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Paul Lewis, Ph.D.  
Director, Standards Division  
National Organic Program  
USDA-AMS-NOP  
1400 Independence Avenue, SW  
Room 2646-So., Ag Stop 0268  
Washington, DC 20250-0268

**Docket:** AMS-NOP-15-0012: NOP-15-06PR

**RE: National Organic Program; Organic Livestock and Poultry Practices Proposed Rule**

Dear Dr. Lewis,

Oregon Tilth appreciates the opportunity to provide public comment on the Proposed Rule for Organic Livestock and Poultry Practices. Overall, we support this important work and are pleased with the breadth and depth of the proposed standards, which will level the playing field for organic operations of all sizes.

Organic consumers' expectations for high-quality animal welfare as an integral component of a certified operation extend beyond the existing rule. Clear, enforceable standards that assure consumers of organic operations' commitment to excellent standards for animal care maintain the integrity of certification within the industry and marketplace. The NOP's ability to build upon and adapt from widely-used third-party animal welfare certification standards is an effort to help implement changes without imposing undue recordkeeping burdens on organic farms.

Oregon Tilth, a nonprofit accredited certification agency, reviewed the proposed rule through the lens of our ability to audit the proposed standards at an organic operation, and elicited feedback from our producers on proposed requirements that conflict with other regulations they must follow. While we are highly supportive of the overall proposal, we have a number of comments and recommendations for revisions to improve the final rule. These are organized below into three parts: Significant Concerns, Suggested Revisions and Requests for Clarification.

### **Significant Concerns**

1. *The requirement for mammalian livestock to have 50 percent soil cover in their outdoor access conflicts with other parts of the existing and proposed rule, as well as NRCS and other state agency requirements.*

The proposed definition of "outdoors" requires 50 percent soil cover. This appears to contradict the use of feeding pads and feeding yards, which is specifically allowed for in §205.239(a)(6). §205.239(a)(12) does allow outdoor access without contact with soil to be provided when there are "temporary conditions which would threaten the soil or water quality" but it's unclear what would be considered temporary - in many parts of the country, conditions that could negatively affect soil and water quality persist for the majority of the winter months.

One solution to this conflict would be to simply remove the word “temporary” from §205.239(a)(12), and issue guidance that producers must provide justification for the periods when soil/water quality would be threatened by animal access.

2. *§205.238(e) - methods allowed for euthanasia are too open-ended.*

The proposed language in the euthanasia section specifies three methods which are prohibited for use on organic animals, but provides no other parameters for selecting an appropriate euthanasia method for a suffering animal. This open-ended wording is problematic since certifiers are not necessarily experts in what methods of euthanasia are appropriate for any given species or stage of life, and it opens the door for the use of inappropriate and inhumane methods of euthanasia to be used (since they are not explicitly prohibited in the standards).

We propose that NOP require operations to use a euthanasia method approved by the American Veterinary Medical Association for the particular species and age of animal needing to be euthanized. The NOP has already referenced the AVMA euthanasia guidelines in §205.238(c)(8) so this would simply be an extension of that reference. This would also provide certifiers with an established reference to ensure that the euthanasia method(s) indicated in an operator’s Organic System Plan (OSP) are humane. And finally, the AVMA periodically updates their euthanasia guidelines based on the latest research and scientific findings; by referencing this document, the NOP can ensure that all organic operations are following the most up-to-date recommendations without the need for a rule change.

We also request clarification in the rule as to whether poultry operations who depopulate their flocks using on-site euthanasia must adhere to the euthanasia requirements.

### **Suggested Revisions**

1. The definition of “toe clipping” indicates that it is only performed on male birds - this is not accurate. Toe trimming is used instead of toe clipping in the language in the proposed rule (§205.238(a)(5)(ii)); this could lead to confusion. We request that the reference to male birds be removed from the definition of toe clipping, and that the defined term be used consistently throughout the rule.
2. The definition of “indoors” includes descriptions of different types of avian housing, including a definition of “pasture housing” as mobile housing. However, there are fixed housing systems that offer pasture access to birds. The term “pasture-raised” is also defined by other third-party animal welfare standards, and these standards allow for fixed housing with a “spoke and wheel” pasture rotation to be used for pasture-raised poultry. To ensure consistency in implementation and enforcement, we request that the term “pasture housing” be replaced with “mobile housing.”
3. The stocking density definition refers to the weight of animals on a given unit of *land* at any one time. This could be confusing in the case of housing systems with multiple levels (such as aviary systems for poultry); the footprint of an aviary system is the same as a floor litter system, but the amount of available space for birds is significantly higher. We request that the stocking density definition be changed to “the weight of animals on a given area of space at any one time.”
4. The definitions of “roost” and “perch” are somewhat confusing, as many in the industry use them interchangeably. The definition of “roost” appears to be referring to what are commonly known as “raised slats,” which are positioned over a manure pit and allow for birds to grip them with their toes. Additionally, the word “roost” is used in the definition of “perch” which would imply that all perches must be placed over a manure pit, and we don’t think this was the intent of this language. To provide clarity, we request that the defined term “roost” be changed to “slats” while keeping the same definition.
5. §205.238(a)(5)(ii) specifies what practices may not be performed “on a certified operation” but references exceptions for several practices (beak trimming and toe trimming) that may be

performed prior to birds being received by an operation. We suggest that the language “the following practices must not be performed on a certified operation” be replaced with “the following practices are prohibited.” The subsequent language then explains if an exception to the prohibition is allowed under certain circumstances.

## Requests for Clarification

1. §205.238(c)(10) prohibits forced molting or withdrawal of feed to induce molting, but it is unclear whether non-feed withdrawal molting, such as [the program developed by North Carolina State University](#), would be allowed. Would organic egg producers be allowed to conduct non-feed withdrawal molting of their laying hens?
2. §205.241(a)(6) states that “species which do not perch do not need to have perch or roost space” but it is unclear who makes the determination of whether a species does or does not perch. Some species also start out with an instinct to perch (such as young broilers and turkeys), but then outgrow that behavior. Who is responsible for determining whether a poultry species requires perches?
3. §205.241(b)(3) allows for artificial lighting for layers and mature birds, but does not reference lighting for pullets or broilers. Would organic pullet and broiler producers be allowed to use artificial lighting to supplement natural lighting in their operations?
4. §205.241(c)(2) requires sufficient exits so that “all birds in the house can exit within one hour.” This is not auditable as written, unless there is some kind of standard “rate of exit” that certifiers will be provided to use in their assessments. How does the NOP expect producers to build their houses to meet this requirement, or certifiers to audit poultry houses to assess compliance with this standard?
5. §205.241(c)(6) states that outdoor space with a roof overhead that is attached to the indoor space cannot be included in the outdoor access space, so wintergardens and porches could not be included in the stocking density calculations as outdoor space. Is it allowable for producers to remodel these structures to include them as part of the indoor space, as long as they are available to the birds at all times?
6. §205.242(a)(5) requires feed and water to be provided for animals transported for more than 12 hours, but it is unclear if this time includes lairage at a slaughter facility. Often times, poultry transport vehicles will arrive at the slaughter facility and have to wait, in some cases for hours, before the birds are unloaded. Is lairage time included in this 12-hour requirement?

We also participated in the Accredited Certifiers Association working group to develop their comments on the OLPP, and support their suggested revisions.

Oregon Tilth is encouraged to see that the National Organic Program continues to lead the way for federal standards to help transform our food system. It is critical to preserve and secure consumer trust in the organic label with regards to excellent animal welfare as a core practice of a certified operation.

Respectfully submitted,  
Oregon Tilth

*Oregon Tilth is a leading certifier, educator and advocate for organic agriculture and products since 1974. Our mission to make our food system and agriculture biologically sound and socially equitable requires us to find practical ways to tackle big challenges. We advance this mission to balance the needs of people and planet through focus on core areas of certification, conservation, public health, policy and the marketplace.*