



July 13, 2016

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National Organic Program

RE: Organic Livestock and Poultry  
Posted to regulations.gov

CROPP Cooperative (CROPP) respectfully submits comments pertaining to the Organic Livestock and Poultry Practices proposed rule. CROPP is the nation's largest organic, independent and farmer-owned cooperative. Organized in 1988, we represent 1,800+ farmers in 36 states and three Canadian provinces, achieving approximately \$1 billion in sales during 2015. Focused on its founding mission of saving family farms through organic farming, CROPP produces a variety of organic foods, including organic milk, soy, cheese, butter, spreads, creams, eggs, and produce under the Organic Valley™ brand, which are sold in supermarkets, natural food stores and food cooperatives nationwide. With its regional model, milk is produced, bottled and distributed right in the regions where it is farmed to ensure fewer miles from farm to table and to support our local economies. The same farmers who produce for Organic Valley™ also produce a full range of delicious organic meats under the Organic Prairie™ label.

CROPP is pleased to see this long awaited proposed rule published for public comment. We believe that organic livestock agriculture is an animal welfare based system where the focus on soil health leads to healthy animals, a healthy planet, and healthy food. Organic farmers focus on prevention to assure the health of the livestock. The overall condition of livestock is the best indicator of a system that is in balance. The overwhelming majority of the new provisions in the proposed rule are practices in place at our member farms. Good guidance documents based on the final rule will help certifiers and producers understand how to comply.

CROPP worked to inform and gather feedback from our membership regarding the proposed rules. We sent out information and questions to our listserv, sent out e-blasts, and mailed letters to our membership. We held teleconferences with executive committees and membership by species and attended in person meetings to provide information and gather feedback. The two most important areas of concern in the proposed rule are the language around mammalian shelter design and the requirement of 50% soil for all outdoor access areas. There are a number of areas in the final rule requiring clarification noted in the following comments.

#### **Terms Defined:**

We support all of the new terms as listed in the proposed rule with the exception of the definition of "outdoors".

**Outdoors.** "Any area in the open air ~~with at least 50 percent soil~~, outside a building or shelter where there are no solid walls or roof attached to the indoor living space structure. Fencing or netting that does not block sunlight or rain may be used as necessary." Not all outdoor areas for livestock will have at least 50

percent soil as indicated in our mammalian living condition comments for ruminants during the non-grazing season and swine outdoor access areas. **We recommend striking “with at least 50 percent soil”** from the definition.

**Outcome based standards:** 238(a)(2) appropriate body condition; 238(a)(8) monitoring lameness; 239(a)(3) animals must be kept clean; 239(a)(4)(iv) clean, dry, and free of lesions; all of the sections mentioned contain language that are outcome based. **We support outcome based standards.** The two sections in health care standards apply to all species of livestock. Clearly written guidance is needed to ensure a sound and sensible approach to verifying outcome based standards are met. It will be a challenge to score livestock as a form of verification. There is currently a shortage of good organic livestock inspectors. Scoring livestock for body condition, lameness, hygiene, and lesions for all species and all breeds within each species and the stage of life per species and breed would constitute a challenge for certifiers and a longer and more expensive inspection for certified producers. Very clear guidance documents are critical to implementing these provisions. If a certified producer is already inspected for any of these provisions by a third party it is appropriate to review the documentation in lieu of performing a duplicate task. We strongly encourage the NOP to work with other animal welfare certifiers such as the National Milk Program’s Farmers Assuring Responsible Management, Global Animal Partnership, Humane Farm Animal Care, and other certifiers.

#### **Health Care Standard:**

205.238(a)(2) – Please refer to comment in outcome based standard section above

205.238(a)(5) – “Physical alterations may be performed to benefit the welfare ~~or hygiene~~ of the animals, or for identification purposes or safety.” **We recommend striking “or hygiene”** to prevent any confusion over the prohibition of tail docking.

205.238(a)(5)(i) and (ii) – We support the clarification for physical alteration practices.

205.238(a)(7) – We support the practice of minimizing pain, stress, and suffering with the use of appropriate and allowed anesthetics, analgesics, and sedatives.

205.238(a)(8) – Please refer to comment in outcome based standard section above

205.238(a)(9) – We support the language limiting the ammonia levels in poultry houses. The proposed level of less than 25 ppm with an action threshold of 10 ppm is concurrent with our recommendation to our members. We monitor the levels weekly. Clarification or guidance is needed for certifiers and producers for recordkeeping and testing methodology. Depending on the testing method, there may be significant cost to monitor ammonia levels within the proposed range.

205.238(b)(3) & 238(c)(2) & 238(c)(8) – Synthetic medications may be administered in the presence of illness or **to alleviate pain and suffering**. We are pleased to see the additional language regarding pain management in several sections of the proposed rule. Alleviating pain and suffering for our livestock is critically important as best practice for humane treatment of livestock. We support the language in 205.238(c)(8) “which may include forms of euthanasia as recommended by the American Veterinary Medical Association.” Please refer to our comment on 205.238(e)(2) for consistent application of this provision.

205.238(c)(3) – We support the additional language regarding administering hormones. CROPP prohibits the use of oxytocin in our policy.

205.238(c)(9) and (c)(10) – We support these new requirements

205.238(d) – We agree organic livestock operations should have a comprehensive plan to minimize internal parasites. In discussion with our members, good pasture management is key to prevention however the suggestion for fecal monitoring may have challenges. For this and other provisions of the proposed rule, guidance, forms, and templates would be very helpful for producers and certifiers.

205.238(e)(1) – “Organic livestock producers must have written plans for prompt, humane euthanasia for sick or injured animals.” We suggest the revision of the language to read “animals suffering from irreversible disease or injury.”

205.238(e)(2) – The prohibited method of euthanasia, blow to the head by blunt instrument, must be modified at a minimum. A blow to the head by a blunt instrument for piglets less than 12 lbs. is an allowed method per the American Veterinary Medical Association (AVMA) Guidelines for the Euthanasia of Animals: 2013 Edition, on page 61 section S3.3.3 Suckling Pigs. Also, we reviewed the standards of most of the regional animal welfare certifiers; all the standards we reviewed allow this method of euthanasia for young piglets. The revised language should read: “The following methods of euthanasia are not permitted, suffocation; blow to the head by blunt instrument **except for suckling pigs under 12 pounds**; and the use . . .”

205.238(e)(3) – We support the requirement to ensure euthanized livestock are dead.

#### **Mammalian Living Conditions:**

**Our dairy pool consists of 1,533 active members; our pork pool consists of 27 active members.**

205.239(a)(1) – Year round access for all animals to the outdoors, soil, shade . . . The word “soil” was added to the provision for year round outdoor access. We will address this requirement in response to the regulatory text in section 239(a)(12). We **recommend eliminating the word soil** from the first sentence due to various conditions when access to soil can be damaging to soil and water quality.

205.239(a)(3) – Animals must be kept clean during all stages of life. Hygiene is important to animal welfare and food safety. We support the added language to this section. Please refer to comment in outcome based standard section above.

205.239(a)(4)(i) – The shelter design created the most confusion among livestock farmers. During the webinar hosted by the NOP on April 15, 2016 we heard very clear communication that there was no intent on the part of NOP to eliminate tie stalls or free stalls both verbally and on slide number 16 of the webinar power point. However the language in the proposed rule “sufficient space and freedom to lie down in full lateral recumbence, turn around, stand up, fully stretch their limbs without touching other animals or the sides of the enclosure, and express normal patterns of behavior;” does not describe shelter that allows for tie stalls or free stalls.

- For ruminants full lateral recumbence and turn around preclude the use of tie stalls, stanchions, and free stalls. There are many different production methods for handling livestock. All have pros

and cons but the important determining factors are management practices not barn or facility choice.

- Swine in farrowing pens prefer to lay against the side of the pen.

We propose alternate language for 239(a)(4)(i) as follows: “Sufficient space and freedom to lie down, ~~in full lateral recumbence, turn around,~~ stand up, fully stretch their limbs ~~without touching other animals or the sides of the enclosure~~ and express normal patterns of behavior.” Our proposed language will satisfy diverse shelter designs for all mammalian livestock while keeping the intent intact.

205.239(a)(4)(iv) – “Areas for bedding and resting that are sufficiently large, solidly built, and comfortable so that animals are **kept clean, dry, and free of lesions.**” Please refer to comment in outcome based standard section above.

205.239(a)(6) – We support the requirement for cleanliness to prevent cross infection and build-up of disease carrying organisms and look forward to guidance to assure consistent verification of this requirement.

205.239(a)(7)(i) – “Until weaning, providing that they have enough room to. . . individual animal pens shall be designed and located so that each animal can see, smell, and hear other calves.” We agree that dairy young stock should be group housed after weaning. Weaning must have a clear definition to assure animal welfare for the young stock. Weaning does not end until the suckling behavior has ceased. There is an inconsistency with this language and the language in 205.239(c)(2) “for up to six months, after which they must be on pasture during the grazing season and may no longer be individually housed.” We recommend adjusting the language in 239(c)(2) in the final rule to assure consistency.

205.239(a)(7)(ii) – “Dairy young stock shall be group-housed after weaning.” We support this new provision with the added definition for “weaning”.

205.239(a)(7)(iii) – “Dairy young stock over six months of age shall have access to the outdoors at all times, including access to pasture during the grazing season except as allowed under 205.239(c)” We recommend **eliminating this requirement** because it is covered in other areas of the rule.

205.239(a)(8) through 205.239(a)(9) – We support the language for swine group housing and the exceptions.

205.239(a)(10) – “Exercise areas whether indoors or out must permit rooting, including during temporary confinement events.” Rooting is a natural behavior for swine. We agree rooting materials must be provided to satisfy a natural behavior. The rooting material must be provided either indoors or outdoors but not necessarily in both places. Let the producer decide what works best for their particular set up as long as the livestock have the materials and the ability to root. We suggest adding language to exempt sows from this provision during periods of farrowing and suckling to ensure the health and welfare of the piglets.

205.239(a)(11) – “In confined housing with stalls, at least one stall must be provided for each animal in the facility at any given time.” Livestock in a stall barn do not all lie down at the same time, some are feeding, and some are drinking, and others are lying down. We agree with the Organic Trade Associations suggested language to provide an adequate number of stalls to allow livestock to express their natural behaviors.

205.239(a)(12) – “At least 50 percent of outdoor access space must be soil, except for temporary conditions which would threaten the soil or water quality when outdoor access must be provided without contact to soil.” **We advocate for striking this new provision** from the final rule.

- **Ruminants:** The pasture rule implementation was a major step towards codifying the welfare provisions for ruminant livestock. Many dairy farmers have improved areas for the non-grazing season that protect soil and water quality. The goal is providing fresh air and sunshine during the non-grazing season.
- **Swine:** Not all hog farmers can provide soil in the outdoor access areas. Our internal policy states all swine must have outdoor access at all times by four weeks of age, when it is seasonally appropriate. Access to the outdoors is defined as an area with no ceiling. In Vernon County and other areas of our hog production we have watersheds and land with slope creating sensitive ecosystems that can be damaged through the degradation of soil that may occur with swine behavior.

205.239(b)(7) through 239(d) – We support the remaining provisions in the Mammalian Living Conditions section.

#### **Avian Living Conditions:**

We are very pleased to see the new section for Avian Living Conditions. The provisions are reasonable and achievable and are close to the NOSB recommendations. Meaningful outdoor access is an important part of an organic system plan for poultry. Following are some comments on the proposals with some possible alternative language to gain clarity. **Our egg pool has 120 members and our meat poultry pool has 3 members.**

205.241(a) through 241(b)(3) – We support all of these requirements.

205.241(b)(3) – “For layers and mature bird, artificial light may be used to prolong the day length up to 16 hours. Artificial light intensity must be lowered gradually to encourage hens to move to perches or settle for the night. Natural light must be sufficient indoors on sunny days to that an inspector can read and write when all lights are turned off.” We support this requirement. We believe this requirement would be strengthened by adding a requirement for windows to be evenly distributed through the house.

205.241(b)(4) through (b)(4)(iii) – We support the housing requirements in this section.

205.241(b)(5) – “Poultry houses must have sufficient exit areas, appropriately distributed around the building to ensure that all birds have ready access to the outdoors.” Certifiers and producers would benefit from clarification or guidance on how to comply with this provision. For example, one may have a poultry barn with an overhead door that opens at one end of the building. All hens have easy access to the outdoors and take full advantage of the open door. The intent is met but “appropriately distributed” may be in question. Door location has more to do with the pasture location rather than around the building.

205.241(b)(6) – “Flat roosts areas must allow birds to grip with their feet. Six inches of perch space must be provided per bird.” We agree perching is a natural behavior that must be a part of the organic laying operation. The 2011 NOSB recommendation combined roosting areas and perches to satisfy a perching requirement. **Did the NOP intend to include both roosts and perches as allowable space to meet the 6” per bird requirement?** Also, in the definition of perch it states “to utilize vertical space”; animal welfare

standards prescribe perches to be elevated at least 16" from the floor. All housing types, including multi-tiered facilities should provide 6" of perch space per bird including perches and roosts.

205.241(b)(7) through (b)(7)(iv) – These sections detail indoor space requirements for layers for a variety of housing systems expressed in pounds per square foot. We applaud the innovative approach to indoor stocking densities but are concerned about how to measure compliance. **We recommend 1.5 sq. ft. per bird** in any type of housing except for pasture housing. Pasture housing should be 1 sq. ft. per bird.

205.241(b)(8) – Pullet indoor stocking density set at 3.0 lbs. per square foot. **We recommend 1 sq. ft. per pullet at 16 weeks of age.**

205.241(b)(9) – Indoor space requirement. "For turkeys, broilers, and other meat type species, not more than 5.0 pounds of birds per square foot indoor space is allowed at any time." We have heard the concerns from turkey growers over this stocking density requirement. We checked on the stocking density standards for Global Animal Partnership (GAP) and Humane Farm Animal Care (HFAC). GAP level one requires 10 lbs. per square foot with the highest level at 6 lbs. per square foot; HFAC requires 3 square feet for hens up to 22.5 lbs. **We recommend 3 sq. ft. per turkey indoors and outdoors.** Broilers and other meat birds must be considered separate from turkeys.

205.241(c)(2) – Exit areas for birds to get outside must be designed so that more than one bird at a time can get through the opening ~~and that all birds within the house can go through the exit areas within one hour.~~ We agree with the intent of this provision which is to ensure that birds may exit easily and freely we support striking exiting within one hour. That may be a challenge to verify since not all birds choose to go outdoors at the same time.

205.241(c)(3) – "For layers, no more than 2.25 pounds of hen per square foot of outdoor space may be allowed at any time." We recommend 2 sq. ft. per bird outdoors.

205.241(c)(4) – "For pullets, no more than 3.0 pounds of pullet per square foot may be allowed at any time." We recommend 1.5 sq. ft. per pullet.

205.241(c)(5) – Outdoor space requirement. "For turkeys, broilers, and other meat type species, no more than 5.0 pounds of bird per square foot may be allowed at any time." We recommend 3 sq. ft. per bird of outdoor space.

205.241(c)(6) – "Space that has a solid roof overhead and is attached to the structure providing indoor space does not meet the definition of outdoor access and must not be included in the calculation of outdoor space." This requirement was confusing to read. We assume the intent was to prohibit porches as a calculation for outdoor space. Any land under the eaves of a building or a lean to meant to provide shade should be part of the outdoor space calculation.

205.241(c)(7) through 205.241(d) – We support these requirements.

205.241(d)(1) – "Inclement weather, including, when air temperatures are under 40 degrees F or above 90 degrees F." Some of our members felt that 40 degrees F was still pretty chilly to open up the doors because it would cool the barn down too much and create moisture issues. The consensus was 45 to 50 degrees F for the low end is more manageable.

205.241(d)(2) – Pullets must have outdoor access at 16 weeks of age. We support this requirement

205.241(d)(3) through 2015.241(d) 8) – We support all of these provisions for temporary confinement.

#### **Answers to Laying Hen Questions:**

1. Are most organic eggs brown? Yes.
2. Are most organic laying hens from the ISA Brown strain? We are not sure but we have very few ISA browns in our program. ISA do not perform well in production, they are known to be a high strung breed and have a tendency to show aggressive behavior. The big organic operations have a tendency to lean towards ISA's. Following are the varieties in our egg pool.
  - a. 36% Hyline Brown
  - b. 26% Bovan Brown
  - c. 25% Lohmann Brown
  - d. 10% Tetra Brown
  - e. 3% Tetra Amber
3. Is the mature weight of an ISA Brown hen 4.5 pounds under organic management? We are not sure but the 4.5 pound average is right for the varieties listed in #2.
4. What other avian species are used for organic egg production? See the response to #2.

#### **Transport and Slaughter:**

CROPP appreciates the addition of language to the rule to clarify transport and slaughter for organic livestock. Most of these provisions are covered through our organic livestock trucking affidavit and are in line with the proposed rule as written. Following are a few points for clarification.

205.242(a)(1) – “Certified organic livestock must be clearly identified as organic ~~and transported in pens within the livestock trailer clearly labeled for organic use and be contained in those pens for the duration of the trip.~~” We support clearly labeling livestock and shipping documents to ensure the organic supply chain remains intact. We feel there is no potential for confusing or commingling the organic and conventional livestock at the destination. This requirement puts an unnecessary burden on producers and livestock haulers.

205.242(a)(4) – This provision requires bedding is provided on trailer floors to keep livestock clean, dry, and comfortable during transportation. Most transport to auction or slaughter are very short in duration. This is not a standard practice for short trips although some bedding may be used to create a non-slip surface depending on the trailer floor.

#### **Summary**

The implementation timelines from the date of publication of the final rule of one year for ruminants and three to five years for poultry should work depending on the timeliness of the publication of the final rule. We are sensitive to the work placed on certifiers to verify any new requirements. If the final rule creates major changes to certified operations such as changes to barns, yards, or feeding pads the final rule should include reasonable implementation periods to come into compliance.

We appreciate the amount of effort and tenacity it took to publish this long awaited proposed rule. Overall the requirements are current practice for our membership. This comment is our best effort to revise the language for clarity to assure the welfare of our livestock is focused on the outcomes we wish to see without inadvertently prohibiting long held practices. We reached out to our membership in a variety of

ways to encourage them to submit their own comments with specifics of how the proposed rule could affect their operation. The timing of the publication of the proposed rule did create some challenges for broad engagement from our membership. We heard the importance of revising the language for shelter design and for the requirement for 50% soil in the outdoor access areas. The recommended language revisions for poultry are meant to achieve the same outcome in a way that is easier to verify. Thank you for the opportunity to comment on the proposed rule for Organic Livestock and Poultry Practices. We look forward to the publication of the final rule.

Sincerely,

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CROPP Cooperative/Organic Valley/Organic Prairie