



# Animal Welfare Institute

---

900 Pennsylvania Avenue, SE, Washington, DC 20003 • [www.awionline.org](http://www.awionline.org)  
telephone: (202) 337-2332 • facsimile: (202) 446-2131

November 10, 2011

Ms. Lorraine Coke  
National Organic Standards Board  
USDA-AMS-NOP  
1400 Independence Ave., S.W.  
Room 2646-S, Mail Stop 0268  
Washington, DC 20250-0268

(Comments submitted via Regulations.gov website)

RE: AMS-NOP-11-0081; Meeting of the National Organic Standards Board

Dear Ms. Coke:

I am writing on behalf of the Animal Welfare Institute (AWI) to offer comments on several animal welfare-related topics currently under discussion by the National Organic Standards Board's (NOSB) Livestock Committee. These topics are covered in the Livestock Committee's 1) Proposed Regulatory Recommendation – Animal Welfare and Stocking Rates; 2) Proposed Guidance Recommendation – Animal Welfare and Stocking Rates; and 3) Proposed Regulatory Recommendation – Animal Handling, Transport, and Slaughter.

AWI sincerely appreciates the time and effort expended by the Livestock Committee over the past two years on the drafting of animal welfare recommendations for the National Organic Program. We also recognize and welcome several improvements made since the spring 2011 draft, including increased space allowances for turkeys and pigs, the requirement of pain management for dehorning and disbudding, and the addition of a weaning age for pigs. However, numerous areas of concern remain.

Overall, AWI feels that the recommendations represent a superficial attempt to address very complex, multi-faceted behavioral and physiological issues. While the major U.S. animal welfare certification programs typically take 20-30 pages to address the animal welfare needs of a *single* species, the NOSB says it intends to create a “comprehensive” welfare program for all species in a fraction of the space. Moreover, although the Livestock Committee has claimed that it is basing its recommendations, at least in part, on existing welfare standards, many of the proposed requirements are inconsistent with the standards of the major U.S. third-party welfare certification programs.

## Support for the “Minority Opinion”

AWI is in agreement with the positions presented in the Livestock Committee's Minority Opinion on Animal Welfare and Stocking Rates (proposed regulatory recommendation). We believe this alternative proposal more accurately reflects public perception and expectations of the USDA Certified Organic seal and would result in a higher level of animal welfare on organic operations.

In particular, we support the following recommendations included in the Minority Opinion:

- **Minimum space allowances** for all species should be established in regulation. There is no scientific or ethical justification for placing poultry space allowances in regulation and pig space allowances in guidance.
- **Outdoor minimum space allowances** for meat chickens and egg-laying hens should be increased to 5 sq ft per bird. The current allowances of 1.5 sq ft and 2.0 sq ft for chickens and hens, respectively, do not allow for the performance of a full range of natural behaviors, as would be expected under an organic animal husbandry program.
- **Provisions for vegetation, shade, and cover** are necessary to encourage use of the outdoor area by non-ruminants (birds and pigs). Requiring **50% vegetative cover**, and that the area be capable of providing for at least **75% of the animals** to be outside at the same time, are important aspects of organic production from an animal welfare perspective.
- **Routine beak trimming** should be prohibited. In order to reduce the incidence of injury from feather-pecking, the indoor environment for both meat birds and hens must be enriched by the provision of perches, blinds, and at least one additional form of enrichment (such as straw bales). Perches must be provided prior to 6 weeks of age (for pullets) and allow each bird adequate space (a minimum of 6 inches per bird), as is required by the 3 major U.S. animal welfare certification programs – Animal Welfare Approved, Certified Humane, and American Humane Certified.<sup>1</sup>
- **Forced molting** by feed withdrawal should be expressly prohibited in regulation, as it is under the standards of the major U.S. welfare certification programs.<sup>2</sup>

#### Other Recommended Changes

In addition to adoption of the Minority Opinion, many other revisions are needed to make the proposed recommendations adequate in terms of animal welfare. Some of the most important changes are identified below:

- Sufficient **water for swimming and bathing** should be provided for ducks and geese to meet their behavioral needs. Of the major U.S. welfare certification programs, only Animal Welfare Approved (AWA) currently offers standards for ducks and geese. Following are AWA's requirements for access to water for ducks (similar requirements exist for geese):
  - 7.4.1 Ducks must always have access to water for behavioral needs.
  - 7.4.2 Water for swimming needs must be deep enough for birds to fully invert their bodies in the water and swim without their feet touching the bottom.
  - 7.4.3 Natural and artificial water sources must be kept clean and well maintained.

---

<sup>1</sup> *Animal Welfare Approved Laying Hen Standards, 2011v2, section 5.5.1; Humane Farm Animal Care Animal Care Standards Egg-Laying Hens, Jan. 2009, section E24a; American Humane Certified Animal Welfare Standards for Layers-Aviary, Sept. 2010, section E26.*

<sup>2</sup> *Animal Welfare Approved Laying Hen Standards, section 5.5.19; Humane Farm Animal Care Animal Care Standards Egg-Laying Hens, section FW2b; American Humane Certified Animal Welfare Standards for Layers-Aviary, section H10.*

- 7.4.4 Ponds and swimming water must be maintained and managed to prevent environmental pollution.
- *Note: Different species have different behavioral needs. All ducks must have access to water such that they can dip their heads in water and spread water over their feathers. Mallard ducks additionally require water they can swim in, whereas Muscovy ducks do not. Ducklings are included in the requirement above but they must be protected from the risk of drowning. This may necessitate excluding them from large bodies of water and/or deep water.*<sup>3</sup>
- **Tie stalls** should be prohibited as a method of dairy cow housing. Near continuous confinement of dairy cows, as is currently practiced at some organic operations in the Northeast, results in poor animal welfare. This is especially a problem when access to pasture is limited due to the season and prevailing weather conditions. The major U.S. welfare certification programs all either explicitly ban the use of tie stalls or prohibit restraint for more than 4 hours at a time, regardless of the geographic location of the farm. The programs also require a daily exercise period regardless of the type of housing.<sup>4</sup> If transition to free stall housing would impose a serious hardship on a large number of small farmers, then a phase-in period of 2-3 years could be provided.
- **Continuous tethering of calves** should be prohibited due to the negative impacts on animal welfare. Tethering is disallowed by both the Animal Welfare Approved and the Certified Humane programs.<sup>5</sup> In addition, there should be a requirement that dairy calves be integrated into **group housing** by 8 weeks of age, as is required under the dairy cow standards of the Certified Humane and American Humane Certified programs (the Animal Welfare Approved standards require that calves be reared by their mothers and may not be individually housed).<sup>6</sup>
- The proposed guidance recommendation for the **use of electric prods** (“The use of electric prods is prohibited, except where animal and human safety is in jeopardy and is a means of last resort.”) is consistent with the standards of welfare certification programs regarding the use of these devices. However, the proposed regulatory recommendation for the use of prods (205.241(a)(13)) is completely unacceptable. First, the language is vague and may be interpreted in a variety of ways. Second, forcing a downed animal who is sick or injured to attempt to rise will result in serious suffering and constitutes cruelty. Third, the use of electric prods on the grounds of a slaughterhouse is at the discretion of USDA inspectors, and the delivery of multiple shocks might very well be viewed as a violation of the Humane Methods

---

<sup>3</sup> *Animal Welfare Approved Duck Standards*, 2011v2, section 7.4.

<sup>4</sup> *Animal Welfare Approved Dairy Cattle and Calves Standards*, 2011v2, section 8.1.3; *Humane Farm Animal Care Standards Dairy Cows*, March 2004, section E21; *American Humane Certified Animal Welfare Standards for Dairy Cattle*, Sept. 2010, section E22.

<sup>5</sup> *Animal Welfare Approved Dairy Cattle and Calves Standards*, section 5.2.21; *Humane Farm Animal Care Standards Young Dairy Beef*, March 2005, section E48c.

<sup>6</sup> *Animal Welfare Approved Dairy Cattle and Calves Standards*, section 5.2; *Humane Farm Animal Care Standards Young Dairy Beef*, section E17a; *American Humane Certified Animal Welfare Standards for Dairy Cattle*, section C10.

of Slaughter Act regulations.<sup>7</sup> And, finally, the slaughter of non-ambulatory cattle is prohibited by federal regulation,<sup>8</sup> meaning that forcing a downed cow to rise for slaughter could be considered illegal. In nearly all circumstances where electrical prods are used it is done to protect the commercial interests of the producer, and not to benefit the welfare of the animal. Downed animals should be treated or humanely euthanized. If a non-ambulatory animal must be moved for treatment, then this must be accomplished without the use of a prod.

AWI urges the Livestock Committee to adopt the "Minority Opinion" on Animal Welfare and Stocking Rates and to make the additional changes outlined above. We look forward to seeing these recommendations incorporated into the next version of the animal welfare proposals. Do not hesitate to contact me if AWI can provide scientific references or any other information.

Sincerely,

A handwritten signature in black ink that reads "Dena Jones". The signature is written in a cursive style with a large, stylized initial 'D'.

Dena Jones, MS  
Farm Animal Program Manager

---

<sup>7</sup> See 9 C.F.R. § 313.2.

<sup>8</sup> See 9 C.F.R. § 309.2-.3.