

Animal Welfare In the National Organic Program:

The USDA Must Act Quickly to Protect Millions of Animals



Summary

Meat, milk, and eggs bearing the coveted “USDA Organic” seal continue to boom in popularity. But the organic certification program has gradually been commandeered by industrial interests that threaten to degrade consumer trust in the organic label by exploiting gaps in the program’s animal welfare rules.

Over the past decade, a historic collaboration among organic producers, retailers, distributors, NGOs, consumers, and the USDA itself led to the January 2017 issuance of the Organic Livestock and Poultry Practices final rule (“OLPP rule”) – a substantial overhaul of USDA Organic’s animal welfare standards that would add critical protections for animals raised in the USDA Organic program. However, a small number of “faux-ganic” producers and conventional trade groups have pressured the current administration to derail the rule. Since the rule’s release, the USDA has twice delayed its implementation and has now proposed an additional rule that may retract the OLPP rule altogether.

The USDA must not waver on implementing this rule. There is simply too much at stake for consumers, farmers, and animals. The USDA’s refusal to heed the overwhelming will of organic stakeholders – and to carry out its own stated commitment to permanently strengthen its organic animal welfare requirements – is tearing at the very fabric of organics. It is time for the USDA to demonstrate the integrity it speaks of so strongly, and to implement the Organic Livestock and Poultry Practices rule.

| | |
|--|--------------|
| Introduction | pg 1 |
| The Rule is Decades in the Making | pg 3 |
| The Rule Improves Animal Welfare | pg 5 |
| Consumers Support the Rule | pg 7 |
| Organic Farmers Demand a Level Playing Field | pg 9 |
| Large Organic Retailers, Distributers, and Producers Support the Rule | pg 11 |
| Scientists and Veterinarians Affirm the Benefits of Outdoor Access | pg 13 |
| The Rule Does Not Increase the Risk of Animal Disease | pg 15 |
| USDA Organic Advisory Board Unanimously Endorses the Rule | pg 17 |
| Big Ag Opposes the Rule | pg 19 |
| Conclusion | pg 22 |
| <i>Footnotes</i> | pg 24 |
| <i>Endorsements</i> | pg 26 |

Introduction

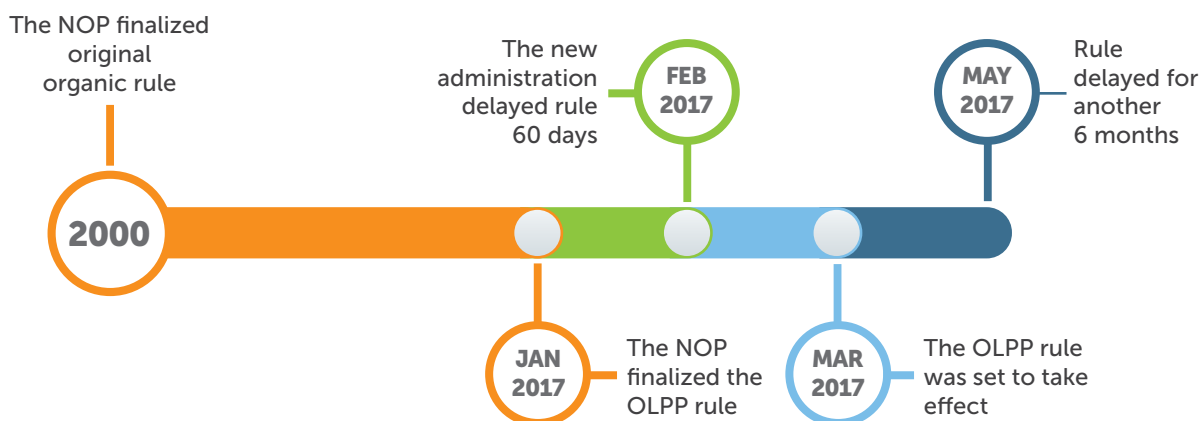
Over the past 17 years, the United States Department of Agriculture (USDA) has sought and received extensive feedback from farmers, consumers, and the general public on the treatment of animals raised in the USDA Organic program—animals totaling over 60 million and increasing each year.¹ That feedback has overwhelmingly favored the adoption of strong animal welfare standards and meaningful outdoor access requirements for organically raised swine, poultry, and ruminants (e.g., cattle, sheep, and goats).

In January 2017, the National Organic Program (NOP) finalized a comprehensive set of animal welfare standards, referred to as the Organic Livestock and Poultry Practices (OLPP) rule.² The rule, originally set to take effect in March 2017, is supported by the vast majority of organic farmers, businesses, consumers, and advocacy organizations.

In February 2017, the USDA, under the new administration, delayed the rule's effective date by 60 days; in May, it delayed the rule for an additional six months. The USDA simultaneously issued a *proposed rule* with a 30-day comment period to collect feedback on whether it should delay the rule further or eliminate it altogether.

This report's signatories believe that by continuing to delay implementation of this rule, the USDA is prioritizing the economic interests of a handful of industrial organic egg producers and conventional animal agriculture trade groups who do not want to see the rule go into effect. We call on the USDA to implement the current rule without modification or further delay.

This report will illustrate the broad support for the OLPP rule from consumers, farmers, and businesses and will refute arguments against the rule from conventional agriculture interests and a minority of organic egg producers.





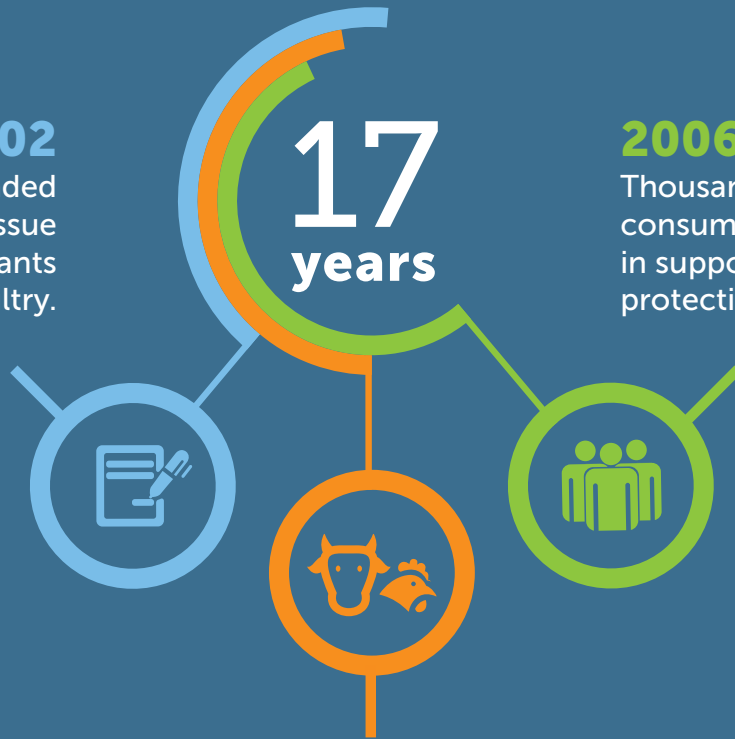
The Rule Is Decades in the Making

The OLPP rule is decades in the making. When the final rule establishing the USDA's National Organic Program (NOP) was published in 2000, it contained very little guidance about how animals should be raised or handled. As a result, various stakeholders—including farmers, certifiers, and consumer advocacy organizations—immediately called for clarification, particularly on access to (1) pasture for ruminant animals (cattle, sheep, and goats) and (2) the outdoors for poultry.

Within two months of the original organic rule's publication, the National Organic Standards Board (NOSB)—an advisory body to the USDA's National Organic Program—began holding meetings and soliciting public comments on animal welfare issues.³ In 2001 the NOSB recommended that the NOP issue new rules for ruminants. In 2002, the NOSB made the same recommendation for poultry. In 2009 and again in 2011, it made comprehensive recommendations to the NOP for rulemaking on animal welfare. The NOSB invited public testimony on animal raising practices on a total of 11 occasions between 2001 and 2012.

In 2010, the USDA's Office of Inspector General (OIG) released a report that flagged the lack of specific criteria for, and consistent enforcement of, poultry outdoor access and recommended that new criteria be developed.⁴ Between 2006 and 2017, the NOP solicited public comments six times; three of these comment periods were specific to pasture for ruminants, one addressed outdoor access for poultry, and two covered multiple animal welfare issues. During the 16 years since the NOSB recommended clarification on the animal welfare standards for ruminants and poultry, thousands of farmers and consumers have spoken out in support of stronger protections for animal welfare.

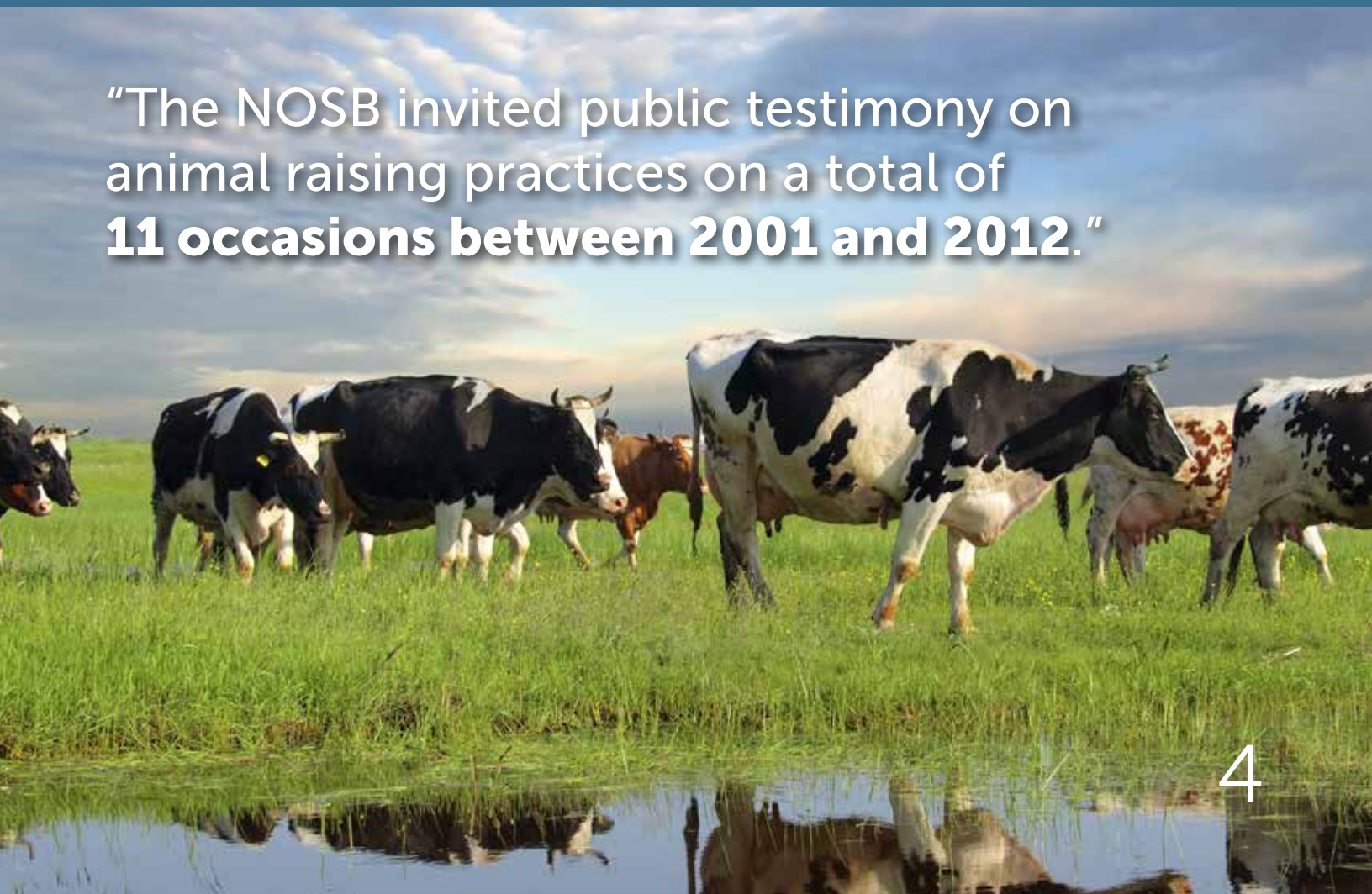
2001-2002
The NOSB recommended that the NOP issue new rules for ruminants and later poultry.



2006-2017
Thousands of farmers and consumers have spoken out in support of stronger protections for animal welfare.

2009, 2011 The NOSB made comprehensive recommendations for rulemaking on animal welfare.

“The NOSB invited public testimony on animal raising practices on a total of **11 occasions between 2001 and 2012.**”



The Rule Improves Animal Welfare

The OLPP rule adds critical protections for animals raised in the USDA Organic program. It introduces separate provisions for poultry, as well as transport and slaughter requirements for all species—all necessary components of a comprehensive certification program that includes animal welfare in its purview.

The new rule also provides much greater detail regarding husbandry requirements, such as minimum indoor space allowances for chickens, environmental enrichments that encourage animals to express natural behaviors like dust bathing, and air quality assurances through ammonia rate limits for poultry housing. Further, the rule addresses health care issues by requiring that pain controls be used when possible, and by prohibiting certain painful physical modifications.

Finally, the OLPP rule requires that farms raising poultry (whether for meat or eggs) provide easy access to outdoor areas that include soil and vegetation. The requirement that poultry must have meaningful outdoor access closes a loophole that has allowed organic poultry producers to keep birds indoors year-round on closed concrete “porches.” By establishing animal protections that consumers have long believed were already requirements of the organic program, the OLPP rule will help align the program with consumer expectations.⁵



| Without Final Rule Implementation | With Final Rule Implementation |
|--|---|
| <ul style="list-style-type: none">• No separate poultry, transport or slaughter standards• Unreliable access to the outdoors• Outdoor access not required for all non-ruminants• No indoor or outdoor space requirements• No specific indoor enrichment requirements• No overarching pain control requirement | <ul style="list-style-type: none">• Separate poultry, transport and slaughter standards• Easy access to the outdoors• Outdoor access requirements for all species• Indoor and outdoor space requirements for poultry• Specific indoor enrichment requirements• Overarching pain control requirements |

Very different
“access to the
outdoors”



With the same
label—leads to
unfair
competition and
consumer
confusion



Image courtesy of the United States Department of Agriculture (USDA) Agricultural Marketing Service (Organic Livestock and Poultry Practices Final Rule Webinar, Slide 7. See <https://www.ams.usda.gov/sites/default/files/media/OLPPWebinarSlidesScript.pdf>)

FINAL RULE: Organic Livestock & Poultry Practices

These changes to the organic regulations address organic livestock & poultry living conditions, health care, handling & transport.



Incorporates feedback from approximately
6700 PUBLIC COMMENTS

Provisions

OUTSIDE TIME FOR ALL SPECIES when temperatures are between **40-90°**



GOAL: LESS THAN
10 PPM
Indoor Ammonia Levels.
OVER 25 PPM prohibited

6 inches
of perch space per bird

2.25 lbs per square foot
required layer outdoor space



Poultry house exits must
ensure ready outdoor access
for all birds



**GROUP
Housing**
required for swine
(except for special conditions)

Organic feed & water required
for all species being transported for 12+ hours

Outdoor requirements
for all species

Consumers Support the Rule

Consumer demand for organic food continues to explode. Over the last ten years, sales of products from organic farms have increased more than 70 percent, accounting for more than \$40 billion in annual sales and making up more than five percent of the total grocery market in 2015. Organic meat (including poultry) sales rose over 17 percent in 2016, to \$991 million, and are expected to reach \$1 billion in 2017.⁶

The success of the organic industry reflects consumers' growing desire for transparency in how food is produced⁷ and their support for the humane treatment of farm animals. A national survey conducted in 2016 found that the vast majority of consumers (77 percent) are concerned about the welfare of animals raised for food.⁸ In research conducted by the nation's largest retailer, Walmart, two-thirds of the company's customers stated that they are more likely to shop at a retailer that improves the treatment of livestock.⁹

Support for the humane treatment of animals is even stronger among consumers who buy organic foods. In a 2017 survey from Consumer Reports, six out of ten Americans said that it is *highly* (extremely or very) important that the animals used to produce organic food are raised on farms with high standards for animal welfare. Among consumers who *always* or *often* buy organic, this number rose to 86 percent.¹⁰

Specific practices included in the OLPP rule also have strong consumer support. For example, in the 2017 Consumer Reports survey, 83 percent of consumers who regularly buy organic products said that it is *highly* (extremely or very) important that eggs labeled "organic" come from hens that were able to go outdoors and had sufficient outdoor space to move freely.¹¹

The OLPP rule's outdoor access requirements are particularly important because many consumers already believe that such requirements are in place for animals raised under organic standards. A 2015 survey by Consumer Reports found that a majority of consumers (54 percent) believed that current organic regulations require that animals be allowed outdoors; an even greater majority of consumers (68 percent) believed that the organic regulations *should* require that animals have outdoor access.¹²

Further, consumers believe outdoor access on certified organic farms involves access to vegetation: a 2014 Edge Research survey commissioned by the ASPCA® found that 91 percent of general consumers and 93 percent of organic consumers believe animals raised organically should have "vegetation to graze on."¹³ The OLPP rule requires outdoor vegetation for poultry (while retaining the current outdoor pasture requirement for ruminants): a meaningful welfare improvement and significant step toward meeting consumer expectations.

“...consumers believe outdoor access on certified organic farms involves access to vegetation...”



Organic Farmers Demand a Level Playing Field

In April 2017, over 330 certified organic beef, pork, dairy and poultry farmers—representing nearly \$2 billion in annual organic sales—signed a statement calling for the implementation of the OLPP rule, citing the need to “operate on a level playing field and meet a consistent standard, regardless of our operation size.”¹⁴ The OLPP rule will play a critical role in leveling the playing field for hundreds of organic farmers. A 2014 Organic Egg Farmers of America survey (not publicly released) found that 95 percent of organic egg farmers already meet or exceed key OLPP requirements.¹⁵ The five percent of organic egg farms that do not already comply with the OLPP requirements include some of the largest farms with the weakest welfare standards for animals.

Because of their size and use of confinement practices, these few organic egg operations are able to produce eggs more cheaply than the majority of organic operations that give birds meaningful access to the outdoors. In addition to incurring the increased costs of providing meaningful outdoor access, many organic free-range and pasture farms have sought additional independently-audited animal welfare certifications, such as Certified Humane, in an effort to distinguish their higher welfare credentials. While labels such as Certified Humane provide significant additional animal welfare benefits and consumer reach, eliminating this practice of “dual certification” was cited by the USDA as one of the cost-saving benefits of the OLPP rule.¹⁶

Prior to the rule’s finalization, nearly 60 farms and farming organizations signed a statement urging the establishment of meaningful organic animal welfare regulations to “promote the integrity of the organic label and support responsible farmers who provide the high welfare consumers expect.”¹⁷ Farmers who publicly support the OLPP rule include small and mid-sized farms, as well as large producers and production networks such as Perdue,¹⁸ Pete & Gerry’s,¹⁹ Organic Valley,²⁰ Egg Innovations,²¹ and Applegate,²² among others.

At the spring 2017 NOSB meeting, a board member voiced support for the OLPP rule, stating, “This is what the producers want,” and explaining that the rule stands to improve farm practices, raise farmers’ bottom lines, and increase trust in the organic label.²³



"A 2014 Organic Egg Farmers of America survey (not publicly released) found that 95 percent of organic egg farmers already meet or exceed key OLPP requirements."

Large Organic Retailers, Distributors, and Producers Support the Rule

Support for the OLPP is not limited to organic farmers. Large companies, many of them publicly traded, support the OLPP. Companies such as United Natural Foods, Vitamin Cottage/Natural Grocers, Applegate Farms, Smucker Natural Foods, and Perdue have built billion-dollar businesses, due in part to the strength of the organic label. These companies understand that consumer trust in the organic label is critical to their success.

Melody Meyer, vice president of corporate social responsibility, policy and industry relations for United Natural Foods, stated in a recent blog post:

When consumers purchase organic, they see the USDA label and hold firm to a certain belief that the product has been produced in a certain way. Free of pesticides, herbicides, antibiotics and when it comes to animals, raised in a humane manner... Special interests in Washington now seek to obstruct the implementation of the final rule, essentially blocking the industry's ability to control its own standards. If this rule is blocked, the very relevance of the organic seal is at stake.²⁴

The Republican Party itself highlights the National Organic Program as a strong economic strategy. A June 2016 policy paper offers the program as an example of "incentive programs [that] may allow an agency to reach its goals without placing undue burdens on Americans" given that it "provides a voluntary regulatory program for organic producers who choose to market their agricultural products under the USDA organic seal" and "is not mandatory for all agricultural products, but provides uniform standards, certification, and enforcement for the farmers and ranchers who choose to participate in the program."²⁵

Without strong animal welfare protections, many businesses are concerned that consumer trust in the organic label will falter. In a July 2016 comment on the proposed OLPP rule, Kim Dietz, senior manager of compliance and industry relations at Smucker Natural Foods, stated:

Erosion of consumer's [sic] confidence that organic regulations match their production values will inevitably result in loss of organic sales and will jeopardize the continued success of organic in the marketplace.... We are generally in support of the proposal overall because it will clarify and strengthen existing livestock and poultry practice standards in the organic regulations, which, in turn, will better ensure consistent compliance by certified organic operations and respond to consumer expectations and demand.²⁶

Companies are also urging their customers to ask the USDA to finalize the OLPP rule. Steve Lykken, president of Applegate Farms, recently wrote, "As a company committed to high animal welfare standards, Applegate supported the rule last year, and will continue to support it now. That's why Applegate issued a statement to news media in support of the final rule, is submitting public comments to USDA, and urging our consumers and organic suppliers to do the same."²⁷

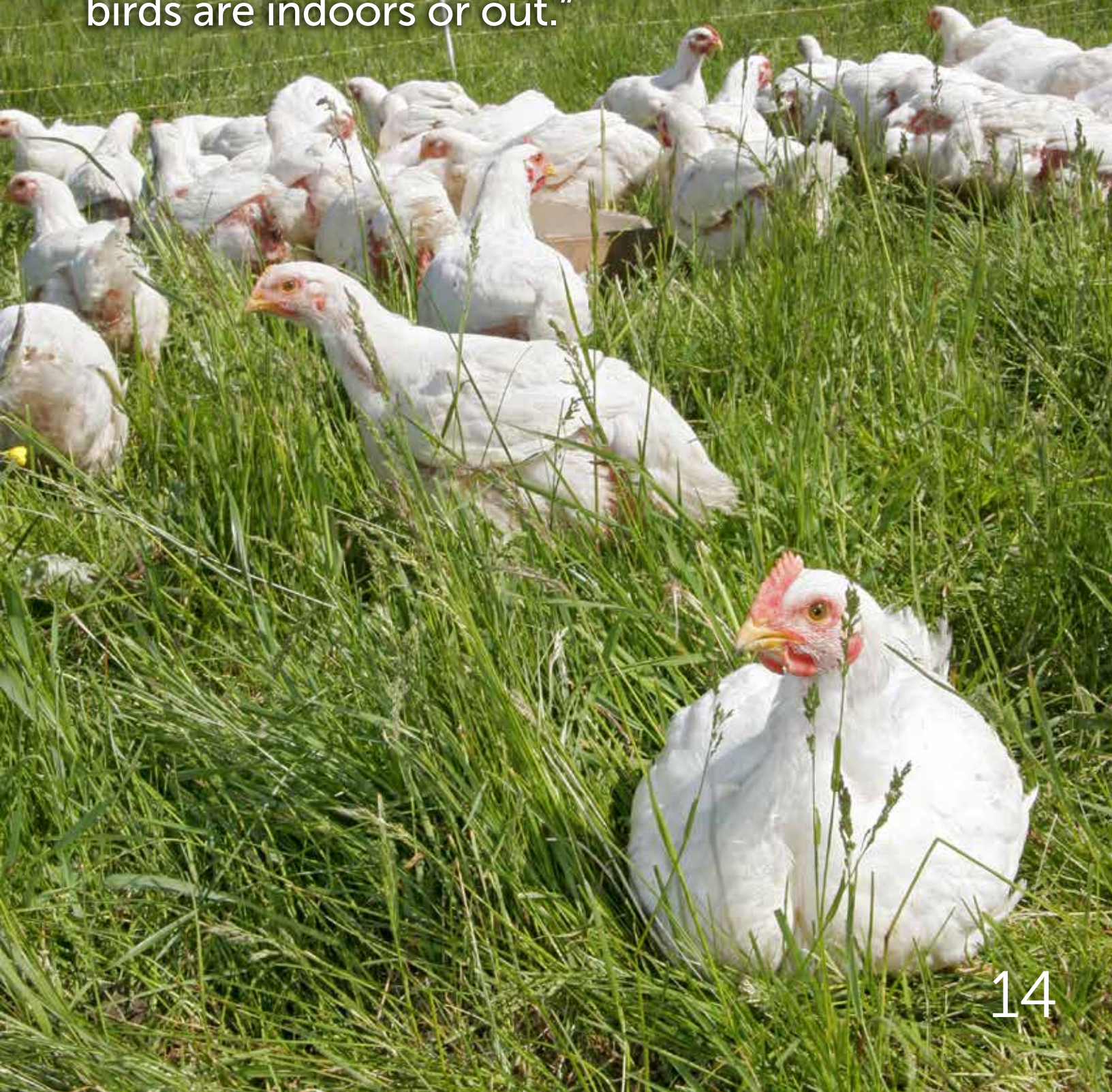
"The Republican Party itself highlights the National Organic Program as a **strong economic strategy.**"

Scientists and Veterinarians Affirm the Benefits of Outdoor Access

Some of the OLPP rule's most integral provisions require true outdoor access for chickens, turkeys, and egg-laying hens, yet these basic requirements have proven anathema to Big Ag. The rule requires that birds have the opportunity to come into contact with soil and vegetation, allowing for natural behaviors such as scratching, pecking, and dust bathing. This lies in stark contrast to the enclosed "porches" used by some producers, which confine hens to screened-in rooms with roofs and solid flooring, thereby thwarting natural instincts.

Research demonstrates that providing birds with outdoor access results in myriad benefits, including improved health, which can reduce the risk of pathogenic infections (see more below, in the section titled *The Rule Does Not Increase the Risk of Animal Disease*). Experts conclude that challenges associated with outdoor birds can be managed. Following a 2015 national outbreak of highly pathogenic avian influenza, former U.S. Chief Veterinary Officer Dr. John Clifford testified in a congressional hearing that transmission of the virus is not affected by whether birds are indoors or out.²⁸ In fact, that outbreak was concentrated in large, indoor confinement operations, not on farms with birds outdoors. In 2016, thirty-four ASPCA® veterinarians submitted a letter to the USDA urging outdoor access for poultry and other key animal welfare improvements to the organic program.²⁹ The National Organic Coalition has compiled scientific findings that identify crowded, indoor living conditions as potential risk factors for avian influenza, and describe outdoor access and lower stocking density as "part of the solution, not the problem."³⁰

“...former U.S. Chief Veterinary Officer Dr. John Clifford testified in a congressional hearing that transmission of [highly pathogenic avian influenza] virus is not affected by whether birds are indoors or out.”



The Rule Does Not Increase the Risk of Animal Disease

Contrary to the assertions of the rule's opponents, providing birds with outdoor access does not significantly increase mortality rates. In fact, a USDA survey of laying hen operations in the United States found lower average mortality on organic egg farms as compared to non-organic farms. In 2013, the Veterinary Services program of the USDA conducted a random sampling of farms with 3,000 or more laying hens located in 19 states. Among all flocks surveyed (including both organic and non-organic flocks), hen mortality was reported as 10.1 percent,³¹ while mortality for hens solely in organic flocks was reported as 6.8 percent.³²

Further, little evidence exists to support the assertion of a connection between outdoor access and large-scale disease outbreaks such as avian influenza (AI or "bird flu"). In fact, research suggests that large-scale poultry operations are more often the source of virulent strains of AI, and that milder strains are more likely to mutate into more virulent ones in crowded, indoor poultry operations than in flocks of birds that have been raised outdoors.³³

According to the USDA, there were ten times as many cases of bird flu detected in commercial operations as in backyard flocks during the 2015 outbreak.³⁴ Moreover, officials in South Korea—where the virus has hit especially hard—recently found that poultry operations housing more than 100,000 chickens were *548 times* more likely to be affected than those with fewer than 4,000 chickens.³⁵

The AI virus does not easily survive sunlight and the dry conditions found in outdoor access systems. Instead, it is more likely to survive and spread within or among crowded, unsanitary indoor poultry houses.³⁶ Moreover, the virus has been known to spread among indoor confinement operations, even when no contact with wild birds has occurred. According to the USDA, potential risk factors identified during the 2015 outbreak included the sharing of company trucks and trailers between farms, the practice of company representatives visiting multiple farms, and the practice of renderers servicing multiple farms.³⁷

The USDA has provided adequate protections against the spread of diseases, such as bird flu, in the OLPP rule. The rule allows the temporary confinement of animals in response to conditions “under which the health, safety, or well-being of the animal could be jeopardized.” The final rule also removed a provision in the proposed rule that would have required a documented occurrence of disease in the region or migratory pathway to temporarily confine animals.³⁸ Continuing to suggest that outdoor access increases the risk of disease represents an attempt to frighten consumers and to deflect attention from the true issue, which is the need to provide higher-welfare conditions for animals on organic farms.

“Contrary to the assertions of the rule’s opponents, **providing birds with outdoor access does not significantly increase mortality rates.**”



USDA Organic Advisory Board Unanimously Endorses the Rule

The NOSB unanimously voted at its spring 2017 meeting to encourage the U.S. Secretary of Agriculture to allow the OLPP rule to go into effect. In a resolution supporting the rule, the NOSB notes that its recommendation is “the product of a decade of public NOSB meetings, lengthy discussions, public comment periods and consultation from organic producers, processors, consumers, and the veterinary and scientific community.” The full resolution is as follows:³⁹

The National Organic Standards Board recognizes that consumers’ trust of the organic label and industry growth depends on the strength and consistent application of the organic regulations. NOSB has an integral role in advising USDA in its promulgation of these volunteer standards, and strives to seek consensus among organic stakeholders in its recommendations to USDA and the secretary. The recently finalized Organic Livestock and Poultry Practices rule was based on a unanimous NOSB recommendation to USDA in 2011. The NOSB recommendation was the product of a decade of public NOSB meetings, lengthy discussions, public comment periods and consultation from organic producers, processors, consumers, and the veterinary and scientific community. According to a survey by Organic Egg Farmers of America from 2014, the majority of organic egg producers representing the majority of organic egg production already adhere to the practices and standards set forth in the rule.^A A recent Consumer Reports survey found that 83% of consumers who frequently purchase organic products believe that organic eggs should come from hens that have access to the outdoors.^B Additionally, USDA APHIS has found no significant differences in mortality rates between organic and conventional laying hen operations.^C Support for this rule has been expressed through public comment by major and growing organic brands.^D The rule is supported by organic producers, consumers, the industry, and the NOSB. The NOSB stands ready to answer any additional questions the Secretary may have on the Organic Livestock and Poultry Practices Rule. Therefore be it resolved by unanimous vote, the National Organic Standards Board—as USDA’s Federal Advisory Board on organic issues and representing organic farmers, ranchers, processors, retailers and consumers—urges the Secretary to allow the Organic Livestock and Poultry Practices rule to become effective on May 19th 2017 without further delay.

^A Organic Egg Farmers of America. Organic Poultry Industry Animal Welfare Survey. 2014.

^B “Consumer Reports survey finds consumers think it’s important to have high animal welfare standards for organic food” consumersunion.org/news/consumer-reports-survey-finds-consumers-think-its-important-to-have-high-animal-welfare-standards-for-organic-food/

^C USDA Animal and Plant Health Inspection Service. Layers 2013, Part IV: Reference of Organic Egg Production in the United States, 2013. November 2014. www.aphis.usda.gov/animal_health/nahms/poultry/downloads/layers2013/Layers2013_dr_PartIV.pdf

^D Docket ID: AMS-NOP-15-0012, National Organic Program – Organic Livestock and Poultry Practices. www.regulations.gov/docketBrowser?rpp=25&so=DESC&sb=commentDueDate&po=0&dct=PS&D=AMS-NOP-15-0012



Big Ag Opposes the Rule

Most of the opposition to the OLPP rule comes from a handful of large-scale organic egg producers that raise animals in conditions similar to conventional cage-free operations. Large-scale producers make up just one percent of organic egg farmers, but produce approximately 16 percent of organic eggs.⁴⁰ Although 95 percent of organic egg farmers already comply with the most controversial aspect of the OLPP rule—meaningful outdoor access⁴¹—a powerful minority has been able to stop this widely supported rule from moving forward.

Although consumers who buy organic poultry products support the requirement of outdoor access for hens, some certified-organic egg companies confine tens of thousands of birds indoors and define “outdoor access” as a small, screened-in porch with concrete flooring. The loudest voices in opposition are Herbruck’s Poultry Ranch, Cal-Maine Foods, and Rose Acre Farms.⁴²

These large-scale organic egg farms are putting profit above the best animal welfare science, fairness in the organic marketplace, and the expectations of organic consumers. Greg Herbruck, an executive vice president of Herbruck’s Poultry Ranch, said as much in an interview in WattAgNet: “The proposed rule would drastically reduce our flock capacities and basically render our tens of millions of dollars of investment obsolete.”⁴³ “Faux-ganic” companies have invested in organic factory farms in hopes that USDA will continue to allow them to charge consumers a premium price without having to invest in meaningful animal welfare. The OLPP rule would remove incentives for such investments in low-welfare, “business as usual” factory farming.

The reality, however, is that the OLPP rule will allow the small number of organic producers that do not already meet the new requirements ample time to comply. The rule gives producers a full five years to comply with the outdoor access requirements. Organic egg producers that cannot comply with the outdoor access requirements can still sell their eggs in the growing cage-free market. If companies such as Cal-Maine, Rose Acre, and Herbruck’s are unwilling to meet the new organic rules, they can still sell their eggs at a premium in the cage-free market, in which all three companies already have a large share.



“Although 95 percent of organic egg farmers already comply with the most controversial aspect of the OLPP rule—meaningful outdoor access—a **powerful minority has been able to stop this widely supported rule** from moving forward.”

Resistance to the rule from Herbruck's, Rose Acre, and Cal-Maine is part of a concerted effort by Big Ag to oppose improvements to farm animal welfare. Besides Herbruck's, Rose Acre, and Cal-Maine, opposition mostly comes from some national and state trade associations. This should not come as a surprise, as (mostly non-organic) large-scale producers dominate national and state agricultural trade associations. Cal-Maine is an active participant in some of these organizations. For example, at the time the Texas Poultry Federation (TPF) submitted comments on the OLPP rule, Cal-Maine's vice president of operations was the president of the TPF.⁴⁴

Similarly, Cal-Maine's vice president and chief operations officer sits on the board of directors of the U.S. Poultry and Egg Association, which also opposes the rule.⁴⁵

Over the last 20 years, organic farmers, scientists, animal welfare organizations, and consumers participated in a long and transparent process to help develop the standards codified in the OLPP rule. During that period, most trade associations, including the National Pork Producers Council, the National Cattlemen's Beef Association, and the National Chicken Council, chose not to participate. Now, at the eleventh hour, these trade groups are voicing opposition to the OLPP rule—it would appear not because they care about the organic program and the consumers who buy organic products, but because they do not want the government to promulgate *any* legally-binding standards for animal welfare. The role of these industry trade groups is to protect the largest animal agriculture companies; perhaps they are weighing in now in an attempt to control the growth of an alternative market that may challenge their dominance.

Conclusion

The OLPP rule enjoys broad support from farmers, consumers, and businesses. Opposition to the rule is not based on science or concern for the health of animals, but rather seeks to protect the business model of a few large egg producers and their backers within conventional agriculture trade groups. Consumers expect the USDA Organic seal to represent high standards for animal welfare. If consumers come to believe that organic regulations do not align with their expectations or their values, the long-term success of the organic program will be threatened. For the benefit of animals, farmers, and consumers, the USDA should act immediately to implement the OLPP rule. The future of the organic marketplace depends on it.



Footnotes

- ¹ United States Department of Agriculture, Certified Organic Survey 2015 Summary. (2016). Table 13: Certified Organic Livestock and Poultry Inventory and Sales: 2015. Accessed June 23, 2017 from <https://downloads.usda.library.cornell.edu/usda-esmis/files/zg64tk92g/pr76f6075/4f16c5988/OrganicProduction-09-15-2016.pdf>.
- ² National Organic Program (NOP); Organic Livestock and Poultry Practices. United States Department of Agriculture. Rule. March 2017. Accessed June 8, 2017 from <https://www.federalregister.gov/documents/2017/01/19/2017-00888/national-organic-program-nop-organic-livestock-and-poultry-practices>.
- ³ Animal Welfare under the National Organic Program: A Timeline. Animal Welfare Institute, May 2017. Accessed June 8, 2017 from <http://awionline.org/sites/default/files/uploads/documents/temp/Organic-animal-welfare-timeline-rev-May-2017.pdf>.
- ⁴ Oversight of the National Organic Program. United States Department of Agriculture, Office of Inspector General. Audit Report. March 2010. Accessed May 25, 2017 from <https://www.usda.gov/oig/webdocs/01601-03-HY.pdf>.
- ⁵ Research on Consumer Perceptions of Organic Food Standards for Treatment of Animals. April 2014. Accessed June 1, 2017 from http://www.aspc.org/sites/default/files/aspc_organic_labeling_public_memo_4-10-14.pdf.
- ⁶ Robust organic sector stays on upward climb, posts new records in U.S. sales. Organic Trade Association. May 14, 2017. Accessed January 2, 2019 from <https://www.ota.com/news/press-releases/19681>.
- ⁷ Millennial Impact: Food Shopping Decisions. Mintel. Sept 2015. Accessed May 23, 2017 from <http://store.mintel.com/the-millennial-impact-food-shopping-decisions-us-september-2015>.
- ⁸ Results from a Recent Survey of American Consumers. Lake Research Partners. June 29, 2016. Accessed May 23, 2017 from https://www.aspc.org/sites/default/files/publicmemo_aspc_labeling_fi_rev1_0629716.pdf.
- ⁹ D’Innocenzio, A. “Walmart’s Push on Animal Welfare Hailed as Game Changer.” The Washington Times. May 22, 2015. Accessed May 23, 2017 from <http://www.washingtontimes.com/news/2015/may/22/wal-mart-press-es-meat-suppliers-on-antibiotics-tre/>.
- ¹⁰ Animal Welfare Survey. Consumer Reports National Research Center. March 18, 2017. Accessed May 23, 2017 from <http://greenerchoices.org/wp-content/uploads/2017/04/2017-Animal-Welfare-Survey-Public-Report.pdf>.
- ¹¹ Animal Welfare Survey. Consumer Reports National Research Center. March 18, 2017. Accessed May 23, 2017 from <http://greenerchoices.org/wp-content/uploads/2017/04/2017-Animal-Welfare-Survey-Public-Report.pdf>.
- ¹² Natural Food Labels Survey. Consumer Reports National Research Center. 2015. Accessed May 23, 2017 from https://article.images.consumerreports.org/prod/content/dam/cro/magazine-articles/2016/March/Consumer_Reports_Natural_Food_Labels_Survey_2015.pdf.
- ¹³ Research on Consumer Perceptions of Organic Food Standards for Treatment of Animals. Edge Research. April 2014. Accessed June 21, 2017 from http://www.aspc.org/sites/default/files/aspc_organic_labeling_public_memo_4-10-14.pdf.
- ¹⁴ Organic Trade Association, letter dated April 28, 2017. Accessed May 25, 2017 from http://ota.com/sites/default/files/indexed_files/Organic%20Livestock%20and%20Poultry%20Producer%20Letter.pdf.
- ¹⁵ Organic Egg Farmers of America. Organic Poultry Industry Animal Welfare Survey. 2014.
- ¹⁶ Organic Livestock and Poultry Practices Final Rule. USDA Agricultural Marketing Service webinar. January 18, 2017. Accessed May 23, 2017 from <https://www.ams.usda.gov/sites/default/files/media/OLPPWebinarSlidesScript.pdf>.
- ¹⁷ Statement of Support for Proposed Rule on Organic Animal Welfare. The American Society for the Prevention of Cruelty to Animals® Website. Accessed November 06, 2018 from https://www.aspc.org/sites/default/files/organic_welfare_standards_farmer_endorsements_2016.pdf.
- ¹⁸ Gee, K. “USDA Sets Tougher Animal Welfare Standards for Organic Farming.” The Wall Street Journal. Jan 19, 2017. Accessed May 23, 2017 from <https://www.wsj.com/articles/usda-sets-tougher-animal-welfare-standards-for-organic-farming-1484823601>.
- ¹⁹ Pete and Gerry’s Organic Eggs. Facebook Post. May 22, 2016. Accessed May 23, 2017 from <https://it-it.facebook.com/peteandgerrys/posts/10153755713443473>.
- ²⁰ Statement from Organic Valley on USDA’s “Organic Livestock and Poultry Practices Rules”. Organic Valley Website. January 20, 2017 Accessed May 23, 2017 from <https://www.organicvalley.coop/newspress/statement-organic-valley-usdas-organic-livestock-and-poultry-practices-rules/>.
- ²¹ Egg Innovations. Facebook Post. February 16, 2017. Accessed May 23, 2017 from <https://www.facebook.com/egginnovations/posts/10154313947917060>.
- ²² Applegate Expresses Disappointment with Delays; Urges USDA to Enact Organic Animal Welfare Standards. PRNewswire. Accessed May 23, 2017 from http://www.prnewswire.com/news-releases/applegate-express-es-disappointment-with-delays-urges-usda-to-enact-organic-animal-welfare-standards-300460062.html?tc=eml_cleartime.
- ²³ U.S. Department of Agriculture. National Organic Standards Board Public Hearing. April 2017. Accessed August 10, 2017 from <https://www.ams.usda.gov/sites/default/files/media/TranscriptsNOSBApril2017.pdf>.

- ²⁴ Delaying the Organic Livestock Rule is Nothing to Crow About. United Natural Foods Website. May 17, 2017. Accessed May 25, 2017 from <https://organicmattersblog.com/2017/05/17/delaying-the-organic-animal-welfare-rule-is-nothing-to-crow-about/>.
- ²⁵ The Economy. A Better Way; Our Vision for a Confident America. June 14, 2016. Accessed April 10, 2019 from <https://aspca.box.com/v/GOP-BetterWay>.
- ²⁶ Dietz, K. Letter to the USDA Re: National Organic Program; Organic Livestock and Poultry Practices Proposed Rule. July 12, 2016. Accessed May 25, 2017 from <https://www.regulations.gov/document?D=AMS-NOP-15-0012-5527>.
- ²⁷ Lykken, S. Tell the USDA to Stop Clucking Around on Animal Welfare! Applegate Farms Blog. Accessed May 23, 2017 from <http://applegate.com/blog/posts/tell-the-usda-to-stop-clucking-around>.
- ²⁸ U.S. Senate Committee on Agriculture, Nutrition, & Forestry. Committee hearing on highly pathogenic avian influenza. July 7, 2015. Accessed May 23, 2017 from <https://www.agriculture.senate.gov/hearings/highly-pathogenic-avian-influenza-the-impact-on-the-us-poultry-sector-and-protecting-us-poultry-flocks>.
- ²⁹ ASPCA® Letter to Secretary Tom Vilsack. March 4, 2016. Accessed May 23, 2017 from https://www.asPCA.org/sites/default/files/160304_asPCA_veterinary_statement_organic_standards.pdf.
- ³⁰ National Organic Coalition, Avian Influenza and Outdoor Access for Organic Poultry Flocks. Accessed May 25, 2017 from <https://app.box.com/s/ec92u0xi1upwy2x2sa17t13cmbzrn6jk>.
- ³¹ USDA Animal and Plant Health Inspection Service. Layers 2013, Part I: Reference of Health and Management Practices on Table-Egg Farms in the United States, 2013. June 2014. Accessed July 13, 2017 from https://www.aphis.usda.gov/animal_health/nahms/poultry/downloads/layers2013/Layers2013_dr_PartI.pdf.
- ³² USDA Animal and Plant Health Inspection Service. Layers 2013, Part IV: Reference of Organic Egg Production in the United States, 2013. November 2014. Accessed July 13, 2017 from https://www.aphis.usda.gov/animal_health/nahms/poultry/downloads/layers2013/Layers2013_dr_PartIV.pdf.
- ³³ National Organic Coalition. Avian Influenza and Outdoor Access for Organic Poultry Flocks. Accessed May 23, 2017, from <https://app.box.com/s/ec92u0xi1upwy2x2sa17t13cmbzrn6jk>.
- ³⁴ USDA Animal and Plant Health Inspection Service. HPAI 2014/15 Confirmed Detections. Accessed May 23, 2017 from https://web.archive.org/web/20170615121707/https://www.aphis.usda.gov/aphis/ourfocus/animal-health/animal-disease-information/avian-influenza-disease/sa_detections_by_states/hpai-2014-2015-confirmed-detections.
- ³⁵ Chickens at Large Poultry Farms More Prone to Avian Influenza. The Korea Bizwire. April 20, 2017. Accessed May 23, 2017 from <http://koreabizwire.com/chickens-at-large-poultry-farms-more-prone-to-avian-influenza/81222>.
- ³⁶ Avian Influenza and Outdoor Access for Organic Poultry Flocks. National Organic Coalition. Accessed May 23, 2017 from <https://app.box.com/s/ec92u0xi1upwy2x2sa17t13cmbzrn6jk>.
- ³⁷ USDA Animal and Plant Health Inspection Service. Epidemiologic and Other Analyses of HPAI-Affected Poultry Flocks. September 9, 2015. Accessed May 23, 2017 from https://www.aphis.usda.gov/animal_health/animal_dis_spec/poultry/downloads/Epidemiologic-Analysis-Sept-2015.pdf.
- ³⁸ National Organic Program (NOP); Organic Livestock and Poultry Practices. United States Department of Agriculture. Rule. March 2017. Accessed June 8, 2017 from <https://www.federalregister.gov/documents/2017/01/19/2017-00888/national-organic-program-nop-organic-livestock-and-poultry-practices>.
- ³⁹ National Organic Standards Board. Formal Recommendation from National Organic Standards Board (NOSB) to the National Organic Program (NOP). April 21, 2017. Accessed August 10, 2017 from <https://www.ams.usda.gov/sites/default/files/media/OLPPResolutionFinalRec.pdf>.
- ⁴⁰ USDA Agriculture Marketing Service. Economic Impact Analysis of Proposed Regulations for Living Conditions for Organic Poultry, second D.3, page 14. August 2012. Accessed May 25, 2017 from <https://www.ams.usda.gov/sites/default/files/media/Poultry%20Living%20Conditions%20Economic%20Impact%20-%20Phase%203.pdf>.
- ⁴¹ Organic Egg Farmers of America. Organic Poultry Industry Animal Welfare Survey. 2014.
- ⁴² See Comments from Rose Acre Farms, Inc., Cal-Maine Foods, Inc., and Herbruck Poultry on USDA's Organic Livestock and Poultry Practices Rules. July 16, 2016. Accessed May 25, 2017 from <https://www.regulations.gov/document?D=AMS-NOP-15-0012-5426>.
- ⁴³ Alonzo, A. Herbruck's raises questions about organic rule proposal. WattAgNet. April 26, 2016. Accessed May 25, 2017 from <http://www.wattagnet.com/articles/26736-herbrucks-raises-questions-about-organic-rule-proposal>.
- ⁴⁴ Comments from Texas Poultry Federation on USDA's Organic Livestock and Poultry Practices Rules. May 13, 2016. Accessed May 25, 2017 from <https://www.regulations.gov/document?D=AMS-NOP-15-0012-4308>.
- ⁴⁵ Comments from U.S. Poultry and Egg Association on USDA's Organic Livestock and Poultry Practices Rules. May 26, 2016. Accessed May 25, 2017 from <https://www.regulations.gov/document?D=AMS-NOP-15-0012-1469>.

The following organizations endorse this report:



Steering Committee of:



