

ORGANIC LIVESTOCK & POULTRY STANDARDS (OLPS)

2022 PROPOSED RULE

On August 9, 2022 the USDA National Organic Program published the Organic Livestock and Poultry Standards (OLPS) Proposed Rule to strengthen organic animal welfare standards. **Written comments are due on October 11, 2022.**

The OLPS rule will clarify the production standards of avian and mammalian livestock as authorized by the Organic Foods Production Act to support consistent enforcement across producers and alleviate market failure by assuring consumers that USDA certified organic livestock products meet a strong, uniform standard. The proposed rule:

- ✓ **Establishes poultry indoor and outdoor space requirements and stocking density limits. Enclosed porches are not considered outdoor space.**
- ✓ **Clarifies living conditions, healthcare, transportation and slaughter practices to support animal welfare for mammalian livestock species.**

QUICK LINKS

- [NOP's OLPS Website](#)
- [OTA's OLPS Website](#)
- [Proposed Rule Full Text](#)
- [Register to give oral comments](#) (deadline August 15th)
- [Listen to virtual listening session](#) (on August 19th)
- [Submit written comments on Regulations.gov Docket AMS-NOP-21-0073](#) (deadline October 11th)

COMPLIANCE DATES

	Time from Effective Date of the Final Rule	
All Provisions - except for broilers/eggs	1 Year	
Broiler Operations' indoor space	3 Years	
Egg Operations' outdoor space	Option 1	Option 2
• Operations certified <i>prior to</i> the effective date	5 Years	15 Years
• New entrant certified <i>within 3 years after</i> effective date	5 Years	5 Years
• New entrant certified <i>more than 3 years after</i> effective date	Immediate	Immediate

SUMMARY OF PROVISIONS

1. Poultry Outdoor Space Requirements:

- Poultry must be provided access to outdoor space daily.
- Outdoor space is the area outside an enclosed housing structure. Includes: roofed areas, porches, or lean-to type structures that are not enclosed (e.g., roofed but with screens removed), and pasture pens.
- Enclosed porches (e.g., screened-in and roofed) are not considered outdoor space.
- At least 50% of outdoor space must be soil and maximally covered with vegetation.
- Chicken producers must comply with maximum stocking density for the species:

Species	OUTDOOR Max. Stocking Density
Layers	2.25 pounds of bird per sq ft
Pullets	3.0 pounds of bird per sq ft
Broilers	5.0 pounds of bird per sq ft

2. Poultry Indoor Space Requirements:

- Indoor space is the area inside of an enclosed housing structure. Includes: Enclosed porches and lean-to type structures (e.g., screened-in, roofed); areas to which birds have continuous access during temporary confinement events; any flat area available to birds (except nest boxes).
- Exit areas must be appropriately distributed to ensure that all birds have ready access to the outdoors.
- Litter and areas for scratching and dust bathing must be provided.
- Ammonia levels should be maintained below 10ppm and must not exceed 25ppm.
- Artificial light no more than 16 hours continuously for layers and fully feathered birds.
- Provide 6" of perch per chicken layer. All must be able to perch at the same time except for aviary housing, in which 55% of layers must be able to perch at the same time.
- Chicken producers must comply with maximum stocking density for the species and housing type:

Species and housing type	INDOOR Max. Stocking Density
Layers - Mobile housing	4.5 pounds of bird per sq ft
Layers - Aviary housing	4.5 pounds of bird per sq ft
Layers - Slatted/mesh floor housing	3.75 pounds of bird per sq ft
Layers - Floor litter housing	3.0 pounds of bird per sq ft
Layers - Other housing	2.25 pounds of bird per sq ft
Pullets	3.0 pounds of bird per sq ft
Broilers	5.0 pounds of bird per sq ft

3. Temporary Confinement of Poultry Indoors is only permitted under limited circumstances:

- Stage of Life
 - Chicken Broilers for first 4 weeks of life.
 - Chicken Pullets for first 16 weeks of life.
 - Other species until fully feathered.
- Nest Box Training: Up to 5 weeks over life of bird.
- Inclement weather including air temperatures under 40°F or above 90°F.
- When health, safety, or well-being could be jeopardized, such as protecting flocks from avian influenza.
- When there are risks to soil or water quality, including when re-establishing vegetation in outdoor space.
- Preventive healthcare procedures, or for the treatment of illness or injury.
- Sorting or shipping birds and poultry sales.
- Youth Projects (e.g., 4H, FFA).

4. Living Conditions for Mammalian Species

- Animals must have sufficient space and freedom to lie down, turn around, stand up, fully stretch their limbs, and express normal patterns of behavior over a 24-hour period.
- Indoor housing (if provided) must have areas for bedding and resting that are sufficiently large, solidly built, and comfortable so that animals are kept clean, dry, and free of lesions.
- Housing, pens, runs, equipment, and utensils shall be properly cleaned and disinfected.
- Outdoor space that includes soil must have maximal vegetative cover as appropriate for the season, climate, geography, species of livestock, and stage of production.
- In confined housing with stalls: enough stalls must be present to provide for the natural behaviors of the animals. A cage is not a stall.
- **Dairy young stock:** May be housed in individual pens until 6 months of age, provided: they have room to turn around, lie down, stretch out; pens are designed so animals can see, smell, and hear each other.

- **Group-housed cattle:** Bedded packs, compost packs, tie-stalls, free-stalls, and stanchion barns are acceptable housing as part of an overall organic system plan as long as they have complete freedom of movement during significant parts of the day for grazing, loafing, and exhibiting natural social behavior.
- **Swine** – additional requirements:
 - Must be housed in groups. Exceptions include sows during farrowing and suckling, boars, during periods of aggression or illness recovery. Gestation crates are prohibited.
 - Rooting materials must be provided, except during the farrowing and suckling period.
 - The number of individual feeding stalls may be less than the number of animals, as long as all animals are fed routinely over a 24-hour period.

5. Preventive Healthcare:

- Monitor and ensure appropriate livestock body condition is maintained.
- Monitor and document lameness and address potential problems before they become widespread.
- Develop a parasite control plan that includes preventive measures such as pasture management, fecal monitoring, and emergency measures in the event of a parasite outbreak.
- Physical alterations for animal welfare or identification purposes must be performed at a reasonably young age, with minimal stress and pain and by a competent person. Prohibited methods include:

Avian Species - prohibited	Mammalian Species -prohibited
<ul style="list-style-type: none"> • de-beaking • de-snooding • caponization • dubbing • toe clipping of chickens • toe clipping of turkeys unless infrared at hatchers • beak trimming after 10 days of age 	<ul style="list-style-type: none"> • tail docking of cattle • wattling of cattle • face branding of cattle • tail docking of sheep shorter than distal end of caudal fold • mulesing of sheep • needle teeth clipping in pigs (unless alternatives fail) • tail docking in pigs (unless alternatives fail)

6. Transportation:

- Transport times must be not detrimental to animal welfare and all livestock must be fit for transport.
- Calves must have a dry navel cord and be able to stand and walk without human assistance.
- Non-ambulatory animals must not be transported for sale or slaughter.
- Ventilation (seasonally-appropriate to protect from cold and heat), bedding (except poultry crates), water and feed (for trips >12hrs) must be provided in the trailer, truck, or shipping container.
- Handlers must have emergency plans to address possible animal welfare problems.

7. Slaughter and Euthanasia:

- Must comply with applicable regulations as determined by FSIS for humane handling and slaughter.
- Poultry producers exempt from Poultry Products Inspection Act must: not shackle lame birds; if shackled/automated, stun prior to bleeding (except ritual slaughter); irreversibly unsensible prior to scalding.
- Producers must have written plans for prompt, humane euthanasia for sick or injured livestock. May include forms of euthanasia as recommended by the American Veterinary Medical Association. Certain methods of inhumane euthanasia are prohibited (e.g., suffocation, manual blows).

8. Terms Defined: the proposed rule adds 17 new terms with definitions for 8 physical alterations, indoor and outdoor space, stocking density, soil, vegetation, non-ambulatory, pullet, perch, and ritual slaughter.

OTHER HIGHLIGHTS

- **Market Failure**
 - USDA-AMS believes that market failure exists in the organic label.
 - Consumers have varying understanding of the degree to which the organic label requires indoor/outdoor space, health, and welfare provisions for animals used in organic production.
 - Organic producers rely on additional certifications to provide information to consumers on animal welfare practices. Consumer confusion may be associated with ecolabel proliferation.
- **Legal Authority**
 - USDA-AMS believes that OFPA provides the requisite authority for regulations regarding livestock and poultry health care practices and living conditions, including regulations regarding animal welfare.
 - USDA-AMS believes that promoting animal welfare through the practices addressed in the OLPS Rule, and particularly with respect to outdoor access, would contribute to cycling of resources and ecological balance values reflected in the regulation.
 - This proposed rule is consistent with recommendations provided by USDA's Office of Inspector General and nine separate recommendations from the NOSB.
- **Costs & Benefits**
 - USDA-AMS has updated the Regulatory Impact Analysis and Regulatory Flexibility Analysis and demonstrates that benefits out-weigh costs.
 - The **benefits** of the rule include: Fair competition among producers by facilitating equitable certification and enforcement decisions; Improved consumer confidence; and market demand by providing standards that more closely align to consumer expectations.
 - The **costs** are incurred by poultry operations needing to provide additional indoor space for broilers and additional outdoor space for layers.

USDA SEEKS COMMENTS ON THE FOLLOWING TOPICS:

- Do the proposed amendments provide enough **clarity** to farmers, handlers, and certifying agents to be able to comply with the proposed requirements?
- Do the proposed definitions clearly and adequately distinguish "**indoor**" and "**outdoor**" spaces? Do the definitions sufficiently address spaces that may be enclosed by fences and/or overhead netting?
- How can organic producers provide poultry **exit doors** for meaningful outdoor access while simultaneously preventing animals (that could introduce or transfer Salmonella) from entering poultry houses?
- Do the proposed amendments related to **mammalian** livestock living conditions reflect current practices?
- Do the **assumptions and estimates** outlined in the Regulatory Impact Analysis and Regulatory Flexibility Analysis accurately reflect the current practices and production rates among organic producers?
- What is an appropriate and feasible **implementation timeframe** for the proposed changes? USDA seeks comments on the proposed compliance dates (see table above) and **alternatives** for layer operations' outdoor space, including justification for alternatives and data on the costs and benefits.
- Whether **market failure** and consumer confusion exist in regards to organic animal welfare practices.
- Whether **OFPA** authorizes these regulations on animal welfare and livestock production practices.

OTA Members may contact jmirenda@ota.com for support.