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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: Proposal for Animal Handling, Transport and Slaughter Regulatory Language and
Proposal for Animal Handling, Transport and Slaughter Guidance Language

Oregon Tilth would like to thank the Livestock Committee for the opportunity to comment on the Proposed Recommendation on Animal Handling, Transport and Slaughter.

Oregon Tilth agrees that humane and respectful treatment of animals is a basic principle of organic production. As with the animal welfare proposal, we support the intention, however, we are concerned with the clarity and ability for certification agencies to enforce this recommendation as presented.

Discussion

The discussion sections contain many statements that do not appear as rule changes within the proposal. Including, what constitutes Fitness for Transport, and requirements for Slaughter Plant self audits. As a proposed Regulatory Recommendation, the document should be in final draft form. It is unclear if the Livestock Committee is requesting further discussion on these items or if the items listed were already discussed and are not intended to be part of the final recommendation.

Slaughter Plant Audits

The proposal includes under the “discussion section” requirements for slaughter plant self auditing on a weekly basis. From the perspective of a Certification Agency, the task of reviewing third party animal welfare audits and doing additional auditing as necessary is daunting. To successfully verify that the animal welfare standard already held by a slaughter plant is equal to that of the proposed recommendation will require significant review by the agency. This additional time and effort will translate to additional costs to certified operators for certification services.

It has been confirmed that recommendation language does not match FSIS requirements exactly. Therefore, it will be required that Certification Agencies assess all slaughter plants for compliance, not just review documentation from other audits. As background, FSIS enforces the Federal Meat Inspection Act (FMIA), the Poultry Products Inspection Act (PPIA), and the Egg Products Inspection Act. These laws require Federal inspection and regulation of meat, poultry, and processed egg products prepared for distribution in commerce for use as human food. It also verifies compliance with the Humane Methods of Slaughter Act for livestock. In an USDA/Food Safety and Inspection Service Officially Inspected plant, a complete welfare audit will not need to be conducted because they follow the Humane Methods of Slaughter Act. Certifiers will therefore have to spot check certain requirements that are different than the FSIS requirements. This recommendation does not take into account State Inspected plants that are not required to document the observance of welfare requirements. The increase in recordkeeping and facility modifications puts undue burden on small processing facilities or those who process small lots of Organic product. It will also require Certification Agencies to learn about the specific requirements of each state and ensure that any gaps in the welfare requirements are being captured. This will be very time consuming. The Livestock Committee should further research the gaps between the FSIS requirements and those of the recommendation to assess the amount of oversight required by Certification Agencies.

Certification of transporters

With the addition of §205.241 language and the associated explanation in the discussion section, all transport units will have to be certified organic and inspected to comply with the proposal. We request that the Livestock Committee review the comments made by Oregon Tilth on the limitations of 205.101(b). We assert that transport units do not meet the definition of “handling” which is,

Handle. To sell, process, or package agricultural products, *except such term shall not include the sale, transportation, or delivery of crops or livestock by the producer thereof to a handler.*

It was stated that the National Organic Program has accepted the NOSB’s conclusion that the language does not exclude handlers of organic unpackaged agricultural commodities from certification and that guidance would be forthcoming. At this time, no guidance has been issued regarding this subject. To maintain consistency, it would be imperative that the determination is made on this topic before the Animal Handling and Transport recommendation is finalized.

In conclusion, OTCO believes the proposed regulatory language on Animal Handling, Transport and Slaughter would require additional auditing work that would be difficult and costly for organic Certifiers to implement. Proposed regulation could also result in undue burden on processing facilities that may have to change existing infrastructure and start an extra and burdensome recordkeeping campaign to comply. Additionally, proposed regulatory language does not exactly match FSIS requirements, and OTCO believes the Livestock Committee should further research the gaps between the FSIS requirements and the proposed

regulation to assess the amount of oversight that will be required by certification agencies. Finally, OTCO would like clarification from the NOP that transport units are indeed not exempt from organic certification prior to NOSB voting on the proposed regulation. If livestock transport units, and by extension, transport units of any unpackaged agricultural commodity, are not exempt from organic certification there will likely be a significant disruption to the organic sector while the industry attempts to sort out the impact this would cause on the commodities distribution system. OTCO would like to again thank the NOSB on the opportunity to comment.

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.