are:

- Many items in the discussion document were not included in the Regulatory Recommendation.
- The difference between enforcing Best Practices and Regulatory requirements and why this is difficult for a certifier.
- All species are not reflected in the guidance or the Regulatory requirements.

Specific Issues below:

Discussion Document Items:

Many items in the discussion document were not included in the Regulatory Recommendation: Many directives were presented in the discussion section of the document, but were not explicitly included in the Regulatory recommendation. The reasons for this are unclear in the discussion document.

For example under the "Background" section it indicates that this document proposes that numerical scoring be used to assess body condition, lameness, coat/feather conditions and cleanliness. However, the recommendation requires only "cleanliness" to be assessed as part of §205.239(a)(1)(i). If it is the intention of the Livestock Committee to provide this as guidance, it should be listed in a clear manner solely in the Guidance recommendation also covering Animal Welfare and Stocking Rates. At this time, it appears that numerical scoring was discussed, but was not deemed necessary to include in the Regulatory language and therefore would not be enforced by certification agencies.

Next, the Regulatory Recommendation only requires the prescribed stocking rates for poultry [(Livestock Living Conditions (Avian Section)]. The Mammalian stocking densities are recommended in the Guidance documents only. This infers that the Livestock Committee believes Avian-stocking densities should be written into the final rule while it is not required for other species.

With that being said, it is understood that the Recommendations, prior to inclusion in the National Organic Program Regulations will go through the NOP rulemaking process. However, it is our opinion that the Livestock Committee and National Organic Standards Board should be very clear on their recommendations.

<u>Difference between Best Practices and Regulatory requirements:</u>

In reviewing the Species-Specific Guidance documents it appears that they are reflective of Best Management Practices. "Best management practices" is a term that identifies a series of methods that are most effective in achieving an objective. In this case, the objective is to confirm good animal welfare on Organic operations. Usually, the methods allow for producers to not meet a portion of the requirements and still achieve the certification. This is because of a numerical scoring system or rating system that shows continued improvement over time. This continuous improved score approach to compliance verification is contrary to the strict legislative requirements established the National Organic Program. It is unclear how Oregon Tilth as a certification agency would enforce best management practices, when they are not written into or required by the Rule.

For example, if the pasture rule was written to provide 50% of Dry Matter from pasture as a best practice for dairy cattle. It may be allowed for Operators to achieve 40% Dry Matter with a plan for meeting the requirement in the future.

Alternatively, let's say that the 50% Dry Matter from pasture requirement was written into the National Organic Program regulations. If this farm was only able to achieve 40% dry matter intake, their certification would be suspended and they would not be able to sell Organic product.

Oregon Tilth would like the Livestock Committee to be clear on their vision for these documents and how it will be ensured that all Producers are held to the same requirements by all agencies.

Species-specific guidance:

The recommendations cite the use of species-specific outcome based standards as a measure of animal welfare. However, as stated in the Guidance, it was found that the Scorecards available with this recommendation were only for Milking Dairy Cattle, with no other dairy cattle production groups or other species provided. Further, the Species-Specific guidance only covers Bison, Sheep and Goats.

To make a comprehensive Animal Welfare standard you must include all species. It would be very beneficial for stakeholders to have the scorecards and guidance in place with specific directions on what constitutes a passing "score" for producers prior to submitting the recommendation.

In conclusion, Oregon Tilth asserts that more time is needed to review the documentation provided by the Livestock Committee. We would also appreciate clear direction on what enforcement responsibility will be necessary for Certification Agencies. This should include a Regulatory recommendation that is straightforward and does not rely on the "Discussion" section to explain the requirements. The Guidance documents and Species-Specific Scorecards should include the method for rating the compliance of Operations and include all species.

Respectfully submitted,

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.