



Animal Welfare Institute

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Toni Strother
Agricultural Marketing Specialist
National Organic Program
USDA-AMS-TMP-NOP
Room 2646-So.
Ag Stop 0268
1400 Independence Ave., SW
Washington, DC 20250-0268

Re: Docket Number AMS-TM-06-0198; TM-05-14FR

Dear Toni Strother:

The Animal Welfare Institute (AWI) is pleased to submit additional comments on the following exception for finish feeding of ruminant slaughter stock, § 205.239(d), published in the *Federal Register* on February 17, 2010:

(d) Ruminant slaughter stock, typically grain finished, shall be maintained on pasture for each day that the finishing period corresponds with the grazing season for the geographical location: Except, That, yards, feeding pads, or feedlots may be used to provide finish feeding rations. During the finishing period, ruminant slaughter stock shall be exempt from the minimum 30 percent DMI requirement from grazing. Yards, feeding pads, or feedlots used to provide finish feeding rations shall be large enough to allow all ruminant slaughter stock occupying the yard, feeding pad, or feed lot to feed simultaneously without crowding and without competition for food. The finishing period shall not exceed one fifth (1/5) of the animal's total life or 120 days, whichever is shorter.

I. Background

Since its founding in 1951, AWI has sought to reduce the pain and fear inflicted on animals by people. We seek to promote humane high-welfare farming, oppose cruel factory farms, and achieve humane transport and slaughter for all animals raised for food. Through the Animal Welfare Approved certification program, AWI provides technical expertise to farmers and slaughter plants seeking to improve the welfare of animals. AWI also supports policy initiatives that offer independent family farmers who utilize humane and sustainable animal agricultural practices greater opportunity to promote and sell their products and that help consumers make informed food choices.

AWI applauds the National Organic Program's decision to require organic cattle producers to "maintain all ruminant animals on pasture" during the grazing season, however we object to the portion of the rule which exempts ruminant meat animals from the requirement that 30 percent of DMI be obtained from grazing for four months during finishing. We are also concerned that the first two sentences of §205.239 (d), the finish feeding exception, are contradictory and should be clarified to ensure that feedlots are used only for supplemental feeding during finishing and that ruminants continue to be maintained on pasture during this period. Furthermore, the rule's prohibition on "continuous total confinement" of animals indoors or in yards, feeding pads, and feedlots presents a potential loophole because the rule does not define what length of time is considered "continuous." Because yards, feeding pads, and feedlots may be used during finishing, this ambiguity could result in significant periods of confinement in fenced, concrete lots.

We urge you to consider the detrimental impact of feedlot finishing on food safety, animal health, and animal welfare and eliminate the DMI intake exception. We also urge you to clarify §205.239 and the definition of "continuous total confinement" so that animals will not be confined to feedlots during large portions of the finishing period.

II. Problems with Exceptions for Finish Feeding of Ruminant Meat Animals

1. Animal Health

Feedlot finishing presents a host of animal health problems which jeopardize animal welfare and contradict consumer expectations about organic production. Because ruminants are designed to eat forage¹, feedlot diets consisting of high-energy concentrated feeds give rise to several serious metabolic disorders, including bloat, acidosis, and liver lesions.²

Bloat occurs when gas accumulates in the rumen and is caused by highly concentrated grain diets such as those provided in feedlots during the finishing period.³ When diets contain too much starch and not enough roughage, the rumen can fill with gas, pressing against the lungs and suffocating the animal. Acidosis, often resulting in laminitis and lameness, also occurs frequently on high concentrate rations.⁴ Another result of aggressive grain feeding is liver lesions, caused by increased acidity in the rumen. The drop in pH associated with grain feeding allows penetration of certain bacteria to the liver, leading to abscesses.⁵

Liver lesions, bloat, and acidosis can be prevented by providing sufficient roughage in the diet.⁶ Exempting ruminants from the requirement that 30 percent DMI be obtained

¹ Functional Anatomy and Physiology of Domestic Animals by William O. Reece, Publisher: Wiley Blackwell; 3rd edition (1 April 2004)

² "Impact of Disease on Feedlot Performance: A Review. *J Anim Sci* 1998. 76:272-274.

³ Hawkins, D. "Bovine Health Programs." Powerpoint *available at*:
<https://www.msu.edu/course/ans/222/FEEDLOT%20HEALTH%20PROGRAMS.ppt>.

⁴ Nocek, J. Bovine Acidosis: Implications on Laminitis *Journal of Dairy Science* Vol. 80 No. 5 1005-1028. 1997.

⁵ Huntington, G. B.. Acidosis. Page 474 in *The Ruminant Animal: Digestive Physiology and Nutrition*. D. C. Church, ed. Prentice-Hall, Englewood Cliffs, NJ. 1988

⁶ "Acidosis" *available at* <http://www.cattlenetwork.com/Acidosis/2005-02-16/Article.aspx?oid=821938>.

from pasture renders them vulnerable to these metabolic diseases. Because organic animals cannot be treated with antibiotics, sick animals are likely to spend their last four months diseased, untreated, and suffering.

2. Food Safety

Grain feeding increases the incidence of *E. coli* 0157 in meat.⁷ When cattle are grain-fed, their gastrointestinal tracts become far more acidic, promoting the growth of pathogenic *E. coli* bacteria which are resistant to human stomach acid. In a USDA study of beef feedlots, 58.8 percent of cattle pens sampled positive for *E. coli* 0157. Foodborne illness attributed to this organism is estimated to cause 1,843 hospitalizations and 52 deaths each year.⁸

The risk of *Salmonella* contamination is also high among feedlot cattle.⁹ A USDA study of feedlots found that 22.3 percent of pens sampled positive for *Salmonella*.¹⁰ Foodborne illness attributable to *Salmonella* is responsible for 15,600 hospitalizations, and 550 deaths each year.¹¹

3. Animal Welfare

While §205.239(a)(1) prohibits “continuous total confinement” in yards, feed pads, and feedlots, it fails to define a time period that constitutes “continuous.” The ambiguity of the prohibition on “continuous total confinement” presents the possibility for ruminants to spend a significant portion of the finishing period in high density environments. Because the definition of “feedlot” allows ruminants to be kept in fenced, concrete yards, it is particularly important that the definition of “continuous” be substantially limited.

The feedlot environment presents several social and behavioral problems. Cattle in feedlots gain weight rapidly and may experience cartilage damage, limb pain, and difficulty standing if not given adequate opportunity to exercise and develop leg strength.¹²

Animals in feedlots also spend much of their time idle because they feed more quickly than animals on pasture. Inadequate space in feedlots and lack of stimulation can lead to the development of stereotypical and antagonistic behaviors such as bull-steer syndrome, where certain males demonstrate antagonistic behavior toward other males.¹³ Similarly, social stresses in crowded feedlots may prevent subordinate animals from obtaining sufficient food.¹⁴ Although the rule requires that feedlots be large enough for all animals to feed without crowding or competition, this only addresses their ability to access food

⁷ USDA, Veterinary Services. “Escherichia coli 0157 in United States Feedlots,” October, 2001.

⁸ *Id.*

⁹ Prevention and Control of Specific Feeder Cattle Diseases, *available at*: http://www.farmandranchbiosecurity.com/dictionary_feedlot.htm#idagid

¹⁰ USDA, Veterinary Services, “Salmonella in United States Feedlots” October 2001.

¹¹ *Id.*

¹² Fraser AF, Broom DM. Farm Animal Behaviour and Welfare (3rd ed). New York: CAB International, 1997.

¹³ Pelley MC, Lirette A, Tennessen T. Observations on the responses of feedlot cattle to attempted environmental enrichment. *Can J Animal Sci* 1995; 75:631-632.

¹⁴ Fraser *supra* note 12.

in bunkers. Because the rule does not provide stocking densities, it does not prohibit crowding in feedlots generally.

III. AWI Recommendations for the Finish Feeding of Ruminant Meat Animals

1. *Organic ruminant meat animals should not be finish fed on high concentrate rations and therefore should not be exempt from the 30 percent DMI requirement during the last four months.*

AMS should eliminate the portion of the rule exempting ruminants from the 30 percent DMI from pasture requirement during the four month finishing period. A significant and consistent roughage component must be provided in the diet through all stages of life to ensure proper rumen function. The Animal Welfare Approved certification program requires 70 percent long fiber roughage/forage on a daily dry matter basis from weaning onwards. Research shows that even feeding grain at 50 percent of DMI makes the rumen markedly more acidic.¹⁵ By comparison, the rule's 30 percent DMI from forage requirement is woefully inadequate. Removing even this meager requirement during the finishing period will subject cattle to severe metabolic diseases. Furthermore, should AMS decide to preserve the exemption, a 120 day finishing period is unacceptable and should be shortened as much as possible. Continuous access to forage should be required for ruminants in order to ensure optimal health and nutrition.

2. *205.239(d) should be reworded to make completely clear that ruminants must be maintained on pasture throughout the finishing period and that feedlots, yards, and feed pads are only to be used for supplemental feeding, not confinement. "Continuous total confinement" should also be defined so as to ensure that ruminants do not spend significant time during the finishing period confined in feedlots.*

Ruminant meat animals should never be confined to feedlots for any significant period of time during finishing. As written, the second sentence of §205.239(d), beginning with the word "Except" could be read to mean that ruminants need not be maintained on pasture during the finishing period. The rule must explicitly state that, though feedlots may be used for supplemental feeding, the animals must always have access to adjacent pasture during the growing season, evening during finishing. A USDA press release describing the NOP pasture rule states, "livestock must have access to pasture during the finishing phase,"¹⁶ however this interpretation is not clear from the rule itself.

We recommend that the first two sentences of § 205.239 (d) be rewritten as follows:

(d) Ruminant slaughter stock, typically grain finished, shall be maintained on pasture for each day that the finishing period corresponds with the grazing season for the geographical location. Yards, feeding pads, or feedlots may be used to provide finish feeding rations in addition to, but not instead of, pasture.

¹⁵ James E. Nocek 1997 Bovine Acidosis: Implications on Laminitis Journal of Dairy Science Vol. 80 No. 5 1005-1028

¹⁶ USDA Release No. 0059.10, "USDA Issues Final Rule on Organic Access to Pasture." February 12, 2010.

The rule must also narrowly define “continuous total confinement” so that ruminants do not spend the finishing period crowded in concrete lots.

AWI recommends that “continuous total confinement” be defined as follows: Ruminant slaughter stock shall not be kept for the majority of any day in yards, feeding pads, or feedlots without having the freedom to relocate to adjacent pasture.

Alternately, we recommend adding the following phrase to §205.239(d):

Ruminant slaughter stock may only be temporarily confined in yards, feeding pads, or feedlots without having the freedom to relocate to adjacent pasture; where “temporarily,” means “occurring for a limited time only (eg., overnight, throughout a storm, during a period of illness, the period of time specified by the Administrator when granting a temporary variance), not permanent or lasting,” as currently defined in §205.2.

Thank you for the opportunity to comment on the exception for finish feeding of ruminant slaughter stock. AWI looks forward to seeing its concerns addressed by a final rule that provides for the metabolic health of ruminant meat animals and prohibits prolonged confinement during the finishing phase.

Sincerely,

Deborah Dubow Press
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