



July 13, 2016

Paul Lewis, Ph.D.
Director, Standards Division
National Organic Program
USDA-AMS-NOP
1400 Independence Avenue, SW
Room 2646-So., Ag Stop 0268
Washington, DC 20250-0268

Docket: AMS-NOP-15-0012: NOP-15-06PR

RE: National Organic Program; Organic Livestock and Poultry Practices Proposed Rule

Dear Dr. Lewis:

The Organic Trade Association (OTA) is pleased to submit comments on the National Organic Program (NOP) proposed rule to amend the organic livestock and poultry production requirements in the current USDA organic regulations. This is a basic principle of organic production, and we agree that clarifications are needed in the regulations so that desired outcomes are clear, measurable, and enforceable. OTA strongly supports the rulemaking process and the core parameters of the proposed rule, and we commend NOP for releasing a proposed rule that is based on 14 years of public input and animal welfare recommendations the National Organic Standards Board (NOSB) unanimously passed in 2011.

OTA is the membership-based business association for organic agriculture and products in North America. OTA is the leading voice for the organic trade in the United States, representing organic businesses across 50 states. Its members include growers, shippers, processors, certifiers, farmers' associations, distributors, importers, exporters, consultants, retailers and others. OTA's Board of Directors is democratically elected by its members. OTA's mission is to promote and protect organic with a unifying voice that serves and engages its diverse members from farm to marketplace.

OTA Recognizes NOP Rulemaking Authority in Animal Care

A number of organizations, in comments posted to the *Federal Register*, have questioned the authority to establish requirements for animal care within the voluntary standard established under USDA-NOP. However, the Organic Foods Production Act (OFPA) clearly provides authority to USDA through NOP to develop rules that govern organic livestock and poultry practices.

- Section 2110 of OFPA, regarding Animal Production Practices and Materials, states in section (d)(2) that “[t]he NOSB shall recommend to the Secretary standards in addition to those in paragraph (1) for the care of livestock to ensure that such livestock is organically produced.” Later in that section, it states in section (g) that “[t]he secretary shall hold public hearings and shall develop detailed regulations, with notice and public comment, to guide the implementation of the standards for livestock products provided under this section.”

- The Preamble to the NOP regulations also clarifies that animal welfare is squarely within the authority of the organic regulations. It refers to preventive animal health care practices, appropriate housing and pasture conditions, and conditions which provide for exercise, freedom of movement, and reduction of stress appropriate to the species. It also requires that any physical alterations “must be conducted to promote the animals’ welfare and in a manner that minimizes stress and pain.”
- The Preamble also refers to protecting “the well-being of animals.” And finally, the Preamble notes that a producer must “establish and maintain livestock living conditions for the animals under his or her care which accommodate the health and natural behavior of the livestock. The producer must provide access to the outdoors, shade, shelter, exercise areas, fresh air, and direct sunlight suitable to the species, its stage of production, the climate, and the environment.... The producer must provide shelter designed to allow for the natural maintenance, comfort level, and opportunity to exercise appropriate to the species.”

NOSB, organic stakeholders, and USDA have spent over a decade to develop recommendations and guidance that will foster consistent application of organic production values in the livestock and poultry sectors. This process helped shape NOP’s proposed regulation, for which it is now soliciting public comments. There is no evidence to suggest that NOP is acting out of its scope of authority or that it has circumvented necessary steps in promulgating rules.

International Trade

A number of organizations commenting on the Organic Livestock and Poultry Practices proposed rule state concern for a negative impact to existing international equivalence arrangements for organic trade if these rules are finalized. However, this proposed regulation makes significant strides towards alignment with detailed international norms on organic animal welfare including livestock living conditions and stocking rates. Animal welfare standards have been an issue with foreign nations, especially during equivalency negotiations with Canada, the EU, Switzerland, and now Mexico. In fact, the U.S.-Canada equivalency arrangement contains a critical provision that requires U.S. livestock, most notably poultry, to meet the Canada requirements for livestock stocking rates. We hope that finalizing this rule on stocking rates could result in the elimination of this critical technical barrier to trade from the U.S.-Canada equivalency arrangement, thereby relieving U.S. organic livestock producers, processors and certifiers from additional burden and expenses to gain access to Canadian markets. Contrary to suggestions, we expect that finalizing the rule, as a whole, will have a positive impact throughout negotiations, signings and renewals of U.S. organic equivalency arrangements with international trading partners.

Identifying Organic Stakeholders

The purpose of a public comment process in finalizing these proposed rules is to ensure that NOP fully considers the impact these rules will have on the organic sector and to strike a balance between the opinions of the various organic stakeholders: farmers, consumers, handlers, retailers, and others. Perspectives from individuals and groups not engaged with the organic industry may provide some value in shaping the final regulations, but they must be considered differently. Some groups are calling for USDA to abandon any rulemaking on animal welfare; these are **not primarily organic stakeholders**, and in some cases have overtly identified their concerns that USDA should not be in the business of animal care standards, period—

organic or not. These opinions should not be allowed to derail finalization of rules that organic sector stakeholders have spent over a decade developing.

Full Technical Comments

OTA under separate cover has submitted preliminary comments, dated May 20, and full technical comments, dated July 13, on the Organic Livestock and Poultry Practices proposed rule based on task force input from across the supply chain and livestock species sector(s).

Respectfully submitted,



Laura Batcha
Executive Director/CEO
Organic Trade Association