



November 10, 2022

Erin Healy, MPH
Director Standards Division
National Organic Program
USDA-AMS-NOP
Room 2646-So., Ag Stop 0268
1400 Independence Ave. SW
Washington, DC 20250-0268

RE: Docket Number AMS-NOP-21-0073

Dear Ms. Healy,

Bell & Evans appreciates the United States Department of Agriculture's Agricultural Marketing Service inviting public comment on the proposed rule from August 9, 2022, amending organic livestock and poultry production requirements.

Bell & Evans is a family-owned and operated poultry production company located in Fredericksburg, Pennsylvania. As a premium grower and processor of poultry, we raise all our chickens with zero antibiotics and in state-of-the-art houses. Our success is based on excellent and proven growing and farming practices that provide birds a stress-free environment as well as a high quality of life throughout their entire growth cycle. Importantly, much of our operation is fully certified USDA Organic, including the first organic certifications in the United States for hatchery and rendering operations.

As a leading provider of the nation's organic poultry, Bell & Evans is deeply concerned how the proposed rule could negatively impact participants across the organic supply chain for poultry, including processors, consumers, and producers. We appreciate AMS' intent and believe there are common sense modifications to poultry standards that would both protect broilers while also ensuring farmers can maintain viable, revenue-generating operations that deliver American consumers the high-quality, affordable organic poultry they want. However, we fear the proposed rule as currently written would not balance these important objectives.

We respectfully request that USDA-AMS modify the proposed rule in order to provide greater clarity for producers of all sizes, ensure consistency with scientific evidence, and allow for adequate implementation time that enables established farmers, handlers, and processors to come into compliance. Overall, our fear is the proposed rule requires exaggerated improvements with little benefit to the chickens that in turn would impose additional financial burdens on farmers, risking driving them out of organic production. This in turn will result in higher priced organic products for consumers in a market already struggling with inflationary pressures.

The following are some specific concerns:

1. **Density inside the houses:** The proposed stocking density changes provide little to no benefit to the chickens. Our more than 125 years of growing chickens shows that 5.0 – 6.0 lb/sq ft provides above



adequate space for roaming and natural behaviors. Additional space would go unused as chickens naturally tend to flock together. The proposed change also effectively decreases immediate organic production by 17%, negatively impacting the availability of product to consumers while driving grower costs higher, potentially forcing them out of the organic market. More important factors to consider, such as the barn structure and standard operating procedures, to provide a cleaner environment should be the focus. Currently, Bell & Evans state-of-the-art houses include cement floors and require complete clean out and 100% fresh litter after every flock, ensuring the comfortability and health of the broilers inside the houses.

- 2. Outdoor square footage requirements:** The proposed rule of requiring 5.0 lbs/sq ft of outdoor space for every bird in the flock is an 83% increase to existing outdoor requirements. This is an unnecessary and potentially catastrophic change with little to no positive impact for the chickens! It assumes all birds will be out of the house at the same time. That is not natural behavior when inside-the-house conditions support a comfortable environment. There are several other factors to consider: biosecurity management and lack of available land on existing organic farms to accommodate the proposed rule. Underutilized outdoor areas exacerbate a high-probability negative impact in breaking biosecurity protocols, along with a negative impact to pathogen control, specifically Salmonella, and disease control, specifically High Pathogenic Avian Influenza. Additionally, most existing growers do not have the available real estate to expand to such an extreme area, risking the elimination of supply and driving unattainable price requirements. Bell & Evans supports the availability and utilization of outdoor space. Currently, Bell & Evans mandates an outdoor space that is 25% of the indoor space allotted in the house, a 50% larger area above the existing requirements. Based on our experience, when birds are given a comfortable interior environment, premium feed, and adequate amounts of water, even with the doors open, birds will rarely travel outside all at the same time. A 25% allocation is an appropriate proportion when providing outdoor access.
- 3. Access to outside, regarding the 40-90°F rule:** The proposal to require any broiler 4 weeks of age and older be given outdoor access, outside of inclement weather, when temperatures are between 40 and 90 degrees Fahrenheit needs to be re-evaluated with the welfare of the poultry in mind. Upon placement, chicks require a floor temperature of 88 to 90 degrees Fahrenheit at day one. The older the broiler, the closer to 65 degrees Fahrenheit is appropriate. With animal welfare in mind, the access to outdoors should closely align with broiler comfortability level versus a set temperature standard.

For broilers closer to market, opening the doors at any time when outside temperatures are below 60°F would be detrimental to any bird and more severe with younger birds. On the other end of the range, allowing outdoor access at 80-90 degree outside temperatures would not be beneficial to birds in later stages of life and closer to market age. The proposed 40-90° range does not consider the strain on ventilation systems for bird comfort, waste of fuel and electricity, moist litter conditions leading to increased ammonia levels, and potential increased death rates due to severe stress. Industry experts support the need for temperature control for animal welfare and comfortability of broilers in the later days of their lives, but in a tighter temperature range. Bell & Evans targets temperatures between 60-80° Fahrenheit for outside access.



4. **Ammonia limit:** Lowering the ammonia limit from 25 ppm to 10 ppm is unattainable and not supported by scientific literature¹. Current scientific literature continues to support 25 ppm ammonia levels as acceptable for comfortability and animal welfare of broilers. Bell & Evans has some of the highest welfare standards in the world and considers only scientific approaches that advance animal health and food safety. It is also critical to consider how all factors and their impact are taken into consideration when defining specific requirements. We believe that lowering the proposed levels to 10 ppm would be unattainable in conjunction with the "40-90°F rule" which could potentially allow more moisture into the houses when temperatures are high and the outdoor access doors left open.
5. **Total 12-hour time to process before going back on feed:** We agree to a defined maximum time to process, and a 12-hour allotment is sufficient. However, we request a set contingency statement to accommodate for weather-related issues or emergencies where extending time does not pose an animal welfare issue. Living in the northern United States poses more opportunity for inclement weather in the colder months. Human safety is just as important as animal welfare and occasionally travel times might be extended due to unforeseen inclement weather. The contingency will minimize the occurrence of placing birds back onto the farms, which is an extremely stressful process for the birds and often will result in unnecessary stress-induced death.

In addition to the above comments relating to the proposed rule changes, attached are additional concepts from Bell & Evans owner and president, Scott Sechler, Sr. His decades of experience and expertise offer additional insight and perspective to properly and humanely growing chickens.

Again, we appreciate AMS' work and intent in engaging the organic community. Thank you for the opportunity to comment and to voice our concerns. We look forward to working with the agency to inform policies that allow for a vibrant organic industry that serves both producers and consumers.

Sincerely,

A handwritten signature in black ink that reads "Kelly Gartner".

Kelly Gartner
VP Food Safety & Quality
Bell & Evans
520 Chestnut Hill Road
Fredericksburg, PA 17026

¹ D.M. Miles, S.L. Branton, B.D. Lott, Atmospheric Ammonia is Detrimental to the Performance of Modern Commercial Broilers, Poultry Science, Volume 83, Issue 10, 2004, Pages 1650-1654, ISSN 0032-5791, <https://doi.org/10.1093/ps/83.10.1650>.



Scott Sechler, Sr.
Owner, President & Chairman
Bell & Evans

PERSONAL RESUME NOTES

Scott Sechler grew up on a small dairy farm in Berks County, PA, in the 1960's. His family raised capons and roosters and processed them on the farm. They were sold locally.

4H afforded Scott the opportunity to show pigs at the local fair and he raised beef cattle for FFA projects in high school. High School became secondary as he began to expand the chicken business.

The year that Scott turned 19, his sales of live poultry delivered into Canada exceeded 1,000 head.

In 1984, at 24 years old, Scott purchased his first chicken processing plant in Fredericksburg, PA.

In 1986, the Bell family sought out Scott to purchase their business. They had no heirs to continue, and Scott was already producing their chickens.

Early in his formative school years and while raising chickens at home, Scott was always questioning why he needed to use antibiotics, vaccine, and animal by-products. At that time, 100% of the producer's goal was raising chickens at the least cost.

Scott charted a different course back to common sense. And he often remembers his dad saying, "Who do you think is going to pay your price?" His response was, "If I can't raise chickens the right way, I won't raise them at all."

In 2021, Scott and Bell & Evans opened the most state-of-the-world organic certified chicken harvesting facility, continuing its focus on superior animal welfare, product quality and sustainability.

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BELL AND EVANS HISTORY

Mr. Bell started his chicken business in 1894. By 1939, Bell and Evans was harvesting 5,000 chickens per day.

Scott Sechler purchased the business in 1986.

A big part of our business model came from conversation with consumers while doing demonstrations at many stores, including most of the original Whole Foods Market locations. At over 300 stores across the country, Whole Foods Markets highlighted Bell & Evans chicken by offering samples at their grand openings. Scott learned about what people do care about and what they do not care about. He learned what value they expect when paying a premium price. They do not want to pay for fluff. It continues to be the basis of the Bell & Evans business model today.

CONSUMER REASONS FOR BUYING ORGANIC CHICKEN

First and foremost, consumers want tender young chicken, not tough older chicken.

Other reasons in order of importance/rank are:

1. Animal Welfare – the quality of life for the chickens
2. Environment – healthy soil, water, recycling, quality
3. Everything else – health, sustainability, value, packaging

SMALL PRODUCER ISSUES (Organic)

- They claim that antibiotics need to be used from the first day, which remains for the first 10 or 11 days. This amounts to 25% of the chicken life.
- They do not like the competition of larger producers.
- Their stock answer is promoting more space per bird in the house and more space outside the house without scientific support.
- They don't like paying for organic feed.
- They don't require humane slaughter.

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USDA CHANGES NEEDED - USDA CHANGES NOT NEEDED

- 100% of Bell & Evans birds are marketed at 38-44 days old.
- 16 possible days to be outside.
- Birds rarely want to travel outside their comfort zone and for the few that do, they don't need more than 25% of the in-house space.
- If outside, they must all come back in the house before dark. Once darkness sets in, rodents like fox, mink and others become very active and add to the problem.
- The birds don't like rain, wind, or snow.
- If outside, at 60°F they are cold and crowd together; At 80° F, heat stress starts.
- Outside access elevates the risk for exposure to avian influenza and *Salmonella*.
- Continuous light for very young chickens is very wrong.
- 12 hours' time to process before going back on feed should be the plan but sometimes emergencies call for an alternate plan. Returning them to the barns is tough on the birds.
- In the house, 5-6 lb. birds for one square foot is more than adequate. If you gave them twice the space, they would flock together and half the house would be empty.
- The producer must manage the ammonia the best they can for the health of the flock.
- Organic chicken should never come in contact with chlorine.
- Organic chickens should not be raised beyond their breed design. Our average live weight is 5.6 lbs. with the breed maximum set at 6.5 lbs. If they get bigger than that, they become lame and struggle to get to the feed and water.
- Birds should never be picked up by their feet while conscious.
- Enrichments are very important in the houses.
- Too many windows can be a problem; They produce unwanted light and noise.
- Consumers are looking to be educated about growing organic chickens. In many cases they think that they have been misled. Our online virtual tour videos help clear up that misconception for Bell & Evans products.
- Take into consideration why consumers make the choice to buy organic chicken. Why do they?
- Be concerned about what organic consumers already expect is happening? What do they?

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