

March 18, 2015

The Honorable Tom Vilsack  
U.S. Department of Agriculture  
Jamie L. Whitten Building  
1400 Independence Ave., S.W.  
Washington, DC 20250

Re: Recommendations for the National Organic Program's Rulemaking on Animal Welfare

Dear Secretary Vilsack:

The undersigned animal welfare and consumer protection organizations write to express our support for the National Organic Program's (NOP) plans to propose comprehensive organic animal welfare regulations in 2015. The existing organic regulations contain only a few vague sentences regarding animal welfare. Current requirements for "living conditions which accommodate the health and natural behavior of animals" and "access for all animals to the outdoors, shade, shelter, exercise areas, fresh air, clean water for drinking, and direct sunlight," hint at the spirit of organic production but lack any real force.

Over the past fifteen years, the absence of detailed regulations has allowed large-scale industrial producers to profit from the public's desire for higher-welfare animal products without actually providing meaningful animal welfare. Consumers mistakenly believe that organically raised animals are raised more humanely when, in truth, there is often little difference between conventional and organic production in terms of animal treatment. Many organic consumers would be shocked to learn that ninety-nine percent of organic broiler chickens are raised in facilities that house more than 100,000 birds and that two out of every dozen organic eggs are produced in concentrated production facilities. We applaud NOP's efforts to remedy this.

Organic agriculture should set a higher bar for humane treatment than that currently set by conventional agriculture. Our organizations are committed to ensuring that the millions of animals raised and slaughtered each year for organic production receive the space, care, and enrichment to be healthy, engage in natural behaviors, fulfill their social needs, and experience minimal stress and pain. In order to accomplish this, the organic animal welfare standards should be consistent with preexisting U.S. animal welfare certifications, such as the Animal Welfare Approved and Global Animal Partnership (at Step 3 or higher) programs, and the E.U. organic program, with which the U.S. has an equivalency agreement.

We are also dedicated to ensuring that the reality of organic production meets the expectations of consumers. According to a 2013 poll conducted by Edge Research, the majority of organic consumers wrongly believe that the USDA organic label signifies a high level of animal welfare. At least 67% of organic consumers surveyed believe that animals raised organically have access to pasture and fresh air

throughout the day and that they have significantly more space to move than on conventional farms. In reality, NOP does not currently provide clear requirements for space or outdoor access. The draft regulations present an opportunity to bring the organic label in line with consumer expectations and values.

We look forward to seeing extensive improvements to animal welfare in the proposed regulations. Among those improvements, the areas below are high priorities for our organizations. We expect that the proposed rule will, at minimum, accomplish the following:

- NOP must establish minimum space requirements for all species, including:
  - Indoor and outdoor space allowances specified for beef cattle, dairy cattle, bison, sheep and goats, pigs and rabbits (consistent with the National Organic Standards Board (NOSB) October 2011 draft proposal);
  - A prohibition on individual housing that severely restricts freedom of movement;
  - Indoor and outdoor space allowances for laying and breeding chickens, pullets, meat chickens, turkeys and geese, and laying, breeding, and meat ducks (consistent with the NOSB December 2011 proposal, except that additional indoor space for turkeys and indoor and outdoor space for meat chickens should be required); and
  - A requirement that all indoor spaces for birds allow them to perch, roost, access feed, and have scratch areas, open areas, and nest boxes (for hens).
- NOP must establish explicit outdoor access requirements for poultry and pigs which prohibit the use of porches and solid floors, specifically:
  - Swine must be maintained on pasture with minimum 25% vegetative cover during the grazing season. Deep-bedded straw or rooting materials must be provided for all swine to allow them to forage;
  - Outdoor access for birds must provide the opportunity to scratch and dust-bathe in soil and to perform other natural behaviors. Outdoor areas for birds must have 50% vegetative cover, and when outdoors, birds must have continuous access to shelter or housing for protection from predators and the weather; and
  - Enclosed spaces with solid roofs do not meet the definition of outdoor access and cannot be included in the calculation of outdoor space.
- NOP must prohibit certain physical alterations, including:
  - Dehorning, face branding and tail docking of cattle;
  - Tail docking and routine tooth clipping of pigs;
  - Tail docking of sheep unless there is an unavoidable and high risk of suffering due to fly strike;

- Beak trimming of birds, unless performed within 10 days after hatch and preventative feather-pecking measures in previous flocks have failed; and
- Castrating or disbudding mammals without effective pain relief.
- NOP must establish minimum weaning ages, specifically:
  - Beef cattle are not to be weaned earlier than 3 months, with 6 months preferred, and dairy cattle not earlier than 6 weeks with 12 weeks preferred;
  - Pigs are not to be weaned before 42 days after birth; and
  - Sheep and goats are not to be weaned before 45 days after birth.
- NOP must establish requirements for transport, including:
  - Prohibition of the transport of sick, injured, disabled, non-ambulatory or fatigued animals except for veterinary treatment;
  - Requirements for “fitness to travel” including minimum age for transport of mammal species; and
  - Limitation on total transport time for birds and mammals.
- NOP must establish requirements for slaughter, including:
  - Prompt and humane euthanasia for all animals arriving at the slaughter plant in a non-ambulatory condition, as well as for all animals becoming non-ambulatory after arrival; and
  - Zero tolerance for missed stuns, consistent with the Humane Methods of Slaughter Act.

We thank the NOP for its swift efforts to draft and propose rules this year. We are eager to see regulations in place that protect the welfare of millions of animals raised and slaughtered for organic production and ensure that the organic label meets consumers’ expectations for the treatment of these animals. Though the NOSB intended some of its recommendations to be covered by guidance, we urge the NOP to capture welfare standards as binding regulations in order to prevent the ambiguity and inconsistency characteristic of the current program.

We look forward to discussing our recommendations further.

Sincerely,



The American Society for the Prevention of Cruelty to Animals



Animal Legal Defense Fund



Animal Welfare Institute



Compassion in World Farming



Compassion Over Killing



Farm Forward



Farm Sanctuary



Food and Water Watch



Food Animal Concerns Trust



Friends of the Earth



The Humane Society of the United States



Mercy for Animals



Massachusetts Society for the Prevention of Cruelty to Animals



Organic Consumers Association

Cc: National Organic Program Director Miles McEvoy; Agricultural Marketing Service Administrator Anne Alonzo; Marketing and Regulatory Programs Undersecretary Ed Avalos.