



# Animal Welfare Institute

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April 8, 2011

Ms. Patricia Atkins  
National Organic Standards Board  
USDA-AMS-NOP  
1400 Independence Avenue, SW  
Room 2646-So, Ag Stop 0268  
Washington, DC 20250-0268

Re: AMS-NOP-11-0014; NOP-11-05; Meeting of the National Organic Standards Board

Dear Ms. Atkins:

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 include several issues in the Proposed Recommendation for Animal Welfare.

Since its founding in 1951, AWI has been alleviating suffering inflicted on animals by people. Major goals of the organization include supporting high-welfare family farms and achieving humane slaughter and transport for all animals raised for food. In 2006 AWI launched a high-welfare food labeling program called Animal Welfare Approved (AWA). As part of this program AWA collaborates with scientists and farmers to set animal care standards. The program covers the full lives of the animals from birth through slaughter. At present a number of AWA-certified farmers also participate as certified producers under the National Organic Program (NOP).

AWI applauds NOP's effort to outline program standards to ensure better animal welfare, but would like to see improvements to the proposal that ensure good animal welfare as the priority, and not try to "fit" animal welfare to conventional practices.

## **§205.2: Terms Defined**

### *Definition of Willful Abuse Exception*

Regarding §205.2: Terms Defined, Willful acts of abuse, is defined, in part, as "malicious driving of livestock on top of one another with or without direct contact with motorized equipment; loading of non-ambulatory animals for transport is excluded." This exclusion is not written properly according to the original American Meat Institute guidelines and should be corrected. Additionally, the exclusion ought to be augmented to include not only non-ambulatory downers, but *unconscious*, non-ambulatory downers. Further, a distinction should be drawn, following the FAO definitions, between animals that will eventually regain consciousness (such as fatigued hogs), and animals that have been rendered "insensible to pain."

The definition of willful abuse and its wording have been taken from Temple Grandin's Animal Handling Guidelines for the American Meat Institute Foundation (AMIF). The definition is written as follows:

**“Any willful act of abuse is grounds for failure (2010 Update) –** Willful acts of abuse include, but are not limited to: (1) dragging a conscious, non-ambulatory animal, (2) intentionally applying prods to sensitive parts of the animal such as the eyes, ears, nose, anus, or testicles, (3) deliberate slamming of gates on livestock, (4) malicious driving of ambulatory livestock on top of one another either manually or with direct contact with motorized equipment (This excludes loading a non-ambulatory animal for transport), (5) hitting or beating an animal, or (6) live animals frozen to the floor or sides of the trailer. In sheep operations, lifting an animal by the wool or throwing a sheep also is an act of abuse.”

The important distinction here is that the exclusion of loading a non-ambulatory animal for transport is written in parentheses as a modification to part (4) malicious driving of ambulatory livestock on top of one another either manually or with direct contact with motorized equipment. Whereas in the NOSB Proposed Recommendations, the willful acts of abuse are not numbered and the exclusion of loading a non-ambulatory animal for transport is not in parenthesis.

In order for the NOSB Proposed Recommendations to accurately incorporate this definition of willful acts of abuse, AWI recommends that the paragraph be written with the willful acts numbered and the parentheses included as it is written in the AMIF guide. Otherwise the meaning of the exclusion is not read to apply only to “malicious driving of ambulatory livestock on top of one another either manually or with direct contact with motorized equipment,” but to the entire paragraph, which is not its original intention and will certainly lead to acts of abuse.

Furthermore, AWI recommends that the section add the word “unconscious” so it reads “(This excludes loading an *unconscious* non-ambulatory animal for transport).” The act of driving non-ambulatory livestock with or without direct contact with motorized equipment should only be excluded from willful acts of abuse if the animal is unconscious. This can be done if the animal has been rendered permanently insensible to pain through proper use of stunning equipment. An animal must not be considered “unconscious” for this exception if it is only temporarily unconscious, as in the case of a fatigued animal that could become conscious while being driven with motorized equipment.

It is particularly important that the act of loading non-ambulatory animals for transport be subjected to the same, if not *more* stringent, protections against abuse, because downer animals cannot be loaded humanely. Because these animals cannot walk or stand, workers are forced to drag and use other extreme and cruel methods to move them. AWI recommends that non-ambulatory animals be treated early or humanely euthanized on-farm, but if animals must be transported for veterinary services, they must be protected from abuse using the same criteria that defines willful abuse of all other animals on the farm.

**§ 205.238: Livestock health care practice standard – Physical Alterations**

*Dehorning*

Regarding (6) Physical Alterations, AWI commends the NOP for recommending that painful and inhumane physical alteration practices be prohibited.

However, dehorning of cattle is not listed as a prohibited physical alteration despite overwhelming scientific evidence that this practice does not accomplish welfare objectives and causes stress and pain both immediately and for a period thereafter.<sup>1</sup> Dehorning is prohibited in other certification programs concerned with regulating on-farm animal welfare; these include Animal Welfare Approved, Certified Humane, and American Humane Certified.

Therefore, AWI recommends that dehorning be prohibited, and that the pain associated with disbudding be controlled by requiring use of adequate anesthesia and follow-up analgesics.

**Minimum Weaning Age**

AWI recommends the addition of text to include a minimum weaning age for pigs and calves. Currently, the committee’s proposed rules do not address weaning age. Welfare studies have concluded that removing young animals from their mothers too early has a deleterious effect on general welfare and raises stress in the animals to unsafe levels.

The table below provides the minimum weaning ages for pigs and calves from two food labeling programs that have created programs based on good animal husbandry and correspond with animal science studies.

Minimum Weaning Age<sup>2</sup>

	Certified Humane Program	Animal Welfare Approved Program (AWA)
Piglets	4 weeks	6 weeks
Dairy calves	5 weeks	6 weeks

<sup>1</sup> See, Sylvester et al., *Acute cortisol responses of calves to scoop dehorning using local anaesthesia and/or cautery of the wound*, Aus. Vet. J., Vol. 76, Issue 2, pp. 118-22 (1998) (finding high pain levels involved with dehorning. Even when somewhat minimized by local anaesthesia, pain levels resume once the anesthesia wears off), cf. *The utility of ketoprofen for alleviating pain following dehorning in young dairy calves* Can. Vet. J., Vol. 45, 140-43 (2004). See also, Vickers KJ, Niel L, Kiehlbauch LM, et al. Calf response to caustic paste and hot-iron dehorning using sedation with and without local anesthetic. J Dairy Sci 2005;88:1545-1459; AVMA , *Backgrounder: Welfare Implications of the Dehorning and Disbudding of Cattle*, available at: [http://www.avma.org/reference/backgrounders/dehorning\\_cattle\\_bgnd.asp#references](http://www.avma.org/reference/backgrounders/dehorning_cattle_bgnd.asp#references) , (“Minimizing pain associated with disbudding and dehorning is important to limiting the pain-stress-distress cascade that creates altered behavioral and physiologic states.”).

<sup>2</sup> Minimum weaning ages taken from standards for Pigs and Dairy Cows from Animal Welfare Approved, *Animal Welfare Approved Standards*; Humane Farm Animal Care, *Certified Humane Standards*.

## § 205.239 Livestock living conditions – Stocking Densities

National Organic Program should be commended for recommending specific stocking densities for animals. These should always allow animals space to turn around and perform natural behaviors. While the indoor and outdoor space allowances for some species represent an improvement over conventional animal agriculture industry standards, they certainly cannot be considered high welfare, particularly in regards to growing pigs and poultry.

### *Growing Pigs*

The indoor and outdoor space allowances for ruminants and breeding pigs are good, but the requirements for growing pigs are inadequate and unacceptable. In fact, the total combined indoor and outdoor area allotted to growing pigs in NOP's proposed recommendations are inadequate even when compared to the National Pork Board's (industry) recommendations for growing pigs. For example, a 100 pound growing pig in indoor confinement is allotted 5.0 square feet of indoor space, while NOP allots only 4.5 total square feet per pig for the same animal. Under the proposed organic standard a growing pig up to 110 pounds is allotted 3 square feet of indoor bedded space and 1.5 square feet of outdoor pen space (for a total of 4.5 square feet), while the Animal Welfare Approved program recommends a total of 15 square feet of lying and loafing areas for pigs of the same weight who are excluded from range and foraging areas.<sup>3</sup> We have compiled a Stocking Densities Comparison Chart for Growing Pigs attached at the end of this document to show the inadequacy of these stocking rates compared with those by the National Pork Board, European Union (EU) Organic, and Animal Welfare Approved program. NOPs space allowances fail to meet good animal welfare standards and fall short of each of these other programs, including conventional industry.

Furthermore, the current proposed stocking rate is not practical with other sections of the proposal that aim to improve animal welfare standards. For instance, § 205.238 Livestock health care practice standard: physical alterations, prohibits tail docking of pigs, but confining pigs in the proposed minimal stocking rates may prompt increased tail biting and cause additional stress and pain to the animals.

Lastly, the EU Organic stocking rates also match the Canadian Organic Program stocking rates. An equivalency agreement between the U.S. and Canada states "Agricultural products derived from animals must be produced according to livestock stocking rates as set out in CAN /CGSB32.310-2006 (amended October 2008)."<sup>4</sup> However, the proposed pig stocking densities do not meet this requirement, and no U.S. organic pork producer following this standard would be allowed to market his/her products in Canada under the equivalency agreement.

AWI recommends increasing space allowances for growing pigs to match those of Canada's Organic Program. Although this will not achieve the "gold standard," it will mean that consumers can rely on the USDA Organic to mean that the animals raised under the seal received better treatment than those

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<sup>3</sup> Animal Welfare Approved, *Animal Welfare Approved Standards for Pigs*, 2010, Section 8.1.

<sup>4</sup> Canadian Food Inspection Agency letter to USDA, June 17, 2009, Appendix 1, #3  
<http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=STELPRDC5077628&acct=nopgeninfo>

raised in conventional CAFOs. Increased space allowances will also complement the other welfare recommendations in the proposal that aim to improve animal husbandry, rather than prompting the poor welfare “management” techniques that CAFOs employ.

### *Poultry*

In some cases the minimum space requirements may not allow for the performance of natural behaviors. For example, meat birds (“broilers”) and laying hens are provided only 1.0 and 1.5 square feet, respectively, of indoor space, but a mature chicken requires 291 inches – or about 2 square feet – to flap her wings without touching another bird.<sup>5</sup> This is especially significant given the fact that a large number of organically raised meat chickens and egg-laying hens currently receive little or no outdoor access.<sup>6</sup>

In the European Union, organic standards require at least 4.3 square feet per bird outdoor and the U.S. leading organic brand, Organic Valley, affords their birds 5 square feet of outdoors. The current proposed standards match stocking guidelines for conventional uncaged egg production and are therefore no better than industry standards. Both indoor and outdoor stocking rates must be increased considerably to provide good animal welfare and fit with consumer perception that USDA Organic entails better animal welfare than conventional commercial practice.

If NOP intends to continue to allow poultry producers to confine birds indoors for the vast majority of their lives (which AWI opposes), then indoor space allowances must be increased to at least 2.0 square feet for hens and breeders, and 1.5 square feet for meat chickens. Outdoor space for birds should be increased as well. The current proposal of 1.0 square feet for an organic meat chicken is unacceptable; the minimum allowance must be at least 1.5 square feet. It is also noted that all bird species are allowed more outdoor than indoor space, with the exception of turkeys who are given only 1 square foot for every 7 pounds of weight, both indoors and outdoors. We recommend that outdoor space for turkeys be doubled to a minimum of 2.0 square feet per 7.5 lbs.

AWI strongly supports the proposed recommendation that outdoor access be provided at the minimal rate of 2 square feet per bird to allow for re-growth of vegetation. We view this as an absolute minimum requirement; we prefer 4 square feet per bird. In addition to providing for integrity of the environment, such a requirement will help ensure that outdoor runs and pens are comparable in size to the indoor area and thus provide every bird with the opportunity to access the outdoors as promised by the NOP regulations.

### **Conclusion**

AWI commends the NOSB’s Livestock Committee for taking the initiative to improve NOP’s animal welfare standards. While AWI is far from satisfied with the proposed recommendations, we understand that clarifying all relevant welfare issues will take time and believe that the discussion document is a good start.

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<sup>5</sup> Dawkins MS & Hardie S. 1989. Space needs of laying hens. *British Poultry Science* 30:413-416.

<sup>6</sup> See Cornucopia Institute’s *Scrambled Eggs* report.

We are aware that NOSB reviewed several existing sets of standards, including AWI's Animal Welfare Approved program, in drafting its recommendations. However, the various programs reviewed represent quite a broad range in terms of the quality of these standards. We view the concept of organic production as being consistent with the standards of the Animal Welfare Approved program, and as being above the baseline level of welfare set by the American Humane Certified and Certified Humane programs. Accordingly, we urge NOSB to increase the stocking densities for poultry and growing pigs and to adopt the other recommendations described above. AWI would like to see NOP recommend rulemaking action for these standards.

Thank you for considering our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Elissa Sosland". The signature is fluid and cursive, with the first name being more prominent than the last.

Elissa Sosland, M.S.  
Farm Animal Program Associate

## Stocking Densities Comparison Chart for Growing Pigs

National Pork Board (NPB) <sup>7</sup>			National Organic Program (NOP) <sup>8</sup>			European Union (EU) Organic <sup>9</sup>			Animal Welfare Approved (AWA) <sup>10</sup>					
	Indoor Area Only (Sq Ft/Pig)			Indoor Area (Sq Ft/Pig)	Outdoor Area (Sq Ft/Pig)			Indoor Area (Sq Ft/Pig)	Outdoor Area (Sq Ft/Pig)			Minimum Indoor Area (Sq Ft/Pig)	Minimum Outdoor Area (Sq Ft/Pig)	
Growing Pigs (lbs.)			Growing Pigs (lbs.)				Growing Pigs (lbs.)				Growing Pigs (lbs.)			
		<b>Total Area</b>				<b>Total Area</b>				<b>Total Area</b>				<b>Total Area</b>
12 – 30	1.7 – 2.5	<b>1.7 – 2.5</b>	Up to 24	1.0	0.5	<b>1.5</b>	Up to 66	6.4	4.3	<b>10.7</b>	Up to 66	6.5	4.5	<b>11.0</b>
30 – 60	3.0 – 4.0	<b>3.0 – 4.0</b>	24 – 47	2.0	1.0	<b>3.0</b>								
60 – 100	5.0	<b>5.0</b>	47 – 109	3.0	1.5	<b>4.5</b>	Up to 110	8.6	6.4	<b>15.0</b>	Up to 110	8.5	6.5	<b>15.0</b>
100 – 150	6.0	<b>6.0</b>	109 – 157	4.0	2.0	<b>6.0</b>								
150 – Market	8.0	<b>8.0</b>	157 – 225	5.0	2.5	<b>7.5</b>	Up to 187	11.9	8.6	<b>20.5</b>	Up to 187	12.0	8.5	<b>20.5</b>
			225 – 255	6.0	3.0	<b>9.0</b>	Up to 242	14.0	10.8	<b>24.8</b>	Up to 242	14.0	11.0	<b>25.0</b>

<sup>7</sup> National Pork Board (NPB), *Swine Care Handbook*, Table 3. It should be noted that the figures included are recommended floor areas for growing swine in totally enclosed housing. In addition, the Swine Care Handbook includes a table with space recommendations for pigs housed indoors with an additional outdoor apron. In these conditions, the handbook recommends 6 sq. ft. of indoor space and 6 sq. ft. of outdoor space, or 12 sq. ft. total space per pig for all growing pigs in any weight range.

<sup>8</sup> National Organic Standards Board, Livestock Committee, 2011 Proposed Recommendation, Animal Welfare. March 1, 2011. P. 8.

<sup>9</sup> Official Journal of the European Union. Commission Regulation (EC) No. 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labeling of organic products with regard to organic production, labeling and control. Annex III.

<sup>10</sup> Animal Welfare Approved, *2011 Pig Standards*, 8.1: Housing and Shelter for Pigs. Pp. 17 – 18. The space allowances included under represent the actual amount of space required for pigs in the AWA program, because pigs are also required to have access to pasture.