

Congress of the United States
House of Representatives
Washington, DC 20515-2204

May 26, 2016

The Honorable Thomas J. Vilsack
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington, D.C. 20250

Dear Secretary Vilsack,

As Members of the House of Representatives, we have heard from numerous constituents raising concerns regarding the short time frame for public comment, as well as the substance of the recently-announced U.S. Department of Agriculture (USDA) proposed rule titled "National Organic Program; Organic Livestock and Poultry Practices."

First, we ask that you extend the public comment period for this recently announced rule.

Second, given animal health, food safety and economic concerns associated with this proposed rule, we have several questions that we expect to be fully addressed by the agency prior to concluding any public comment period on the rule as proposed.

Despite claims by the Agricultural Marketing Service (AMS), it is clear that the economic impact of this proposed rule would be significant. Egg farmers have invested significant capital (in some cases, tens of millions of dollars per farm) to meet the current organic requirement. Nevertheless, AMS is advocating a rule that many of these businesses could not comply with. AMS even acknowledges this in the summary of the proposed rule wherein the agency reports that outdoor access measures would lead to a reduction of 43 percent of current organic layers – and says that "up to 90 percent of organic aviaries could exit to the cage-free market." If this is the intention of the National Organic Program, then there must be an acknowledgement that this is in fact a major rule.

USDA based its economic assumptions on old, and in some cases, incomplete data. USDA acknowledges in its assessment that available data used to develop this rule is incomplete. To provide a more comprehensive and accurate assessment of the economic impact of this rule, we expect answers to the following questions be made available and open to public comment as part of the proposed rule. Specifically:

1. What is the current (calendar year 2016) estimate of total organic production of organic eggs and broilers? In instances where state government data is not available, can an estimate be prepared using available academic or industry resources?

2. What is the potential impact of this rule on markets for: 1) organic corn, 2) organic soybeans, 3) organic wheat and 4) organic dry beans?
3. What percentage of current U.S. organic egg production would not qualify under the National Organic Program if this rule is implemented?
4. Would there be a shortfall of organic egg production for the current retail organic egg market? If so, please provide an analysis of the scope of that shortfall over the next 10 years, as well as an estimate of price impacts.

In addition to the economic and supply chain concerns outlined above, we recognize that States have taken extraordinary measures to ensure avian animal health and prevent recurrences of avian diseases (in the case of Highly Pathogenic Avian Influenza) or the introduction of new avian diseases in the United States. Please answer the following questions related to food safety and animal health:

1. Studies undertaken by North Carolina State University found the mortality rate for free-range egg laying hens ranged from 13.5 to 30.7 percent. The new rule appears to require layers to spend time in a free-range environment, yet USDA estimates that layer mortality would increase to only 8 percent under the new rule. What data did USDA use to produce this estimate? Please explain the discrepancy between USDA's mortality rate findings and those of North Carolina State University.
2. Did USDA consult with the U.S. Food and Drug Administration (FDA) to ensure that this rule will not interfere with producers' ability to comply with FDA's Egg Safety Rule and the biosecurity provisions mandated within to control Salmonella? What, if any regulatory certainty will be offered to organic egg producers regarding compliance with this rule?
3. Did FDA, USDA's Animal and Plant Health Inspection Service (APHIS), and AMS conduct research on the potential for higher rates of egg adulteration due to toxins commonly found in an outdoor environment? If so, what were their findings?

Given the high stakes for U.S. egg and poultry producers of preventing another disease outbreak similar to the HPAI epidemic, sufficient time must be taken to fully consider the animal health impacts of the proposed rule.

We greatly appreciate your attention to this important matter.

Sincerely,



John Moolenaar
Member of Congress



Bill Huizenga
Member of Congress



Mia Love
Member of Congress



Ken Buck
Member of Congress



Steve King
Member of Congress

Jackie Walorski
Member of Congress



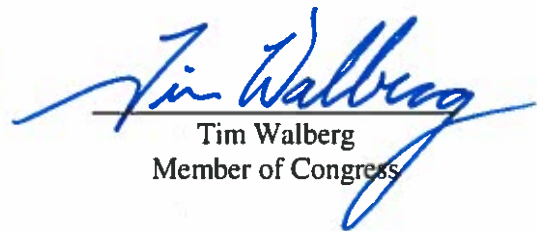
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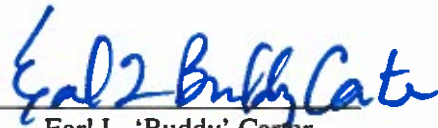
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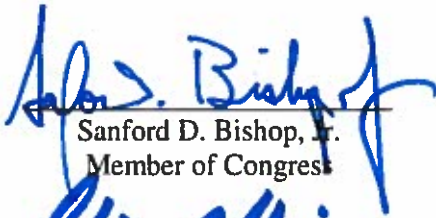
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