

# Comments submitted by AWI to USDA

March 31, 2003

Chief  
Standardization Branch, Livestock and Seed Program  
Agriculture Marketing Service  
U.S. Department of Agriculture  
Room 2603-S, Stop 0254  
1400 Independence Avenue, SW  
Washington, DC 20250-0254

Re: Docket No. LS-02-02

The Animal Welfare Institute (AWI) is a non-profit, educational organization founded in 1951 to reduce the sum of pain and fear inflicted on animals by humans. In 1989 AWI developed Humane On-Farm Husbandry Standards for Pigs and the first “USDA-Approved” label (called “Pastureland Farms”) placed on pork from animals raised according to AWI’s standards. This USDA label is no longer in use by AWI, nevertheless our standards have been formally adopted by a steadily growing number of pig farmers since 1997, now numbering about 250. Our comments are based on decades of AWI work not only with farmed animals, themselves but with farmers, marketing companies, chefs, chain restaurant owners and grocers who depend upon the label claims that USDA proposes to define. We appreciate this opportunity to comment on proposed standards and claims that will impact the welfare of animals used for food. We have concerns about 7 items, enumerated below. In the text below, USDA language is italicized.

*1. “Free Range, Free Roaming or Pasture Raised. Livestock that have had continuous and unconfined access to pasture throughout their life cycle, including: Cattle—Shall never be confined to a feedlot. Sheep—Shall never be confined to a feedlot. Swine—Shall have continuous access to pasture for at least 80% of their production cycle.”*

Comment: USDA’s proposed definition for swine could eliminate some farmers who deserve to call their husbandry “free range”, “free roaming” or “pasture raised”. For example, the term “free-range” is commonly used by farmers who keep pregnant sows, nursing sows and market hogs on pasture from early spring through late fall and in deep-straw barns or hoop houses with access to harvested corn or bean fields—sometimes snow-covered—in the winter, where the sows can root and forage. The same farmers may also cycle a percentage of the sows through straw-bedded barns during the winter when they are giving birth to and nursing piglets, with those piglets remaining indoors in straw bedded pens, until marketed at six months of age.

At the same time, the proposed definition appears to allow animal factories which keep sows in gestation and farrowing crates so small they cannot walk or turn around, and keep nursing piglets in

barren, perforated floor confinement nurseries, to advertise the meat of their market hogs as “free range” if those hogs have spent 80% of their short (6 month) lives free-range, free-roaming or pasture-raised. Such use must be prevented.

Recommendation: 1) When any of the three terms is used, it must apply to the living conditions provided not only to the market hogs, steers or lambs who are slaughtered and whose meat is specially labeled, but to the breeding herd from which these slaughtered animals have come. This needs to be specified in the definition. 2) USDA needs to undertake a methodical, public process to gather input on the terminology in this claim from farmers, retailers, animal welfare and consumer groups and other affected individuals and organizations.

Comment: The three terms –free range, free roaming or pasture raised- can represent quite different conditions.

Recommendation: Define the three terms individually.

Comment: The value of the claim will be compromised if the pasture referred to in the claim exists but the animals are somehow discouraged from using it.

Recommendation: 1) Amend the language to read: “Each individual animal shall have continuous, unconfined and unobstructed access to pasture throughout the animal’s life.” 2) “Pasture” should be defined to include: “Vegetative cover and environment appropriate to the species in respect to diet and natural behavior.”

Comment: Benefits to animal welfare implied by this claim will be compromised if (a) animals are kept too densely; (b) the pasture or range is allowed to become barren through poor management. Standards need to address animal density and establish standards for maintaining range or pasture.

Recommendation: Add the following language to the definition: “Animal density must be restricted so that animals can fulfill normal patterns of behavior and so that healthy pasture or range is maintained.”

Comment: In the “background” to the proposed “free range, free roaming or pasture raised” claims and definitions, USDA writes: “Producers must verify how livestock are cared for during normal and inclement weather conditions, birthing, or other conditions that would merit special protection.” This language would rightly require animals to be provided necessary protections when on free-range or pasture, but could create a gigantic loophole or confusion regarding the type of housing that would be provided during such periods. It also neglects to specifically mention illness or injury.

Recommendation: Amend the background text to state: “Producers must verify how livestock are cared for during normal and inclement weather conditions, birthing, during illness or injury, or other conditions that would merit special protection. Producers must verify that all animals are provided with an environment in which they can move freely and behave naturally at all times.”

Comment: The term “feedlot” needs to be defined. In practice, it is now being used to describe several types of management, from muddy, un-shaded dirt cattle pens to enclosed concrete floored confinement facilities for pigs and chickens.

Recommendation: USDA should consider using the following definition of feedlot: “Lot(s) or building(s) for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which feces and urine, without bedding, may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure....Pastures shall not be considered animal feedlots.”

*2. “No antibiotics used, or Raised without antibiotics.- Livestock have never received antibiotics from birth to harvest.”*

Comment: We support this clear language and appropriate definition with the exception of the word “harvest”. Animals are sentient creatures, not plants.

Recommendation: Replace “harvest” with “slaughter” or “death” or “market”.

*“3. No subtherapeutic antibiotics added or Not fed antibiotics: Livestock are not fed subtherapeutic levels of antibiotics. They may receive treatment for illness provided the approved FDA withdrawal period is observed”.*

Comment: Interpretations of “subtherapeutic” vary. Animals can receive antibiotics by means other than feed, for example, in their water.

Recommendation: Replace the above claim and definition with the following language: “No antibiotics used except for treatment of disease in individual animals: Individuals may receive treatment for disease provided the approved FDA withdrawal period is observed.”

*4. “No detectable antibiotic residue....All antibiotics are withdrawn at least 30 days beyond the minimum FDA requirement...and, Livestock and meat products contain no detectable antibiotic residue as verified by statistical sampling analysis using a science based testing protocol. The specific test protocol and sensitivity of that method must be disclosed.”*

Comment: There should be no antibiotic residue—detectable or not—in any meat product, including “conventional” meat marketed without the special claims.

Furthermore, it is the routine nontherapeutic administration of antibiotics that has become a major contributor to antibiotic resistance and this claim, as written, could mislead consumers into thinking that they are protecting themselves against the threat of antibiotic resistance by purchase of meat labeled “No detectable antibiotic residue.”

Recommendation: This claim and definition should be eliminated. It does not deserve a place in a USDA Process Verified/Quality Systems Certification program.

*5. “Grass fed: Grass, green or range pasture, or forage shall be 80% or more of the primary energy source throughout the animal’s life cycle.”*

Comment: There is a significant difference between cattle ingesting grass by grazing on pastures and cattle eating forage in a dirt or concrete feedlot or barn. The proposed language would allow farmers who feed forage to cattle confined in feedlots to make a “Grass-fed” claim. Consumers are likely to associate grass-fed with pasture-raised.

Recommendation: Consult with farmers and their organizations with experience raising and marketing grass fed animals, as well as consumer and animal welfare groups, to improve this definition. At a minimum, restate this definition as follows: “Animals have had continuous, unconfined and unobstructed access to grass (including legumes and forbs) pastures throughout their life. When free-standing forage is unavailable during the winter season cattle will continue to be fed an 85% (minimum) forage derived diet.”

6. *“No supplemental hormones used, Raised without supplemental hormones, or No added hormones: The livestock have not received supplemental hormones during the feeding/finishing period. The terms ‘hormone’, ‘growth promotant’ ‘growth stimulant’ and ‘implant’ are used interchangeably.”*

Comment: We support this claim.

7. *“No hormones administered during finishing: The livestock have not received supplemental hormones during the feeding/finishing period.”*

Comment: Supplemental hormone use should not be permitted in a special USDA verified program.

Recommendation: We recommend elimination of this claim.

We appreciate the opportunity to comment on the proposed USDA Process Verified claims and standards. We urge USDA to improve the draft language in order to provide farmers, marketers, retailers and consumers with transparent and meaningful labeling, and to fulfill USDA's responsibility to ensure that the USDA effort lives up to its title of “Quality Systems Certification Program”.

Sincerely yours,

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Farm Animal Advisor