



## ORGANIC LIVESTOCK AND POULTRY PRACTICES PROPOSED RULE

### Questions and Answers – April 2016

#### General Questions and Explanations

##### What does the proposed rule do?

USDA's Agricultural Marketing Service (AMS) National Organic Program (NOP) sets and enforces clear and consistent standards for organic production. By strengthening standards for organic livestock and poultry production, the proposal aims to clarify how organic producers and handlers must treat livestock and poultry to ensure their health and wellbeing throughout life, including transport and slaughter. The proposed rule addresses four broad areas of organic livestock and poultry practices, including living conditions, animal healthcare, transport, and slaughter. Existing practices for mammalian living conditions and health care are clarified and expanded. New provisions are proposed for poultry living conditions, and for both mammalian and poultry handling, transport, and slaughter.

##### Why is the proposed rule necessary?

The proposed rule is needed to bring greater consistency and transparency to organic livestock practices. It is consistent with multiple recommendations – most recently in 2011 – from the National Organic Standards Board (NOSB), the 15-member Federal advisory committee whose members represent the breadth of the organic sector. It also responds to a report from the USDA's Office of the Inspector General, which recommended that USDA take action to ensure the consistent interpretation of current rules for poultry access to the outdoors. And it responds to direction in both the Organic Foods Production Act and the final rule that created the National Organic Program to develop standards for livestock. Finally the rulemaking takes into account significant public input on these issues.

##### Aren't organic standards already in place for organic livestock and poultry?

The current USDA organic regulations have broad and general requirements for ensuring the welfare of organic livestock and poultry. For all livestock, the regulations require an environment that allows animals to express natural behaviors; preventive health care to reduce the likelihood of illness; and protection from conditions that jeopardize an animal's well-being, such as predators and adverse weather. The proposed rule adds specificity to animal production and handling requirements of organic production, which will allow USDA to ensure consistency and transparency across organic production and handling systems, bolstering consumer confidence and strengthening the market for organic products.

##### How does this proposal improve the existing regulations?

The proposed rule clarifies existing requirements, proposes new areas of standards, and protects the integrity of the organic seal. While the existing regulations already require grazing on pasture and access to the outdoors for ruminants, this proposed rule clarifies and expands other aspects of mammalian living conditions and practices for health care. USDA is proposing new detailed standards for mammalian and poultry handling, transport, and slaughter, and for poultry living conditions.



### What sort of input has been received to date?

Over the last few years, the organic community, largely through public comment to the National Organic Standards Board, has consistently urged USDA to better align organic livestock practices with consumer expectations, especially regarding outdoor space for poultry. Overall, consumer groups, organic certifying agents, and most organic producers have expressed support clarifying the requirements for organic animal production.

### What are the benefits to organic trade?

Clear and verifiable standards for organic livestock and poultry production are essential to ensuring consumer confidence in the organic market, which in 2014 was worth over \$39 billion in the U.S. alone. The proposed modifications will allow for the continued expansion of the organic livestock and poultry industry while increasing organic integrity and meeting consumer expectations. The new detailed standards for the non-ruminant (poultry and swine) sectors will support the continued growth of organic poultry, eggs, and pork in particular.

### Does this proposed rule affect my operation?

You may be affected by this action if you are engaged in the organic meat, egg, poultry, dairy, or animal fiber industries. Those potentially affected may include, but are not limited to:

- Individuals or business entities that are considering organic certification for a new or existing livestock farm or slaughter facility.
- Existing livestock farms and slaughter facilities that are currently certified organic under the USDA organic regulations.
- Certifying agents accredited by USDA to certify organic livestock operations and organic livestock handling operations.

This listing is not exhaustive. To determine whether you or your business may be affected by this action, you should carefully read the proposed regulatory text.

### When will the new requirements become effective?

AMS proposes three stages to implementing the rule:

- Within one year of publication of the final rule, all provisions, except for outdoor space requirements for poultry, must be implemented.
- Within three years of publication of the final rule, previously non-certified poultry operations and houses must comply with outdoor space requirements to obtain organic certification.
- Within five years of publication of final rule, all certified organic poultry operations must comply with outdoor space requirements.

### Will this proposed rule impact any religious markets (i.e. Halal, Kosher, etc.)?

No such impacts are expected.

### How do I submit comments?

This proposed rule has a 60-day comment period. Public participation and comments are vital to USDA's work in establishing and enforcing clear and consistent standards for organic production. Public



comments are encouraged and welcomed. Formal comments can be submitted by visiting [regulations.gov](http://regulations.gov), and searching for “AMS organic livestock poultry.”

## Livestock and Poultry Production Questions

### How does the rule set space requirements for poultry?

AMS is proposing to measure stocking density using weight (i.e., maximum pounds per square foot) to compensate for different-sized avian species and breeds. This allows AMS to establish one maximum stocking rate that can be applied to all poultry raised, including chicken and quail for example, and avoids setting separate stocking rates for each type of bird or breed.

### What are the proposed indoor and outdoor space requirements for organic poultry operations?

The proposed indoor stocking densities for layers allow a maximum of 3.0 – 4.5 pounds of hen per square foot of indoor space depending on the housing type. The levels AMS is proposing are consistent with standards established by third-party animal welfare certification programs (such as Certified Humane and American Humane Certified) and their scientific committees.

Outdoor space for poultry is a maximum of 2.25 pounds of hen per square foot for layers; 5.0 pounds of hen per square foot for broilers. The outdoor areas will need to have at least 50 percent soil. In addition, porches (screened, roofed areas attached to the poultry house) will not count as outdoor space. Therefore, some operations may need to access additional land in order to comply with this outdoor space requirement.

### Why do the indoor poultry space requirements differ from the NOSB recommendations?

AMS considered the NOSB recommendations regarding the indoor space requirements as well as animal welfare certification programs developed by scientific committees.<sup>1</sup> These animal welfare certification standards varied from a minimum of 1.0 square feet per bird in aviaries and pasture systems to 1.8 square feet per hen with no more than 500 hens per barn. In addition, AMS obtained comments from various producer, certifying agent, and trade groups. Producers in colder climates stated that maintaining a warm indoor temperature during the winter is much more difficult with a 2.0 square foot minimum requirement for indoor space. Producers with aviaries cited the scientific committees’ findings that aviaries provided enhanced welfare due to birds being able to utilize vertical space to engage in natural behaviors. Producers with slatted/mesh floors cited the reduced welfare concerns from lameness by keeping the litter drier.

To better align with current scientific consensus, AMS is proposing varying the space density requirements by housing type. AMS welcomes your comments about the proposed indoor space requirements and the potential impacts to the organic market.

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<sup>1</sup> AMS reviewed the following animal welfare certification programs: Certified Humane (Humane Farm Animal Care); Animal Welfare Approved; Animal American Humane Certified (American Humane Association); 5-Step Animal Welfare Rating Program (Global Animal Partnership); and United Egg Producers Certified.



## How do the stocking rates proposed in this rule compare with organic standards in Canada and the European Union?

The AMS proposed stocking rates are comparable to current rates under Canada and European Union (EU) standards. One difference between the standards is the AMS proposed stocking rate is adjusted for different types of housing (aviary vs. floor, for example), whereas the Canada and EU standards set a single indoor stocking rate for all types of fixed housing.

## How does this compare to other standards (private animal welfare standards and other federal agencies)?

AMS proposes the use of pounds of bird per square foot to standardize requirements across different bird species and sizes as well as housing types; this more consistently aligns with the majority of private third-party animal welfare standards.

## Why can't an outdoor area have a solid roof?

A solid roof may be provided in the outdoor area. However, if the solid roof is attached to the indoor housing structure, the area under the roof cannot be included in the calculation of available outdoor area. We have proposed this requirement to ensure that porches and similar structures are not considered outdoor areas, as recommended by the National Organic Standards Board.

## Won't requiring more outdoor access make birds more susceptible to diseases, such as highly pathogenic avian influenza (HPAI)?

All systems of poultry production are vulnerable to disease, and effective biosecurity measures are essential whether birds are raised in indoor or outdoor production systems. If it is determined that temporary confinement of birds is needed to protect the health, safety, and welfare of organic flocks, then producers and certifiers may work together to determine an appropriate method and duration of confinement of organic poultry flocks without a loss of organic certification. AMS has developed a Fact Sheet on Biosecurity in Organic Poultry operations, and the proposed rule would not change any of those policies. In addition, the Animal and Plant Health Inspection Service reviewed the proposed rule and determined that it would not have any negative impact on APHIS biosecurity efforts surrounding HPAI or other poultry diseases of concern.

## With so many birds on the soil, will that cause environmental problems from too much manure?

Organic poultry producers must manage manure to ensure that soil and water quality are protected. Under organic requirements and other applicable requirements (e.g., Clean Water Act requirements), organic producers need to implement practices, including manure management practices, to ensure land and water quality are protected.

## Livestock and Poultry Handling Questions

### Does the proposal allow euthanasia?

AMS has included requirements for euthanasia, including euthanasia of injured, diseased, and sick animals. Additionally, AMS is proposing a separate but related section to describe slaughter



requirements. Together, the requirements for euthanasia and slaughter are intended to ensure that animals are treated humanely.

### How does the proposal address humane transit and slaughter?

New provisions address transport and slaughter practices, such as requiring organic feed during transit. AMS worked closely with other federal agencies to respond to the NOSB's recommendations while minimizing duplicative requirements. AMS welcomes comments on these provisions.