Scrambled Eggs
Separating Factory Farm Egg Production from Authentic Organic Agriculture

A Report and Scorecard by The Cornucopia Institute
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The Cornucopia Institute is dedicated to the fight for economic justice for the family-scale farming community. Through research, advocacy, and economic development, our goal is to empower farmers both politically and through marketplace initiatives.

The Organic Integrity Project acts as a corporate and governmental watchdog assuring that no compromises to the credibility of organic farming methods and the food it produces are made in the pursuit of profit. We will actively resist regulatory rollbacks and the weakening of organic standards, to protect and maintain consumer confidence in the organic food label.

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Consumers are increasingly interested in knowing the story behind their food—especially when food production involves animals that are often treated by our industrialized food system as units of production rather than as living beings. Organic consumers are also looking for an alternative to the industrial food system—they desire a food system that treats the environment, family farmers and animals with respect.

Ecologically minded farmers have responded to this growing demand for ethically produced food, and organic farmers are bringing laying hens back to the farm.

But while consumers expect the organic label to provide an alternative to the industrialized food system, paths are diverging in the organic-egg-producing community: One path affords more outdoor access (often on well-managed pasture), more diversity on the farm and allows the hens to exhibit their natural behavior outdoors; and another path has led to large-scale industrialization motivated by profit.

All organic egg producers claim to be following the federal organic standards, but with different working definitions and viewpoints of what the standards mean. For most consumers and many producers, organic farming means respecting underlying principles of the organic farming movement, such as building soil fertility, maintaining ecological balance, promoting biodiversity, reducing dependence on off-farm inputs, recycling nutrients, and allowing livestock to display their natural instinctive behaviors. For others, especially industrial-scale producers, “organic” appears to be nothing more than a profitable marketing term that they apply to the agro-industrial production system—simply substituting organic feed in their production model and eliminating harmful synthetic inputs, such as pesticides and antibiotics.

Since 2002, the use of the term “organic” on food packaging has been regulated by the United States Department of Agriculture (USDA). Federal regulations determine which farms and processors qualify as “organic,” and may use the official “USDA Organic” seal on their food packaging.

These standards include a requirement for outdoor access for livestock, including laying hens; unfortunately, our research found that most industrial-scale producers are currently confining tens of thousands of hens inside henhouses, commonly only offering tiny concrete or wooden porches as “outdoor access”—and getting away with it. In some cases they’ve used statements from veterinarians concerning hypothetical disease transmission as an excuse to offer no outdoor access whatsoever.

Outdoor access for laying hens is important for many reasons. When the National Organic Standards Board’s Livestock Committee first recommended meaningful outdoor access for laying hens, they specified that the intent of outdoor runs was “to satisfy [the chickens’] natural behavior patterns, provide adequate exercise area, provide preventive health care benefits and answer consumer expectations of organic livestock management.”

This question—whether legal organic egg production requires meaningful outdoor access for hens, on vegetated outdoor runs or rotated pasture—is currently a topic of debate before the National Organic Standards Board (NOSB), the expert citizen panel that meets biannually to advise the Secretary of Agriculture on organic policy, rulemaking and enforcement.

Although the NOSB already issued a recommendation in 2002 (never adopted as regulation by the USDA), stating that organic egg producers must provide vegetated outdoor runs and that porches do not meet the intent of the organic rule, the issue resurfaced in 2009 when the NOSB’s Livestock Committee included similar language in a set of recom-

Paths are diverging in the organic-egg-producing community: One path affords more outdoor access and more diversity on the farm; and another path has led to large-scale industrialization motivated by profit.
Industrial-scale producers are currently housing tens of thousands of hens inside henhouses, only offering concrete or wooden porches as “outdoor access”—or no outside access whatsoever—and getting away with it.

Recommendations aimed at strengthening animal welfare in organic food production. The proposed recommendations would also require a minimum amount of square footage of indoor and outdoor space per laying hen. The exact number has yet to be decided, and is a topic of contentious debate.

In response to the proposed language that would enforce proper outdoor access for laying hens, industrial-scale producers traveled to the spring 2010 NOSB meetings, along with their trade group lobbyist from the United Egg Producers, to publicly oppose requirements for meaningful outdoor access. Bart Slaugh, director of quality assurance at Eggland’s Best, commented: “The push for continually expanding outdoor access … needs to stop, and I believe that the proposed standards have gone too far.”

These industrial-scale egg producers apparently do not currently provide enough outdoor access for all their birds to enjoy vegetated outdoor space; rather, their birds are essentially confined in henhouses with as many as 85,000 hens (such as Herbruck’s Poultry Ranch’s Organic facility in Michigan, with a total of 340,000 birds). And unlike most family-scale organic egg producers, they appear completely unwilling to make any changes to their production system to accommodate stricter animal welfare standards.

A handful of industrial-scale producers argue that the organic egg industry would collapse if they were required to grant outdoor access. However, there are hundreds of family farmers producing organic eggs who do grant meaningful outdoor access to their hens. Three production models are common in the organic egg industry: pasture-based production; fixed housing affording minimal but adequate outdoor space; and the industrial model. Because of their size, industrial-scale producers are undoubtedly marketing the majority of organic eggs, but they are by no means representative of the majority of organic egg producers.

On pasture-based organic farms, flocks of laying hens are housed in either fixed houses surrounded by pasture or mobile chicken coops rotated in the pasture itself. The birds are allowed to roam freely—so the chickens are never on the same section of pasture for very long—or the outdoor space is large enough so it is not quickly reduced to dirt and mud by the chickens. Chickens can exhibit their natural behavior on pasture, such as foraging and scratching, and can exercise by running around and flapping their wings and receive some percentage of their rations from fresh grass, earthworms, seeds and insects.

Many family-scale organic egg producers do not offer managed pasture, but do offer enough outdoor space for all their hens to be outside at the same time. These outdoor runs tend to consist of dirt and mud close to the henhouse, and grasses and weeds further from the house. Henhouses in this category will generally hold between 1,000 and 20,000 birds, where hens live on the floor—no cages—with nest boxes, perches and litter. These producers generally sell their eggs through farmer-owned cooperatives or companies that market their eggs under national or regional brand names.

According to industrial-scale egg producers, their model of organic egg production produces 80% of the organic eggs on the market. There are, however, only a handful of companies that follow the industrial model. These producers sometimes house as many as hundreds of thousands of birds on organic “farms,” using avairy systems that are described by one organic producer as “glorified cages.” Concrete porches that are accessible to only a small percentage of the birds pass as “outdoor access,” and sometimes the certifying agent even grants a permanent exemption from going outside.

Hundreds of family farmers producing organic eggs grant meaningful outdoor access to their hens—the cheaper practices of industrial-scale egg producers have already driven some family-scale producers out of business.
The Cornucopia Institute believes that these producers are in violation of the organic standards, and our organization has filed several formal legal complaints.

If industrial-scale producers manage to convince the NOSB to scratch strong animal welfare requirements for laying hens, it would give them the green light for construction of additional huge, double-story henhouses without outdoor access, which would economically disadvantage producers that do currently follow the spirit and letter of the organic rule. This will likely force many of the family-scale organic farmers out of business.

Meanwhile, consumers and wholesale buyers can use The Cornucopia Institute’s newly developed Organic Egg Scorecard to guide their purchasing decisions in the marketplace. The Organic Egg Scorecard rates organic egg brands based on criteria that are important to organic consumers, such as legal and legitimate outdoor access, and adherence to organic principles such as farm diversity and nutrient cycling. Consumers are encouraged to purchase ethically produced and highly rated brands in favor of those with a low rating. The Organic Egg Scorecard is available on the Cornucopia website, along with this report and other related materials (www.cornucopia.org).

An organic henhouse with an aviary system, primarily supplying Chino Valley Ranchers. Photo by The Cornucopia Institute.
Introduction: The Organic Egg Industry

Increasingly, consumers are interested in knowing the story behind their food. Especially with foods that involve animals, many consumers want to know how farm animals are treated. The organic industry has experienced tremendous growth in past years, fueled in large part by consumer interest in finding an alternative to “factory farms” and the industrialized food production system that often treats animals as units of production rather than as living beings, and favors economic efficiency over respect for the environment, family farmers, and the larger community.

But while the organic label is commonly viewed as providing an alternative to the industrialized food system, paths are diverging in the organic-egg-producing community: one path toward more outdoor access, more diversity on the farm and allowing hens to exhibit their natural behavior; the other path is simultaneously shifting to industrialization and economic efficiency at the expense of animal welfare and the values that have driven the success of the organic industry.

All organic egg producers, with approval from their independent certifiers, claim to be “organic,” but with fundamentally different working definitions and viewpoints of what this means. Karma Glos, owner and farmer of Kingbird Farms in New York, describes organic agriculture as a “holistic system of production designed to optimize the productivity and fitness of diverse communities within the agroecosystem.” Along with her husband and daughter, she manages a diverse farm that includes 300 laying hens on pasture. Their eggs are for sale in a local cooperative grocery store. For Ms. Glos, the term “outdoor access,” a requirement in the federal organic regulations, means hens roam freely on rotated pasture, protected by electric fencing. Farmers like Ms. Glos see organic farming as a philosophy and way of life—not just a set of marketing regulations enforced by the United States Department of Agriculture.

Most owners and managers of industrial-scale organic egg operations define “organic” production and “outdoor access” very differently—if they can hire a USDA-accredited certifying agency to approve an egg operation as “organic,” based on current federal standards, it is organic. They confine tens of thousands of laying hens in henhouses, with meaningless outdoor access, at best, which often consists of concrete or wooden porches barely large enough for one-twentieth of the chickens to be outside at one time. As long as they give the chickens organic feed and abstain from using prohibited substances such as antibiotics, they consider their operations to be “organic.”

There are also many family farmers who supply organic eggs for nationwide brands, and are neither pasture-based nor industrial-scale. Their flocks are larger than most pasture-based producers—usually thousands of birds rather than hundreds of birds—but not as large as industrial-scale organic producers with hundreds of thousands of birds. These medium-size family farmers do generally grant outdoor access to their hens—usually at least as much outdoor space as indoor space.

This question—whether organic egg production entails meaningful outdoor access for hens, on vegetated outdoor runs or rotated pasture—is currently a topic of debate at the meetings of the National Organic Standards Board (NOSB), the expert citizen panel that meets biannually to advise the Secretary of Agriculture on organic policy and rulemaking.

Although the NOSB already issued a recommendation in 2002, stating that organic egg producers must provide vegetated outdoor runs and that concrete porches do not meet the intent of the organic rule, the issue resurfaced when the

Most organic farmers see organic farming as a philosophy and way of life—not just a set of regulations enforced by the United States Department of Agriculture.
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NOSB’s Livestock Committee included similar language in a set of recommendations in 2009 that aimed at strengthening animal welfare practices in organic food production.

In response to the proposed language that would enforce proper outdoor access for laying hens, including quantitative standards for indoor/outdoor square footage per bird, industrial-scale producers traveled en masse to NOSB meetings in 2009 and 2010, along with their United Egg Producers lobbyist (the industry trade group), to publicly oppose these various components of the proposed recommendations. They came with arguments such as: “Our best defense against such contagious diseases [as avian influenza] is keeping birds indoors.”

Public comment, especially from organic producers and consumers, is an important element of NOSB meetings and deliberations. Meetings are open to the public, and anyone who requests a time slot is given five minutes to share their opinions with the members of the NOSB. Those who cannot attend in person are encouraged to submit written comments. For the past year—at two meetings—industrial-scale producers have been organized, energized and well represented as they oppose indoor/outdoor space requirements for organic laying hens. In contrast, almost no family-scale organic egg producers were aware of this controversy and have not been present to publicly comment or support the merits of meaningful outdoor access for poultry.

If industrial-scale producers manage to convince the NOSB to drop the proposals that would give teeth to the requirement for outdoor access, the economic disadvantage experienced by producers that currently follow the spirit and letter of the organic rule, giving legitimate outdoor access to their hens, will continue. Given the rising profile of this debate, the voices of organic egg producers, as well as their consumer allies, who believe that hens should be allowed to go outside, will likely be heard at the upcoming NOSB meeting, scheduled for October 25-28, 2010, and beyond.
Organic Egg Producers:
Three approaches to organic egg production

Organic egg producers are a diverse group. Every farm is different, but there are generally enough similarities in the various production systems to group farmers into one of three organic egg production models:

- Pasture-based—mobile housing or permanent housing with rotated paddocks (generally family-farm scale)
- Permanent housing—with outdoor access ranging from token to adequate (generally family-farm scale)
- Industrial-scale with mock outdoor space or no outdoor access whatsoever

The pasture-based organic egg producer offers a perfect example of a farm that embodies a common definition of organic farming, as a system that “promotes and enhances biodiversity, biological cycles and soil biological activity.” It also embodies the belief that organic farms must be “based on minimal use of off-farm inputs and on management practices that restore, maintain and enhance ecological harmony.”

By incorporating chicken production into a diversified farm, the animals are more than egg-laying machines. They provide valuable services to the farm, such as fertilization, tillage, weed control and insect control on pasture. The chickens’ rich manure fertilizes the pasture soil; therefore, a direct ecological relationship exists between the farms’ animals, the production of their feed, and soil health.

Organic dairy and beef cattle producers also like to keep chickens on pasture because the animals scratch apart larva-harboring dung patties, which helps reduce fly and parasite problems on cattle while better distributing nutrients. Meanwhile, the dairy cows or cattle are large enough to help deter certain wild animals that prey on the chickens—thus providing natural and harmless predator protection for the hens.

By maintaining the hens on pasture, nutrients are cycled between plants and animals on the farm, especially if at least a portion of the hens’ non-pasture feed (grain) is also produced on the farm. Biological cycles and biological soil activity are enhanced, and the use of off-farm inputs is consciously reduced.

In an attempt to lobby against outdoor access, industrial-scale producers like to make the case that chickens pick up diseases and parasites outside, that they peck the outdoor area to shreds and leave behind a “moonscape” detrimental to environmental stewardship. Bob Beauregard of The Country Hen, for example, commented that “Our own experimental...
Laying hens on pasture-based farms tend to live longer lives—frequently closer to three years instead of the one year that is common on industrial-scale farms.

Diversity on the farm has many benefits: Hens control parasites in dairy cows while cows protect the hens from certain predators. Photo courtesy of Alexandre Family Ecodairy Farm.

By rotating chickens on pasture, organic producers can prevent these problems. As Anne Fanatico, Ph.D., an organic poultry expert at Appalachian State University, writes:

It is critical to rest or rotate pastures to prevent these problems. If the house is fixed, a rotation should be used to rest the pasture.10

Laying hens on pasture-based farms tend to live longer lives—frequently closer to three years instead of the one year that is common on industrial-scale farms. Depending on the state of the birds, “spent hens” are sold to local community members as backyard chickens; consumed by the farm family as stewing hens or sold as stewing hens; or they are, as a last resort, composted and used to fertilize the farm’s soil. Even after they are no longer used to lay eggs, these animals continue to play an important role on the farm or in the community.

HEALTHIER EGGS

Research at Pennsylvania State University reveals discernible nutritional benefits to the consumer from raising laying hens on pasture. When compared with caged hens fed only a commercial diet, pastured hens produce eggs with twice as much vitamin E and 2.5-fold more healthy omega-3 fatty acids.11

Mother Earth News conducted a similar study—comparing the nutritional qualities of conventional eggs with those produced by pastured hens. Their tests found that pasture-raised eggs contain one-third less cholesterol, one-quarter less saturated fat, two-thirds more vitamin A, two times more omega-3 fatty acids and three times more vitamin E.12

Since the nutritional benefits stem from the hens’ consumption of greens outside, hens that have access to “mock” outside areas (concrete, gravel, wood or a dirt moonscape) would be unlikely to produce eggs with the same nutritional attributes.

SOME SELECT PASTURE-BASED INDUSTRY PLAYERS

Almost by definition, pasture-based organic egg producers are rarely engaged solely in egg production. They tend to run diversified farms that produce crops and other animal products, such as organic dairy and meat. Their laying hens are an important part of their farm and business, providing income through the sale of eggs while also providing “free” services such as fertilization of the soil and insect and weed control. As Missy Bahret, of Old Friends Farm in Massachusetts, explains: “Our feathered employees ‘pay rent’ as they ‘go.’”

These farms tend to be small or medium scale, since managing a diversified, ecologically balanced farm is labor-intensive and becomes more difficult as the size of the farm grows. Their eggs are commonly available through farmers’ markets, Community Supported Agriculture (CSA), or directly from the farm. But many also sell through local grocery cooperatives or independent retail stores, and some can be found...
Laying hens on pasture-based organic farms are an important part of the farm and business, providing income through the sale of eggs while also providing “free” services such as fertilization of the soil and insect and weed control.

in supermarket chains such as Whole Foods. Pasture-based producers generally sell their eggs locally and independently under their farm’s name or their independently owned brand name.

Joel Salatin, a sustainable/local diversified farmer in Virginia, is a rare media-star farmer profiled in Michael Pollan’s *The Omnivore’s Dilemma* and the Academy award-winning documentary *Food Inc*. He rotates 1,800 chickens in pasture using an “eggmobile”—two 12-by-20-foot trailers hooked together, each holding 400 layers. The trailers follow the cows, functioning, says Salatin, as a “biological pasture sanitizer,” mimicking birds following herbivores in a wild, “like the egret on the rhino’s nose.”

He also uses what he calls a “feathernet,” a 20-by-32-foot footprint on skids: “Kind of an A-frame with a catwalk up the middle and nest boxes on the sides. Inside, it holds 1,000 layers with a quarter-acre electrified poultry net, moved every 3 days to a new quarter-acre.”

Another successful entrepreneur is Nigel Walker of Dixon, California. Walker raises 2,000 to 3,000 birds, which lay an average of two to three eggs per week during what he calls their “two-year career.” His birds are divided in trailers housing 500 to 600 birds, which are rotated in the pasture.

Examples, based on our research, interviews and site visits of some highly rated, rotational pasture-based egg brands:

**Alexandre Kids (California)**

The Alexandre Kids brand of organic eggs is available in Northern California stores, including North Coast Co-op and Whole Foods. Hens are housed in mobile “egg-mobiles,” designed and constructed by the farmers’ children as a Future Farmers of America project. One “egg-mobile” houses 300 birds, another houses 500 birds, and a third houses 1,000 birds. The “egg-mobiles” are moved to a new section of pasture once or twice per week. Predators are controlled with the help of a Great Pyrenees dog that stays with the flock, and by the dairy cows that share their pasture. Enough pasture is available to give each hen 350 square feet of outdoor space—yes, that is 350 times more outdoor space than industrial-scale producers like Chino Valley Ranchers, whose eggs, with the same USDA Organic label, are found on store shelves next to Alexandre Kids’ eggs.

Alexandre Kids’ hens also live much longer than the average laying hen in a crowded henhouse—hens are sold to people in the community when they are three years old. Instead of buying 17-week old pullets (adolescent birds) raised by a contractor or supplier, the Alexandres raise their own chicks. Pasture-based producers also typically do not trim the hens’ beaks, a practice that is not prohibited in the organic standards and therefore common in confinement systems, where, due to stressful conditions, hens are prone to be aggressive and cause injuries to flock mates.

Like most farmers who rotate their laying hens on pasture, the Alexandre family raises much more than just chickens. Their farm is diverse, with dairy cows and crop production.

**Coon Creek (Wisconsin)**

Cook Creek Family Farm produces eggs on a diverse organic farm that also grows vegetables and produces meat and goat milk. Mobile henhouses hold 85 birds each. The farm has
1,000 square feet per bird of pasture available, and pasture is carefully rotated weekly. The laying hens share pasture with goats, and dogs protect them from predators.

Like most pastured hens, their beaks are not trimmed, and they are allowed to live on the farm for three years, when they are sold as pets or stewing hens. Their manure provides valuable fertilizer for the farm’s soil.

**PASTURE-BASED AND GROWING!**

Industrial-scale organic producers like to argue that their model of large-scale industrial production is necessary to provide enough organic eggs for the U.S. organic marketplace. They believe that their confinement model is the only way for farmers to produce enough organic eggs to meet current demand. In response to the NOSB’s Livestock Committee’s proposal to require at least as much space outdoors as indoors for organic laying hens, the lobbyist representing industrial-scale producers wrote: “While it might be the intent of the Livestock Committee to limit the production of organic food products to just small farmers or egg production to so-called “backyard flocks,” it should be understood that these farms cannot produce a sufficient volume to meet the current organic market, and certainly not a growing market.”

But their thesis, that meeting market demand is possible only with confinement systems, is increasingly being challenged by other commercial-scale producers in the industry.

First, European consumers enjoy organic eggs from hens that have a minimum of 40 square feet of outdoor space, and organic eggs are readily available in supermarkets across the continent. Second, in the United States, entrepreneurial egg producers are experimenting with scaling up pasture operations in an effort to make commercial organic egg production more sustainable, and more in line with expectations of organic consumers who believe organic foods should be produced on farms adhering to basic organic principles, which include allowing animals to go outside on spacious outdoor runs.

And, in the United States, many entrepreneurial farm families are proving you can do truly pasture-based poultry production on a commercial scale.

**PATHS (Based in Pennsylvania, available in the Northeast)**

Another example of this kind of program is called PATHS—Progressing Agriculture Toward Healthier Sustainability—which encourages existing organic egg producers to transition toward a pasture program for their animals. John Baker, the president of Giving Nature, an egg marketing company, founded the program in 2009. Like so many others in the organic community, Baker believes that the organic egg industry can grow without sacrificing its original principles and ideals. Unlike industrial-scale producers, who argue against outdoor access for laying hens, Baker does not believe that the growth of the organic industry needs to depend on an industrial, confinement framework. If the principles of organic farming necessitate pasturing hens on farms that allow for interdependent communities of soil, crops and animals to interact, then he explains that “the organic industry must grow while respecting these principles.”

Another goal of PATHS’ Pastured Program for Laying Hens is providing a future for sustainable, diversified family farmers. Baker explains that PATHS participants can move their farms toward greater sustainability, generally on farms ranging from 40 to 200 acres—the typical “family farm” in the state of Pennsylvania, where Baker’s business is headquartered. “While common, modest farms are quickly disappearing as large monoculture corporate farming pushes them out and deprives the next generation of a true livelihood in poly-culture sustainable farming,” says Baker. “The sizes we are trying to make provide a good income when supported by the other income derived from a sustainable and diversified farming model. It creates a sustainable income future for the farm.”

To participate in the program, egg producers must be certified organic and must provide pasture that is at least three-fourths vegetated at all times. This means the outdoor space must not be overpopulated and must be rotated to allow the pasture to rest and recover from the pecking and scratching of the hens. Much of the area will therefore be unused by the birds at any given time while the pasture restores itself. The program also requires the use of cover trees or shade cloth to provide shade and cover from overhead predators such as hawks, which will encourage the hens to use all of the outdoor space, as opposed to staying close to the henhouse.
In an effort to promote sustainability on the farm, reduce the need for off-farm inputs, and recycle nutrients on the farm, the PATHS program encourages egg producers to work toward growing at least 50% of the crops needed for the laying hens’ feed, and to produce and recycle only as much manure as is needed for the crop nutrient needs of the farm.

Three organic egg farmers are currently participating in the PATHS program, which is in its early stages. Numerous additional farmers have expressed interest. If the program grows, as many as 150,000 laying hens could be out on pasture producing organic eggs in the state of Pennsylvania alone. If it is successful and other producers in other states adopt this model of organic production, it would prove that larger commercial-scale organic egg production is possible on true pasture.

Of course, 150,000 laying hens in the state of Pennsylvania is still less than half the total of laying hens on a single organic industrial-scale farm such as Green Meadow Organics, a mammoth operation owned by Herbruck’s Poultry Ranch in Michigan. The difference is that Herbruck’s hens are concentrated in one location—and housed in a total of only three buildings.

There is, in Baker’s opinion, a limit to how large an egg-laying operation can be before it is no longer sustainable—and that limit is roughly 20,000 chickens. To promote sustainability, the goal of the program is to enlist countless independent, medium-scale farmers to move their farms toward this type of sustainability. This is a very different model from building one huge complex with 340,000 chickens in one location, and then claiming that giving each chicken outdoor space is simply not feasible.

Eggs produced on PATHS farms are currently available in all New York region and Mid-Atlantic Whole Foods stores, marketed under the Giving Nature label.

Vital Farms (Based in Texas, available nationwide)
Vital Farms is based in Austin, Texas, and produces pasture-raised organic eggs that can be found in Whole Foods stores across the country. Currently, 15,000 laying hens are pastured on four different farms in Texas and Arkansas. Birds on the main farm in Texas are housed in converted cotton trailers that are moved to new pasture every week. Birds on the Arkansas farm are in fixed houses with eight sections of pasture radiating from the house, which are rotated regularly to maintain the health of the pasture. Each bird has access to approximately 25 square feet of native grasses, carefully managed through rotation to maintain healthy and productive pasture.

To meet growing demand, Vital Farms plans to enlist more family-scale, pasture-based farmers to supply their eggs, rather than growing their existing farms in scale.

PERMANENT HOUSING—ADEQUATE OUTDOOR ACCESS

Many organic egg producers in this category have henhouses that will generally hold between 1,000 and 20,000 birds, with adjacent outdoor space that is at least large enough for all chickens to be outside at the same time. Inside the henhouse, the hens generally live on the floor—no cages—with nest boxes, perches and litter, although some houses have aviaries that have multiple levels within the house for the hens to access. They are generally granted between 1.2 square feet and 1.8 square feet of indoor space per bird.

In this model, outdoor access consists of an outdoor run. At the very least, the outdoor space is as large as the indoor space. However, the outdoor space is fixed and generally not managed to prevent the hens from destroying the vegetation. As a result, the entire space or a large portion of the space can quickly turn into a “moonscape.”

The chickens’ ability to run around outside, dustbathe and sunbathe, and engage in other natural behaviors, meets an important expectation of organic egg consumers. Some of the farmers in this category produce other organic commodities as well—and some grow feed crops for their birds. The chicken’s manure, therefore, is used to fertilize the farm’s soil, fulfilling an important role for the organic farm’s ecological balance, and reducing the need for off-farm inputs.

However, many producers in this category operate conventional farms where the chicken house is their only organic enterprise. In these cases all the feed for the birds is purchased off the farm, usually from a local certified organic feed mill. Chicken manure is then spread on other fields in the area or sold as a commercial fertilizer.
OUTDOOR ACCESS—THEORY VERSUS REALITY

Unfortunately, even on many of the family-scale operations that do afford outdoor access, only a minute percentage of the birds actually leave the chicken house to access the outdoors.

In some cases there is only one large door on the end of a building housing 5,000-20,000 birds. A few hundred hens from that end of the building might very well take advantage of the outdoor space, but the majority of the birds will not have effective access to the outdoors (they are not going to climb over thousands of birds to get outside).

Other operators seem to be intentionally offering outdoor access with their fingers crossed behind their backs. Although Organic Valley previously limited their chicken houses to 10,000 birds, they have allowed some operations to grow beyond that scale. One farm, in northeast Iowa, houses approximately 35,000 birds in three buildings containing 4,500 to 16,000 animals each. The photo above is of one of their larger buildings. It has just one very small door, on one side of the building, affording inadequate working access to an area that appears to comply with Organic Valley’s minimum of five square feet per bird. Not surprisingly, almost no birds were outside at the time of our visit.

Modern chicken houses, regardless of scale, are generally split in half, with the nesting boxes and conveyor systems running down the middle. In essence, whether the building houses 1,500 birds or 20,000, there are essentially two flocks of birds in each building. Many times, there are literally only gaps of approximately 2 feet allowing birds to cross from side to side (which few do). So, the many examples of housing where outdoor runs exist only on one side of the building in practice deprive half of the birds from any realistic access to the outdoors.

PROBLEMS WITH PULLETS

Pullets (adolescent birds that have not started laying eggs) are commonly raised from chicks by subcontractors/suppliers rather than the farmers themselves. A high percentage of these operations, based on our interviews and site visits, provide no outdoor access whatsoever to the young birds. By the time the chickens are old enough to enter the laying operations (commonly 17 weeks of age) they have never been outdoors. Even if the henhouse has an adequate number of doors, and a large, well-maintained outdoor space, most chickens will never venture outside.

However, we did interview a number of farmers who raise pullets for themselves and to sell to others, in the 5,000-15,000-bird range, who do in fact comply with the federal regulations by letting their chickens out at an early age.
Some smaller operators said they open the doors after a couple of weeks. The larger pullet producers said they let their birds out when their feathers are mature enough to provide protection, varying between six and ten weeks of age, depending on the judgment of the producer (this clearly justifies the suitable age for outdoor access established by the NOSB of six weeks).

Widespread abuses are going on in pullet production, leading to mature birds not leaving their housing, as all too many operations attempt to falsely reinforce the illusion of outdoor access with their marketing materials. We urge the USDA to closely inspect these operations.

SOME SELECT INDUSTRY PLAYERS PROVIDING ADEQUATE OUTDOOR ACCESS

Based on our research, interviews and site visits, these producers tend to be independent family farmers who do not market their own eggs, but sell to, or contract with, a regional organic egg marketing company, or belong to a cooperative that markets their eggs. Examples of brands that sell eggs from medium-scale producers with outdoor access include Organic Valley, Farmers’ Hen House, Pete and Gerry’s, and Giving Nature.

Farmers’ Hen House

Farmers’ Hen House organic eggs are produced on medium-size, independent family farms that provide enough outdoor access for all hens to be outside at the same time. Most producers are Amish and Mennonite family farmers, and 90% of Farmers’ Hen House eggs are produced in the Kalona, Iowa area, within 10 miles of the egg-processing facility. Many of the farms grow the grain that is fed to their chickens, and use manure from the chickens to fertilize the fields—creating the interdependent relationship between the land, crop production and the animals on the farm that is such an important philosophical aspect for those committed to the principles of organic farming.

Farmers’ Hen House has provided an opportunity for Amish and Mennonite family farmers to stay in business by marketing their eggs—these farmers are interested mainly in farming, and do not want to be engaged in marketing under their own brand name. In doing so, Farmers’ Hen House also provides an alternative to consumers from buying from industrial-scale egg producers. Farmers’ Hen House eggs are available in retail stores, such as Whole Foods, Hy-Vee, Vitamin Cottage Natural Grocers and cooperatives, in the Midwest and Southwest.

Organic Valley (Based in Wisconsin, available nationwide)

The Organic Valley brand is owned by CROPP, the largest organic farmer-owned cooperative in the country, with over $500 million in annual sales. According to its website, a total of 1,652 organic family farmers across the United States produce Organic Valley products, including dairy products, eggs, soy beverages, meat, and orange juice. Organic Valley Family of Farms’ central mission is “to support rural communities by protecting the health of the family farm—working toward both economic and environmental sustainability.” The cooperative has 86 farmers nationwide producing their organic eggs.

The vast majority of their farmer-members are truly family-scale and operate with high integrity. The co-op has been a leader in the organic industry, with production primarily from family farmers, and has developed a viable business that has supported many families in transitioning their farms to organic management.

Organic Valley has high standards, higher than the minimums set out in the USDA organic regulations, for its egg producers, including at least five square feet per bird of outdoor space. Most of its producers meet this standard. Its members are generally small, and the cooperative historically had a limit of 10,000 birds per house. This has since been modified, and some of their farms house as many as 17,000 birds per building. It has also purchased eggs from non-members, based on market demand, with chicken houses holding as many as 34,000 birds.

In California, Organic Valley eggs are supplied by Judy and Steve’s Egg Farm, described as a family farm member on the cooperative’s website. The producer is actually Petaluma Farms.

Petaluma Farms is an industrial-scale, vertically integrated egg producer based in Petaluma, California. It markets eggs—both organic and conventional cage-free—under multiple other brand names, including Judy’s Family Farms, Uncle Eddie’s Wild Hen Farm and Rock Island Fertile eggs.
Although Organic Valley has one of the highest standards for its farmer members, it has afforded an exemption to this single producer in California. According to Organic Valley’s statements, none of the laying hens raised by Petaluma Farms have outdoor runs, since its certifying agent, Oregon Tilth, apparently allows Petaluma to confine its hens indoors, perpetually.

Describing Petaluma Farms in the bestseller *The Omnivore’s Dilemma*, author Michael Pollan says that the industrial egg producer “truly mastered the conventions of Supermarket Pastoral,” the term Pollan uses to describe agribusinesses misrepresenting their products through beautiful packaging, advertising or websites depicting family farms. The Cornucopia Institute’s senior farm policy analyst, Mark Kastel, calls the same phenomenon “farming by press release” — it’s a lot easier than actual organic livestock management.

Pollan went on to write, “Who could begrudge a farmer named Judy $3.59 for a dozen organic eggs she presumably has to get up at dawn each morning to gather?”

In addition to the production in California, which appears to be an aberration, Cornucopia’s visits to dozens of Organic Valley member-farms found a few isolated examples of inadequate oversight and noncompliance with both the cooperative’s standards and the federal organic law. In one case, a 12,000-hen facility near Genoa, Wisconsin, less than five miles from the cooperative’s CEO’s home, had absolutely no access to the outdoors for any of their birds, nor do they provide any natural light within the facility.

Therefore, after Cornucopia staff visits at dozens of Organic Valley member-farms, it appears that the vast majority of member-farmers are operating ethically and in full compliance with USDA regulations and the cooperative’s higher self-imposed and publicized standards. But unfortunately, not all members appear to be held to the strict standard of five square feet of outdoor space because of selective enforcement. We hope that the findings in this report will motivate the farmer leadership at this cooperative to institute tighter controls on their management to correct these inconsistencies with their public commitments to their customers.

**Pete and Gerry’s**

Pete and Gerry’s, based in New Hampshire, produces organic eggs for the Northeast market under its own brand name, as well as eggs for private label brands.

Producers like Pete and Gerry’s challenge the assertion—often repeated by industrial-scale producers who oppose outdoor access—that large-scale egg production is not possible while also striving toward meaningful outdoor access for chickens. Pete and Gerry’s has, over the past couple of years, put winter gardens in all its barns while also increasing outdoor access. Winter gardens, which are extensions of the barn, with fiberglass on top to let in natural light and chicken...
wire on the side to let in fresh air, allow the hens to forage in deep litter, enjoy more space, sunlight and fresh outdoor air. (Winter gardens are an excellent amenity but no substitute for legitimate access to outdoors when weather permits.) Rather than meeting demand for organic eggs by building larger henhouses, Pete and Gerry’s is instead working with more family-scale farmers in the region to supply their eggs.

Unlike industrial-scale producers who vehemently oppose any changes to the organic standards that would require and enforce outdoor access, Pete and Gerry’s president Jesse LaFlamme is already expanding outdoor space and says, “we will absolutely strive to meet any standard that is passed.”

INDUSTRIAL ORGANICS

The industrial model of egg production is applied to organics most commonly by large-scale, national egg-production companies. Virtually all are primarily engaged in conventional egg production, and expanded their product line to include organic eggs once they realized the popularity of organics among consumers—and the price premium it carries.

Unlike pasture-based producers, and those with meaningful outdoor access, industrial-scale organic producers rarely have much knowledge or experience in organic farming. Rather than seeing organic farming as an alternative system to industrial food production, they seem to believe that the industrial food production model (“factory farms”) can be used to produce organic food—as long as no pesticides, synthetic fertilizer, antibiotics, or other prohibited substances are used.

Industrial-scale producers sometimes buy old conventional henhouses and convert them by taking out the cages. In order to meet the organic requirement for “outdoor access,” they commonly build a small, insignificant concrete porch that is accessible through one or two small “popholes.”

When they build new henhouses specifically for organic production, they do not move away from this model, but rather build very large barns housing many tens of thousands of chickens, with nothing more than a small concrete covered porch as token outdoor access. In some cases, they “bring the outdoors indoors” by building “winter gardens,” which are enclosed indoor spaces that simulate an outdoor environment by providing deep litter and allowing access to fresh air and sunlight.

Aviary systems, allowing many more birds in individual buildings as compared to free-floor systems, are also popular with industrial-scale producers. Using this approach, houses can hold 85,000 birds or more—examples are Herbruck’s Poultry Ranch’s Green Meadows Farm in Michigan and Cal-Maine’s new organic buildings in Kansas. According to one organic producer who specializes in pastured production, some types of aviary systems are, essentially, “glorified cages.”

Because cages are opened during the day, allowing the hens to roam freely on the floor, industrial-scale producers consider this a “cage-free” operation, and eligible for organic certification.

In these aviaries, when the hens first move into the house, they are confined in multi-tiered cages. After some time, the doors to the cages are opened to allow the hens to access scratching areas on the floor of the house. Because the cages open during the day, producers consider this system to be “cage-free.” Those in cages on top levels have stairways to access the floor. Partitions divide the hens into flock sizes of 130 to 150 birds.

The manufacturer of one popular aviary system states: “The design concept is based on the idea to reduce the management effort and at the same time increase reliable and efficient production.” Since the cages are closed at night, the system is in a gray area between caged and cage-free production. This question has never been legally tested.

In their comments to the National Organic Standards Board (NOSB), in response to proposals for stronger rules enforcing outdoor access, most industrial-scale producers have made it clear that they currently do not provide substantive outdoor access for their animals and object to prescriptive language that would compel them to do so. Their specific arguments against granting outdoor access are listed and addressed in the section below titled “Industrial Organics Arguments against Outdoor Space,” page 43.

HOW COMMON IS INDUSTRIAL ORGANIC EGG PRODUCTION?

According to the United Egg Producers, a trade group for industrial-scale egg producers, and estimates by some producers, 80% of eggs come from the largest producers in the industry, with layer houses that mirror the conventional/
industrial model of production and do not provide enough outdoor space for every hen to be outside at the same time.

**SOME SELECT INDUSTRIAL-SCALE CONFINEMENT PLAYERS**

Examples, based on our research, interviews and site visits of some of the largest corporate players in the organic egg industry:

**Eggland’s Best (Nationwide)**

Eggland’s Best is a major nationwide marketer of conventional and organic eggs, available in most grocery stores. Twelve different production companies supply organic eggs for the Eggland’s Best brand.

Bart Slaugh, Director of Quality Assurance at Eggland’s Best, opposes increased space requirements for organic laying hens: “The push for continually expanding outdoor access and decreasing protection needs to stop, and I believe that the proposed standards have gone too far.”

On its website, Eggland’s Best misleadingly tells customers that the company “adopted very stringent welfare regulations.” But, the only third party certification it adheres to for its caged hens is the self-serving United Egg Producers Animal Welfare program, which guarantees only that hens have access to feed and water; the standards do not even require that hens have enough space to stretch their wings. In fact, the standards are so lax and industry-beholden that they even allow cages—which are, of course, prohibited in organic production.

Rather than seeing organic farming as an alternative system to industrial food production, egg-producing agribusinesses seem to believe that the industrial food production model (“factory farms”) can be used to produce organic food.

![Although there is plenty of space outside the henhouse, hens are confined to covered porches; hens on the second story of this Hillandale Farms henhouse use one of two narrow, single-file ramps to access the covered porch. Approximately 70,000 birds live in this building. Photo by The Cornucopia Institute.](image)

Cages in some aviaries, a system popular with some large-scale industrial organic egg producers, are closed when the hens first move in, and at night. “These are nothing more than glorified cages,” says one organic producer.

One of the 12 suppliers for Eggland’s Best organic eggs is Cal-Maine, the largest agribusiness producing eggs in the United States. Cal-Maine (signifying “California to Maine”) is a publicly traded corporation that is mainly involved in conventional, caged egg production, but has, in recent years, grown its presence in organics. Cal-Maine boasts that it is “one of the largest producers and marketers of value-added specialty shell eggs in the United States,” with specialty sales representing 13.8% of its shell egg sales in fiscal year 2009. Its specialty egg sales are not limited to organic eggs but include cage-free, “all-natural,” “vegetarian” and omega-3 eggs.

Other companies that supply organic eggs for the Egg-Land’s Best brand and for private labels include Braswell, the second-largest Egg-Land’s Best franchisee, which also supplies Horizon Organic eggs (a division of Dean Foods), Moark, Morning Fresh, Herbruck’s in the Midwest, and Dixie Egg Company in the Southeast.

[![A 36,000 bird henhouse equipped with a different type of aviary system; the day this facility was visited, 1-2% of their birds were out in a well-maintained outdoor space. This farm primarily supplies Chino Valley Ranchers. Photo by The Cornucopia Institute.](image)]
In addition to selling organic eggs under the Eggland’s Best brand name, Cal-Maine markets its own organic eggs under its 4Grain brand name. The company also produces organic shell eggs for private-label customers.

Cal-Maine, as a corporation, is not a supporter of animal welfare measures—it was a major donor to the campaign in California opposing the Prevention of Farm Animal Cruelty Act. Cal-Maine reportedly spent more than half a million dollars to oppose this measure, which outlawed keeping laying hens in cages, and which voters overwhelmingly approved in 2008.

Cal-Maine has focused on industry consolidation. From 1989 to 2009, the company acquired 16 companies, ranging in size from 600,000 layers to 7.5 million layers. One of these acquisitions was Hillandale, which produces organically certified eggs in its Pennsylvania facility. The Cal-Maine/Hillandale organic henhouse has two stories, and hens on the second story have access to small porches via a single door (for tens of thousands of chickens) and a ramp leading down to this space. Given that there are an estimated 30,000 hens on each floor, it is not surprising that very few of the hens seemed to use the small outdoor porch—research shows that the larger the flock size, the less the hens go outside.

Cal-Maine is also a pro rata guarantor of debt undertaken by Delta Egg Farm, LLC, to construct an organic egg production and distribution facility near Chase, Kansas.

Chino Valley Ranchers produces both conventional and organic eggs on its own “ranches,” located in California and Texas, as well as eggs from small- and medium-scale farmers in the Midwest. Its eggs can be found in 30 states under the Chino Valley Ranchers label, and it also provides eggs for private-label customers.

Chino Valley Rancher’s General Manager, David Will, lobbied against stronger animal welfare standards, and opposed increased outdoor space and indoor space requirements for laying hens. Mr. Will pointed out that Chino Valley bought existing egg production operations, often caged henhouses, and converted them to organic, keeping the “existing building footprint, spacing and boundaries.” If they have to grant every laying hen two square feet inside, and three square feet outside, David Will predicted that it would, “force a major constriction if not total abandonment of our organic egg production.”

Petaluma Farms produces both conventional and organic eggs, Petaluma markets them under a number of different labels: Rock Island, Uncle Eddies, Gold Circle and Judy’s Family Farm.

Petaluma is owned by Steve Mahrt (his wife is the “Judy” of their organic label), a third-generation egg producer. Edible East Bay reported in 2009 that Petaluma joined other industrial egg producers in California fighting Proposition 2. The successful ballot initiative requires minimum humane standards for livestock production, bans battery cages for laying hens and requires the birds to be able to “turn around freely, lie down, stand up and fully extend their limbs.”

Ask about smaller producers by Edible East Bay, Mahrt responded, “What’s free range? I don’t know of anyone really producing free range.” The article also featured a profile of Eatwell Farm in Dixon, California, which produces eggs from 2,000 to 3,000 chickens in individual 500- to 600-bird mobile chicken coops on pasture.

In the same article, Nigel Walker, owner of Eatwell, criticized Petaluma’s marketing approach, saying, “What [Mahrt’s] doing is half way, but he’s making it look like the whole way … my problem is the misrepresentation.”

A view from the air of an “organic” complex by Cal-Maine in Kansas, housing hundreds of thousands of birds, with an obvious lack of space available for outdoor access, which is required by federal organic standards.
The Mahrt family also owns and controls Rock Island Refrigerated Distributors, Inc., a $17 million distributor of eggs and other perishable food.

See the Organic Valley profile above for more background on Petaluma Farms, Organic Valley’s West Coast egg supplier.

INDUSTRIAL-SCALE PRODUCERS

Private Label

The term “private label” refers to store brands, such as Safeway’s “O Organics,” Stop ‘n Shop’s “Nature’s Promise” and Trader Joe’s. Many, if not all, industrial-scale organic egg producers supply organic eggs for private-label customers. In addition to Cal-Maine and Chino Valley, described above, Herbruck’s Poultry Ranch in Michigan is an example of a large company supplying private-label organic eggs.

Herbruck’s produces both conventional and organic eggs—with organic eggs accounting for approximately 10% of its business. The company supplies organic eggs for stores such as Meijer, Kroger, Safeway and others, as well as brand names such as Egg-Land’s Best.

Herbruck’s keeps 80% of its laying hens in cages, and its conventional egg business supplies Cargill, which in turn supplies eggs for McDonald’s (it should be noted that many corporate purchasers of eggs are now demanding cage-free production). The president of Herbruck’s Poultry Ranch apparently believes that keeping hens in cages is a good idea: “We went away from [letting hens roam free] for a whole bunch of really good reasons,” said Stephen Herbruck.30

Yet, demand for organic eggs is growing, so Herbruck’s recently expanded its organic business. In 2008, the company invested $13 million to build four new organically certified henhouses, each housing 85,000 laying hens. The facility, called Green Meadow Organics, has room for four more houses, which would push Herbruck’s number of certified organic laying hens past 1 million.

Greg Herbruck, who represents the family business at NOSB meetings, opposes strengthened animal welfare standards since Green Meadow Organics could not comply with the proposed space requirements. He said: “Our henhouses were not designed to meet the outside or inside space standards as proposed.”

It is noteworthy to remember that the current (2010) organic standards clearly require “year-round access for all animals to the outdoors.”31 The current deliberations by the NOSB are about setting defined benchmarks so that certifiers can more easily enforce the requirement.

Mr. Herbruck wrote to the National Organic Standards Board: “If implemented, existing producers must be ‘grandfathered in’, as they have met all organic standards until this current draft. If not ‘grandfathered in,’ they must be adequately compensated for their significant losses for their present organic conversion capital investments.” 32 However, producers like Herbrucks, should they be unwilling to meet the animal management standards demanded by the organic industry, have other options, such as cage-free, for the sale of their shell eggs.

Other organic egg producers, who do provide adequate outdoor space for their hens, point out that producers such as Herbruck should have considered the possibility of enforcement and a further refining of the standards to comply with organic principles and consumer expectations, and that these producers must accept the consequences of a leveling of the playing field for all organic egg producers.
Producers in red are signatories to a 2010 letter to the National Organic Standards Board by the United Egg Producers opposing outdoor access for laying hens in the organic standards.

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Outdoor Access—A Shell Game

Since egg producers have been able to easily convert cage-free henhouses to organic by simply feeding organic feed and building a small concrete porch attached to the henhouse, the organic egg industry has attracted highly-capitalized newcomers who are familiar with modern poultry production, but have no understanding of organic principles and farming.

Well-versed in modern production, such new entrants to the organic egg industry are familiar with raising tens of thousands, sometimes hundreds of thousands, of chickens in confinement, and have no experience with or knowledge of managing pasture or outdoor runs.

In fact, they seem to find the thought of allowing chickens to roam freely on pasture to be utterly mind-boggling. Foodonics, a company that recently converted two sites with 55,000 laying hens to organic production, writes that “the subjection of a chicken to potentially deadly bacteria and diseases would be endless by allowing them to roam freely in a pasture.”\(^{33}\) These industrial-scale producers admit to having entered the organic market for profitability reasons, and complain that allowing chickens to go outside “would vastly outweigh organic profitability.”\(^{34}\)

These producers sometimes acknowledge that the only difference between their conventional and organic laying hens is their diet—no differences exist in the birds’ ability to go outside and exhibit their natural behavior outdoors. For example, Petaluma Farms in California, which markets Judy’s Family Farm organic eggs and supplies other brands such as Organic Valley, writes on its website that “the only real difference in how the flocks are raised is what they eat.”\(^{35}\)

The thought of letting chickens roam outside is incomprehensible to industrial-scale producers because it would be nearly impossible to manage so-called factory farms of their current scale if chickens were allowed outside. Herbruck’s Poultry Ranch’s new Green Meadow Organics facility, which houses 340,000 organic laying hens, would require, at a minimum, 22 acres if every animal were granted three square feet of outdoor space (note that some voluntary standards, such as Organic Valley’s, require five square feet.). To protect the pasture and the animals, 340,000 hens would need to be rotated on pasture—likely requiring more than 22 acres. Herbruck’s has repeatedly complained to the National Organic Standards Board that granting 22 acres of outdoor space would be impossible—unwilling, apparently, to recognize that plenty of true organic farmers with much fewer birds grant much more than 22 acres of outdoor space to their chickens. In “real” organic farming, 22 acres of pasture is, of course, no big deal at all.

These industrial-scale producers rely extensively on their organic certifiers—if the certifier approves their operation as meeting the organic standards, they are satisfied and benefit from the price premium that the organic label commands. Especially with livestock producers there are persistent rumors of “shopping for a certifier” where operators will search for an accredited certifier that will bless their operation after inquiries with other reputable certifiers have resulted in guidance that their production model, without modification, would not meet the federal standards.

Certifiers play an important role in the organic community and industry. While organic rules are determined and enforced by the United States Department of Agriculture, it is the role of USDA-accredited certifying agencies to inspect individual farms and processing facilities to ensure they are
in compliance with the federal standards. The certifying agency’s interpretation of the organic standards is therefore very important. Unfortunately, some certifying agents have given a green light to huge, industrial-scale henhouses with small, bare concrete porches, and some have even granted permanent exemptions from outdoor access.

As an example, some industrial-scale egg producers have procured letters from their veterinarians stating that it would be “unhealthy” for the birds to be allowed outdoors. In the case of Petaluma Farms, operating in California, one of their buyers, Organic Valley, references that “state veterinarians and the California Department of Agriculture strongly advocate that birds not have free-range outdoor access because of the risk of avian influenza transmission” to justify their total-confinement operation. However, less than 10 miles down the road is another large competing industrial operation that gives its birds at least some outdoor access, and the state of California has plenty of organic producers whose birds enjoy free access to the outdoors. It must also be noted that the letter from state regulators was just a recommendation, not a legal mandate, and it was thus ignored by many organic producers who have the legal obligation to afford outdoor access to their birds.

Moreover, when the NOSB discussed outdoor access for poultry in 2001 and 2002, the industrial egg lobbyist tried to make the case that outdoor access was dangerous to the health of the birds. Board members repeatedly asked for proof of outbreaks among organic and pastured hens. None was ever supplied. On the contrary, cases of avian influenza are most commonly detected on confinement operations, which has led to the forced destruction of entire flocks.
To help organic consumers determine which brand of organic eggs complies with their ethical expectations and fits into which of the three aforementioned organic production models, The Cornucopia Institute developed a scorecard of organic egg brands. Ratings are based on the producers’ answers to a questionnaire about production practices, site inspections, satellite imagery and extensive interviews.

It is designed so consumers and wholesale buyers can make discerning purchasing decisions rewarding the individual farms, cooperatives and corporations that have made the investment in both knowledge and facilities to comply with both the letter of the federal laws governing organics and the values-based expectations of organic egg customers.

Brands fall in one of five categories:

**“5-egg” rating: “Exemplary”—Beyond Organic**
Producers in this top tier manage diverse, small- to medium-scale family farms. They raise their hens in mobile housing on well-managed and ample pasture or in fixed housing with intensively managed rotated pasture. They sell eggs locally or regionally under their farm’s brand name, mostly through farmer’s markets, food cooperatives and/or independently owned natural and grocery stores and sometimes through larger chains like Whole Foods.

**“4-egg” rating: “Excellent”—Organic Promoting Outdoor Access**
Producers in this category provide ample outdoor space and make an effort to encourage their birds to go outside. They provide an excellent outdoor environment, often either rotated pasture or well-managed outdoor runs, with an adequate number of popholes/doors for the chickens to reach the outdoors.

**“3-egg” rating: “Very Good”—Organic, Complying with Minimum USDA Standards**
Brands with a three-egg rating are very good choices. Eggs from brands in this category either come from family-scale farms that provide outdoor runs for their chickens, or from larger-scale farms where meaningful outdoor space is either currently granted or under construction. All producers in this category appear committed to meeting organic standards for minimum outdoor space for laying hens.

**“2-egg” rating: “Fair” —Some Questions Remain Concerning Compliance with Federal Standards**
These are either industrial-scale operations or others with outstanding questions or concerns regarding their compliance with USDA regulations. One of the primary features that distinguish these organizations from the ethically challenged brands below is their willingness to share with their customers (and Cornucopia researchers) some of the details as to how their chickens are cared for and how their eggs are actually produced.

**“1-egg” rating: “Ethically deficient” — Industrial Organics, no meaningful outdoor access and/or none were open enough to participate.**
Brands with a “1-egg” rating are generally produced on industrial-scale egg operations that grant no meaningful outdoor access. “Outdoor access” on these operations generally means a covered concrete porch that is barely accessible to the chickens. Means of egress from the buildings are intentionally small to discourage birds from going outside, and make it possible for only a small percentage of birds to have “access” to the outdoors. No producers in this category were willing to participate in The Cornucopia Institute’s project, and none shared their production practices with Cornucopia researchers. This is disturbing to many organic consumers, since transparency has always been viewed as a hallmark of the organic food movement.

All producers received numerous invitations to participate in this study including by certified mail and phone calls.
INDUSTRIAL-SCALE ORGANIC PRODUCERS argue that their production model—crowding hens inside huge hen-houses without outdoor space—makes organic eggs affordable. Without question, by using monoculture and economies of scale, they are able to produce “organic” eggs at a much lower price than farmers with diversified organic operations who allow their hens to roam on pasture.

While one effect of the industrial production model is producing cheaper eggs for consumers, another effect is that they make it nearly impossible for family-scale organic producers, adhering to the standards and consumer expectations, to compete in the marketplace. Especially when many consumers do not know the considerable differences between brands that carry the USDA Organic seal, pasture-based and other high-quality producers are likely to lose out.

As one organic farmer, who grows vegetables and raises chickens, states: “We are currently breaking even or losing money by selling our eggs at $4/dozen. We cannot raise our prices [beyond that] because consumers in our area are not willing to purchase our organic eggs because they can get organic eggs at the grocery store for $3.50 or $4. It is impossible to compete with large-scale organic eggs producers because we choose not to confine our chickens in one building.”

One of the economies of scale in large single-building operations is automating the egg collection process. This can range from a small single conveyor, in buildings that house a few thousand birds, to more sophisticated packaging equipment that affords extremely low labor inputs.

While industrial-scale producers complain to the National Organic Standards Board that stronger animal welfare standards may lead to financial losses or force them out of the organic business, they fail to mention the effect they have already had on entrepreneurial small- and medium-sized and pasture-based organic producers. Some producers, who took the spirit and the letter of the organic standards seriously and built pasture-based organic egg businesses, have been forced out of business by downward price pressure in the marketplace emanating from the industrial-scale competitors.

One example is Natural Acres, a pasture-based organic farm and business in Pennsylvania. Natural Acres used to sell pastured eggs in stores in Pennsylvania, New York City and other northeastern markets. On its diversified farm, approximately 1,000 hens were housed in mobile henhouses that were moved to new pasture regularly (see photo below). Natural Acres could not compete with the lower prices of industrial-scale organic egg producers, who sell in the same markets under the same USDA Organic seal. In 2009, Natural Acres exited the organic egg business.

Industrial-scale organic egg producers understand that farmers who let their chickens outside experience lower productivity and higher labor costs, and therefore have to charge more for their eggs. David Will, general manager of industrial-scale Chino Valley Ranchers, wrote: “Outside access does increase the cost per dozen in lower production and higher feed costs in addition [to] the costs associated with keeping the range area useable.” He complained of “unfair pricing advantages” for producers in colder parts of the country, who could keep their hens inside during the cold winter months.38 These industrial-scale producers are therefore well aware of the effect their business model has on pasture-based producers—some of whom are being forced out of the organic business that they pioneered and nurtured.
Defining Real/Legal “Organic” Egg Production

The question, “What does being organic mean in egg production?” is a contentious one in the organic community. Large-scale producers insist that their industrial model of food production—regardless of its inherent monoculture (lack of biodiversity), dependence on inputs imported from off the farm, and dependence on confinement systems for livestock, etc.—can be applied to organics. For them, organic is nothing more than a set of standards developed in 2002 by the United States Department of Agriculture, which opens the door to higher profits from consumers who are willing to pay more. Some industry lobbyists play the same games trying to develop or exploit loopholes in the organic standards in the same way that their fellow tax attorneys attempt to manipulate and exploit the tax code for corporate benefit.

For most organic farmers and consumers, organic is much more than a set of federal regulations—it is a farm management system, an agricultural philosophy, and a way of life. Unfortunately, family farmers who believe in the ecological principles of organic agriculture, such as diversity and the interdependence of soil, crops, animals and people, cannot compete with the prices offered by industrial organics and are being placed at a distinct competitive disadvantage.

So what should organic mean? Definitions from various sources, including the United States Department of Agriculture, challenge the assertion that the industrial model of agriculture can be applied to organics.

“ORGANIC” AS DEFINED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE

Congress passed the Organic Foods Production Act in 1990, giving birth to the United States Department of Agriculture’s National Organic Program (NOP). Unlike most eco-labels on food packages, the term “organic” is defined and highly regulated by the federal government. A food package cannot claim to be organic unless it was produced and processed according to a strict set of rules governing the use of pesticides, synthetic fertilizers, livestock living conditions, drugs such as antibiotics, genetically engineered organisms, potentially dangerous processing agents, and the list goes on.

Under the “Terms Defined” section of the National Organic Program’s federal standards, “organic production” is defined as follows:

A production system that is managed in accordance with the Act and regulations in this part to respond to site-specific conditions by integrating cultural, biological, and mechanical practices that foster cycling of resources, promote ecological balance, and conserve biodiversity [emphasis added].

For eggs specifically, the USDA’s standards specify that the term “organic” can only be used if the following standards are met:

205.239 (a) The producer of an organic livestock operation must establish and maintain livestock living conditions which accommodate the health and natural behavior of animals, including:

Year-round access for all animals to the outdoors, shade, shelter, exercise areas, fresh air, clean water and direct sunlight suitable to the species, its stage of production, the climate, and the environment” [emphasis added].

Laying hens on this organic farm (Schultz Organic Farm in Minnesota) are clearly able to exhibit natural behaviors outdoors—such as dustbathing and foraging—and have ample access to the outdoors, shade, shelter, exercise areas, fresh air, clean water and direct sunlight, as required by the national organic standards. Photo by The Cornucopia Institute.
In February 2010, the national organic standards were modified as a result of the long-awaited “pasture rule,” which was aimed at strengthening the organic standards for dairy cows and beef cattle but affects poultry operations as well. The following sentence was added to the standards in 205.239(a)(1):

Continuous total confinement of any animal indoors is prohibited.

While they are developed and ultimately enforced by the federal government (with years of input from all industry stakeholders), the actual inspections of farms and processing plants are performed by certifying agents that are accredited by the USDA. The USDA doesn’t actually certify any food. They, in essence, certify the certifiers.

Certifiers, referred to by the USDA as “Accredited Certifying Agencies” (ACAs), have the responsibility of ensuring that anyone claiming to be organic is indeed adhering to the organic standards. Unfortunately, there have been considerable differences, amplified by economic considerations, in how certifying agencies interpret the standards.

There are substantial differences in the way in which USDA-accredited certifying agencies interpret the federal standards pertaining to poultry production. For example, the Northeast Organic Farming Association – New York (NOFA-NY) specifies that chickens must be granted “meaningful outdoor access,” which means “pecking on the ground, fresh air, and direct sunlight.” The certifier also recommends rotation of pasture to make outdoor access meaningful, and specifies that an organic egg operation must grant at least 1.5 square feet per bird of outdoor space (all requirements seemingly relate to the language in the above-noted section 205.239 of the federal standards).

Unlike NOFA-NY, some other certifying agencies do not look for meaningful outdoor access. They approve any outdoor area, regardless of its size, the birds’ ability to reach this area or the birds’ ability to engage in natural behaviors. A small porch, under a roof, with concrete flooring and netting, chicken wire or screening all around, passes as “outdoor access” for these certifiers. Oregon Tilth, for example, certifies Petaluma Farms, which grants no outdoor access whatsoever, and Natural Foods Certifiers certifies The Country Hen, which has small covered, enclosed wooden porches as “outdoor access.” For certifiers such as Pennsylvania Certified Organic, an outdoor porch that is 10% the size of the indoor space passes as “outdoor access.”

“ORGANIC” DEFINED BY THE NATIONAL ORGANIC STANDARDS BOARD

When the 1990 Organic Food Production Act established the National Organic Program, it also created an expert citizen panel, called the National Organic Standards Board (NOSB), charged with the task of advising the Secretary of Agriculture in setting the standards upon which the National Organic Program is based. In 1995, members of the NOSB defined “organic” as follows:

Organic agriculture is an ecological production management system that promotes and enhances biodiversity, biological cycles and soil biological activity. It is based on minimal use of off-farm inputs and on management practices that restore, maintain and enhance ecological harmony.

“Organic” is a labeling term that denotes products produced under the authority of the Organic Foods Production Act. The principal guidelines for organic production are to use materials and practices that enhance the ecological balance of natural systems and that integrate the parts of the farming system into an ecological whole.

Organic agriculture practices cannot ensure that products are completely free of residues; however, methods are used to minimize pollution from air, soil and water.
Organic food handlers, processors and retailers adhere to standards that maintain the integrity of organic agricultural products. The primary goal of organic agriculture is to optimize the health and productivity of interdependent communities of soil life, plants, animals and people.

Unlike the industrial egg production model, which seeks economic efficiency by separating various aspects of production—feed is grown in one place (possibly as far away as China), chickens are raised on another operation, and their manure is shipped to entirely different farms (frequently not even organic)—true organic production aims to imitate natural processes in which a diversity of animals and crops are integrated into an ecological whole, reducing the need for off-farm inputs and minimizing avoidable use of nonrenewable resources in production, processing and transport. The NOSB's definition of organic calls for such integration. The industrial model of egg production—where an egg operation with tens or hundreds of thousands of chickens is completely separated from any land base or crop production—hardly fits the NOSB's original definition of organic agriculture.

Moreover, in 2002, members of the NOSB recognized that some producers might use meaningless porches as "outdoor access," and issued a recommendation to clarify the intent of the organic standards. Their recommendation languished, and has not been adopted by the National Organic Program as an official standard, but certifying agencies and organic farmers often use NOSB recommendations to better understand the intent of ambiguous or unclear organic standards. The poultry recommendation states:

Organically managed poultry must have access to the outdoors. Organic livestock facilities shall give poultry the ability to choose to be in the housing or outside in the open air and direct sunshine. The producer's organic system plan shall illustrate how the producer will maximize and encourage access to the outdoors.

Bare surfaces other than soil (e.g. metal, concrete, wood) do not meet the intent of the National Organic Standards.

The producer of organically managed poultry may, when justified in the organic system plan (and reviewed by the organic certification agent), provide temporary confinement because of:

- Inclement weather;
- The stage of production (i.e. insufficient feathering to prevent health problems caused by outside exposure);
- Conditions under which the health, safety, or well being of the poultry could be jeopardized; or
- Risk to soil or water quality.

First, the NOSB specified that laying hens must be "encouraged" to go outside. The recommendation also states that poultry shall have the “ability to choose to be in the housing or outside in the open air and direct sunshine.” Providing one or two small doors in a house with tens of thousands of chickens hardly qualifies as “encouraging” the birds to go outside. For the vast majority of hens in a crowded henhouse, the door to the outdoors is too far to give them the “ability to choose” to go outside—they would have to make their way past tens of thousands of flock mates to reach the door. As a result, it is nearly impossible for the vast majority of birds to go outside.

And, as was previously illustrated, some producers are abusing the “stage of production” exemption for outdoor access and exclusively confining pullets for the first 17 weeks of their lives. (Pullets are young female chickens. The working definition in the industry is a bird not mature enough to start laying eggs.) This trains the birds to stay inside, and therefore not only affects the immature birds but virtually guarantees that few laying hens ever venture outdoors even when, subsequently, they have the ability to do so.

And perhaps most importantly, the NOSB clarified that concrete or wood surfaces “do not meet the intent of the National Organic Standards.” Yet despite this recommendation, producers have built bare and lifeless porches as the only “outdoor” space available to the birds, and some certifying agencies have approved them as meeting the organic standards.

It's important to recognize that the deficiencies found at many of the industrial-scale poultry operations have occurred since the NOSB adopted its recommended regulatory language aimed at clarifying poultry standards in 2002. In fact, many of these operations have built, purchased and/or converted facilities to organic since the NOSB passed its recommendation. (This recommendation has not been officially accepted or rejected by the USDA and is still languishing, along with many other NOSB recommendations the department has ignored.) Claims now being made by industrial producers that their investments are being economically injured by the formal adoption of stronger regulations should be strongly discounted.

"ORGANIC" DEFINED BY THE INTERNATIONAL FEDERATION OF ORGANIC AGRICULTURE MOVEMENTS (IFOAM)

The International Federation of Organic Agriculture Movements (IFOAM), which unites organic organizations from around the world, is a highly respected organization that long predates the USDA's involvement in organics. IFOAM defines organic agriculture as follows:
Converting to organic egg production requires more than taking cages out of a conventional henhouse, feeding organic grains to the chickens, and abstaining from giving the birds prohibited drugs. Yet this is exactly what industrial-scale organic egg producers have done.

Organic Agriculture should sustain and enhance the health of soil, plant, animal, human and planet as one and indivisible. Organic Agriculture should be based on living ecological systems and cycles, work with them, emulate them and help sustain them [emphasis added].

This definition is based in part on the belief of Sir Albert Howard, considered the father of the modern organic movement, that “the health of soil, plant, animal and man is one and indivisible.” Again, industrial-scale organic egg producers do not come close to meeting these definitions.

“ORGANIC” DEFINED BY USDA’S NATIONAL INSTITUTE OF FOOD AND AGRICULTURE.

This branch of the USDA points out that “Organic production is not simply the avoidance of conventional chemical inputs, nor is it the substitution of natural inputs for synthetic ones.” (Available online at www.nal.usda.gov/afsic/pubs/ofp/ofp.shtml)

From the definitions above, it becomes clear that converting to organic egg production requires more than taking cages out of a conventional henhouse, feeding organic grains to the chickens, and abstaining from giving the birds prohibited drugs. Yet this is exactly what industrial-scale organic egg producers have done.

While consumers look for an alternative to industrial-scale food production that ignores living ecological systems and cycles, industrial-scale organic egg producers have done practically nothing to move toward working with natural processes and creating an interdependence of soil, plant and human health on the farm.

Yet industrial-scale egg producers insist that their model can, and should, be applied to organics. Many organic farmers who understand the underlying principles of organic agriculture refer to industrial-scale organic production as “organics by substitution,” meaning they do not change the process of farming from conventional/industrial (factory farming) to organic; they merely substitute their inputs from conventional to organic. This model of production, in the view of many in the organic community, does not deserve the organic label. While it is certainly an improvement from conventional, caged egg production, it does little to promote environmental stewardship or nutritional superiority.

Industrial-scale organic egg producers are currently getting away with their model of industrial organics because the federal organic standards are clear but somewhat general in nature and being abused. Some organic certifying agencies, whether due to economic conflicts of interest or incompetence, grant organic certification regardless of their production model’s deficiencies. And the USDA has failed in its legal responsibility to oversee certifiers and enforce the existing organic regulations. This has allowed the growth of industrial organics, a system that more closely emulates industrial food production principles than ecological ones.
Industrial-Style Egg Production and the Growth of Industrial Organics

Eggs are among the fastest-growing food products in the U.S. organic market. Between 1997 and 2007, organic egg sales have grown at an annual rate of 19%, and the number of organic laying hens has grown at a rate of 22% per year.

While the growth of organic egg sales is impressive, the percentage of organic egg sales in the total U.S. egg market is still minor. In 2004, organic egg sales accounted for only 1% of fresh egg sales. Of that 1%, only 3% were bought directly from the farmer or direct through other channels such as farmers’ markets and Community Supported Agriculture (CSA) models.

This compares to organic dairy sales, which are now in the 6% range, and organic fruits and vegetables, which now command upwards of 10% of the market, according to industry trade groups. This lower market penetration is due at least in part to the fact that, in relative terms, eggs are more expensive than most other organic commodities.

According to the USDA’s most recent Organic Census, 540 farms produced certified organic eggs in 2007, housing slightly more than 4 million organic laying hens. The state with the highest number of certified organic egg producers is Wisconsin, with 75 farms, followed by California, with 56, Iowa, with 47, and Pennsylvania, with 36.

The United Egg Producers, the trade group for industrial-scale egg producers, estimates that there are currently 7 million laying hens producing organic eggs.

NO YOKE: INDUSTRIAL EGG PRODUCTION

SETTING THE STAGE FOR INDUSTRIAL ORGANICS

Before the industrialization of egg production, most people knew exactly where their eggs came from—local farms where small flocks of hens roamed free. Tending the hens and collecting the eggs was traditionally considered to be women’s work, and the sale of eggs considered a “side business” of the farm and commonly provided farm wives with some discretionary income of their own. As one female poultry extension agent explained in 1890s Wisconsin, men lacked the “patience and gentleness, as well as eternal vigilance” that hens demanded.

The Easter egg hunt was a real search for the first fresh eggs of the season, laid by free-roaming hens who viewed the coming of spring as a signal to start laying their eggs. A laying hen in the early 20th century would average 100 eggs per year, taking a rest from egg-laying in fall and winter. Today, the average laying hen in an industrial-scale egg operation is expected to lay more than 300 eggs per year.

Nearly all eggs for sale in the grocery store today are produced not on traditional farms where chickens go outside, but inside industrial-style henhouses with tens or hundreds of thousands of other hens. Proponents of this model call them “modern housing systems,” while animal welfare advocates, environmentalists and supporters of sustainable food production often refer to them as “factory farms.”

According to the United Egg Producers, caged hens produce 95% of eggs in the United States. These animals are crammed into cages, given barely enough room to stand, and not enough space to perform basic behaviors such as stretching wings. Other instinctive poultry behavior, such as dust-bathing, sunbathing, and pecking in the dirt, are out of the question for these animals.

For egg production to transform from side business to big business, as it is today, numerous technological, scientific and economic changes in the early and mid-20th century were crucial. For example, increased egg production per hen translates to higher profits, so egg producers needed to change the habits of laying hens to increase egg output. Harold Lewis, a poultry specialist in the early 20th century, called:

“Poultry production has in general gone the way of all things agricultural in the United States—bigger is better, efficiencies reign, and animal lives are compromised and speeded up—all for the sake of keeping food prices low and profits high.”

— Jody Padgham, from Introduction to Pastured Poultry
wrote that “the hen is too valuable an egg machine to allow her to waste weeks and months in hatching eggs.” The first step, therefore, in engineering egg-laying machines out of laying hens was to simply discourage her from sitting on her eggs—also called “brooding.” When hens lay eggs, after all, the purpose in her mind is not to serve the farm customer’s morning omelet, but to hatch her young.

Farmers have long known that taking the eggs away from the hens soon after they were laid would prompt the hen to lay a new one. But Lewis suggested another way of discouraging hens from brooding: discourage her from sitting on her eggs by confining the hens in spaces that have slatted and slanted bottoms, which are common in caged systems. In other words, take away her nest and make her uncomfortable, and she’ll have no desire to sit on her eggs.

Next, hens needed to be convinced to lay eggs even in their time of rest. With the advent of electricity, artificial lighting and heating, it became possible to convince confined hens that night is day, and winter is summer. When farmers left the lights on all night and kept henhouses warm and lit in the winter, they discovered egg production increased.

Confining hens in henhouses, in uncomfortable cages that discourage brooding, with constant lighting and heat to encourage egg-laying, would have been impossible without advances in nutritional science. Natural sunlight provides an important vitamin for laying hens—vitamin D—which is necessary for strong egg shells. Bring the hens inside, away from any natural sunlight, and they would be incapable of laying eggs with strong shells. Nutritional science came to the rescue of industrial-scale egg production—putting vitamin D supplements in feed allowed producers to keep hens inside, without natural sunlight, for their entire lives.

All these discoveries occurred in the early 1900s. But egg farms did not grow considerably until the 1950s, when several new inventions allowed commercial, large-scale, confinement egg production to really take off.

By the 1950s, technological innovations allowed farmers to industrialize and mechanize egg production. Suddenly, there seemed no limit to the size of an egg production facility, and “bigger is better” applied to what was once nearly every farm’s small side business.

Technological innovations included automated egg washers, blood spot detectors, and automated egg cartoners, encouraging large-scale production and mechanized handling and distribution of a large number of eggs. A USDA economist writes of the 1950s and 1960s: “Large-scale enterprises could implement new, highly mechanized technology more advantageously than smaller operations, which encouraged further growth in specialized egg production units.” Mechanization encouraged the growth of industrial-scale egg production facilities, pushing smaller producers out of business.

Adding to the skewing of the economy of scale toward larger and larger operations were advances in yield and commensurately lower real costs for feed grains. With federal subsidies allowing corporate agribusiness to buy feed oftentimes cheaper than a diversified farm could raise it, in order to feed its own chickens, family-scale poultry producers quickly became an endangered species.

In the 1960s and 1970s, the number of farms selling eggs fell 72%, with the rate of decline highest in states where total output expanded, implying that the size of egg-laying operations grew as the total number of operations declined.

Today, 13 egg-producing companies each have more than 5 million laying hens, and 192 companies have flocks of more than 75,000 birds. According to the United Egg Producers, this represents 95% of all the laying hens in the United States.

Egg production today is so highly automated that United Egg Producers boasts that “eggs on commercial egg-laying farms are never touched until they are handled by the food service operator or consumer.” That the animals laying these eggs cannot stretch their wings or exhibit other basic natural behaviors seems to be of no concern to most conventional egg producers, for whom laying hens seem to be nothing more than units of production for the purposes of profit.

METHIONINE AND SYNTHETICS IN ORGANIC POULTRY

Methionine, a sulfur-based amino acid, is essential in the diet of laying hens and other poultry. It can only be obtained through the animal’s feed. It is an important nutrient promoting proper cell growth. A diet deficient in methionine may contribute to improper feathering, feather pecking, bare spots, curled toes and cannibalism. Since 2001, synthetic methionine has been allowed for use in organic feed mixes; it appears on the NOP’s National List of synthetics allowed for use in livestock production.

By varying or changing components of poultry feed rations (such as higher soy levels, adding potato or fish meal), the amount of natural methionine can be increased, but this can also raise costs, increase manure and ammonia production, or change egg flavor. Historically, naturally occurring methionine was primarily provided to poultry flocks through consumption of bone meal and waste animal meats. But, unlike conventional egg production, this practice is not possible in organsics because the standards prohibit the feeding of animal byproducts to livestock (this may be a vector for transmittable spongiform encephalopathy, or TSE, the catastrophic prion disease responsible for what is popularly called “mad cow” disease).

It is important to note that laying hens and other poultry
can also obtain natural methionine from foraging in pastures and, being omnivores, by eating bugs and worms while scratching about in the outdoors. Obviously, birds on poultry operations that confine the birds or fail to provide adequate and well-managed outdoor areas are unable to access this natural source of methionine.

The NOP and its expert advisers on the NOSB have been wrestling with how to address the widespread use of synthetic methionine in poultry diets as synthetics are typically discouraged in organics (for example, synthetic nitrogen fertilizer is not allowed). Various USDA-sanctioned task forces have been investigating and exploring natural methionine alternatives, although none have yet been identified that satisfy industry stakeholders.

Use of synthetic methionine in organics has been scheduled to sunset more than once, with deadlines being extended each time. Most recently, at the April 2010 meeting of the NOSB, the board adopted a recommendation that acknowledged that high use levels of synthetic methionine “does not meet consumer expectations nor follow the principles of organic agriculture.” They extended the sunset until 2012 with a lowered level of allowable usage for organic poultry while encouraging the continued search for a natural alternative.

**LOSS OF INDEPENDENT EGG PRODUCERS**

In conventional egg production, things have changed not only for the chickens in the past century, but for producers as well. Before the 1950s, farmers would produce eggs from hens they owned, using feed they grew or purchased from local, independent feed mills. They either sold their eggs directly to their customers or to egg-handling/marketing companies, which would market the eggs for them.

Today, approximately 93% of eggs are produced using a very different model. Thirty-three percent of eggs are produced under production contracts in which the farmer never owns the hens, feed or eggs, but is paid for supplying the building and labor, based on the number of eggs produced.69

Sixty percent of eggs are produced by vertically integrated companies, where the corporation owns everything and manages the entire production process, from hatching chicks to marketing the eggs.60 Instead of farmers, as independent business owners supplying the principal labor, our nation’s egg supply is produced primarily by hired employees, mostly low-wage immigrants, often enduring illegal exploitive labor practices.

In vertically integrated systems, the same corporation often mixes the feed, operates hatcheries, raises pullets, produces the eggs, packs the eggs and markets the eggs. This system disposes of the need for independent farmers, feed mills and hatcheries and has been devastating to rural economies throughout the rural United States.

Percentages show how rapidly the conventional egg industry changed. In 1955, only 2% of table eggs were produced under production contracts or vertically integrated operations. By 1977, that number increased to 81%. By 2002, more than 90% of eggs were produced under contracts or in vertically integrated operations.61

Organic egg production has not been immune to this trend of vertical integration and the loss of independent businesses. Agribusinesses that are major players in vertically integrated conventional, caged egg production have become involved in organics. Cal-Maine, for example, the largest egg producer in the United States, now is heavily invested in organics. Cal-Maine recently financed the construction of a multimillion-dollar organic egg operation in Kansas, with three henhouses that each hold approximately 80,000 organic birds.
## THE CONVENTIONAL EGG INDUSTRY TODAY

### Table 1: Census of Agriculture Data on Egg Farms

<table>
<thead>
<tr>
<th>Inventory (number of laying hens on farm)</th>
<th>Farms in 2002</th>
<th>Number of laying hens in 2002</th>
<th>Farms in 2007</th>
<th>Number of laying hens in 2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-49</td>
<td>82,693</td>
<td>1,366,625</td>
<td>125,195</td>
<td>2,006,251</td>
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<td>50-99</td>
<td>7,431</td>
<td>443,000</td>
<td>10,700</td>
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<td>100-399</td>
<td>3,684</td>
<td>557,000</td>
<td>5,000</td>
<td>785,000</td>
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<td>400-3199</td>
<td>487</td>
<td>507,033</td>
<td>785</td>
<td>783,776</td>
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<td>3,200-9,999</td>
<td>672</td>
<td>5,051,441</td>
<td>626</td>
<td>4,691,571</td>
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<td>10,000-19,999</td>
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<td>20,695,146</td>
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<td>20,000-49,999</td>
<td>1,127</td>
<td>31,436,000</td>
<td>1,292</td>
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<tr>
<td>50,000-99,999</td>
<td>302</td>
<td>21,436,185</td>
<td>261</td>
<td>18,000,000</td>
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<tr>
<td>More than 100,000</td>
<td>498</td>
<td>252,712,220</td>
<td>434</td>
<td>266,533,795</td>
</tr>
</tbody>
</table>

Source: Census of Agriculture, NASS. 2007.

### Table 2: Quick Facts About Conventional U.S. Eggs

<table>
<thead>
<tr>
<th>Annual per capita egg consumption(^62)</th>
<th>250</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual per capita egg consumption at the end of World War II(^63)</td>
<td>400</td>
</tr>
<tr>
<td>Annual total egg production(^64)</td>
<td>68 billion</td>
</tr>
<tr>
<td>Top five egg-producing states(^65)</td>
<td>Iowa, Ohio, Pennsylvania, Indiana, Texas</td>
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<tr>
<td>Total number of laying hens(^66)</td>
<td>276.4 million</td>
</tr>
<tr>
<td>Average wholesale price for dozen eggs(^67)</td>
<td>$0.97</td>
</tr>
<tr>
<td>Amount of feed grain consumed by poultry (broilers and laying hens)(^68)</td>
<td>100 billion pounds</td>
</tr>
<tr>
<td>Farms with more than 100,000 laying hens(^69)</td>
<td>434</td>
</tr>
<tr>
<td>Producers owning more than 1 million laying hens(^70)</td>
<td>62</td>
</tr>
<tr>
<td>Producers with more than 5 million laying hens(^71)</td>
<td>12</td>
</tr>
<tr>
<td>Percent of total industry layers owned by top ten egg producers(^72)</td>
<td>44%</td>
</tr>
</tbody>
</table>
THE UNITED EGG PRODUCERS

The United Egg Producers (UEP) is the U.S. egg industry’s trade/lobby group. Formed in 1968, membership is open to anyone engaged in the production of eggs. The group lobbies for industrial-scale egg producers, and as such has been vehemently opposed to various animal welfare measures, including individual states’ legislation to ban cages in egg production and the proposed animal welfare standards in the organic regulations.

When promoting industrialized, large-scale henhouses with cages, the president of UEP, Gene Gregory, says these systems “are a result of decades of best farming practices and based on research designed to benefit the health and well-being of the hens as well as ensure the highest levels of food safety.” He says that it is popular to think that the old ways of farming are best, but argues that “advancements in egg farming based on science benefit both the hens and the consumer.” His trade group’s welfare standards grant every hen a space the size of a sheet of copy paper—not enough for her to stretch her wings and barely enough for her to turn around.

United Egg Producers strives to convince the American public that industrialized egg production is humane to hens. A 2009 UEP flyer states:

We care about the health and welfare of our hens. We want them to be well cared for, with plenty of nutritious food, clean water, fresh air, light, and room to stretch their wings, walk around, and lie down.

While UEP writes that they want this, they fail to mention that they do not provide hens with room to stretch their wings and walk around. Their misleading propaganda continues:

While our grandparents might have allowed chickens to roam free in their yard, leading animal welfare scientists now say that hens raised that way tend to be in poorer health, with more diseases, and in more danger from predators and weather than their counterparts raised in modern, sanitary cage housing systems like ours. And most importantly, eggs from our modern, sanitary cage housing systems also tend to be cleaner and disease-free.

However, the confinement/industrial model is far from perfect in terms of protecting birds and humans from disease. In one of the latest food contamination problems related to eggs, in August 2010, one of the nation’s largest egg producers recalled millions of eggs because of a widespread salmonella outbreak. The CDC said that thousands of people may have become ill, and lawsuits had been filed against the egg supplier. The Wright County Egg Farm in Galt, Iowa, announced a voluntary recall of 228 million eggs (predominantly private-label brands) after they were initially linked to hundreds of cases of salmonella poisoning from California to Colorado and Minnesota. The slow-motion recall reportedly included eggs that had been produced as far back as April.

Today, UEP is throwing its lobbying power behind industrial-scale producers who have recently become involved in organic production. At the meetings of the National Organic Standards Board, where strengthened animal welfare standards and outdoor access for laying hens have been on the agenda, UEP sent a lobbyist to represent the interests of industrial-scale producers.

For nearly a year, and as of July 2010, the UEP’s homepage states: “Organic food not nutritionally better, survey finds.” It appears that while UEP is lobbying on behalf of industrial-scale organic producers, the trade group cares little about the organic food movement; in fact, it seems actively engaged in undermining organics by spreading propaganda that organics is a sham.

Coincidentally, the current Executive Director of the Organic Trade Association, Christine Bushway, a group dominated by corporate agribusiness, was formerly a lobbyist with UEP. Her biography states: “She has held leadership positions including ... chief Washington lobbyist representing the egg industry before members of Congress, USDA, FDA, FTC and the CDC.”

THE AMERICAN EGG BOARD

The American Egg Board (AEB) is the promotional arm of U.S. egg producers, funded by egg producers through a federal marketing agreement (“check-off” program). AEB states that its mission is “to increase demand for egg and egg products on behalf of U.S. egg producers.” The AEB is involved in research and marketing programs on behalf of the entire U.S. egg industry. Producers with more than 75,000 layers...
NUTRITIONAL BENEFITS OF EGGS

The American Egg Board runs the “Incredible, Edible Egg” campaign to promote the nutritional benefits of eggs. The campaign’s website is www.incredibleegg.org. According to the American Egg Board, eggs are powerhouses of nutrition:

Eggs are a naturally nutrient-dense food, which means they have a high proportion of nutrients to calories. One large egg has 70 calories and provides 13 essential nutrients in varying amounts.

Eggs are an excellent source of choline and a good source of the highest quality protein and riboflavin. Many of the egg’s incredible nutrients are found in the egg yolk, including choline, folate, lutein, zeaxanthin and vitamin D.

The yolk also includes healthy monosaturated and polyunsaturated fats and almost half of the high-quality protein found in eggs.79

Eggs also provide 6 grams of protein, or 12% of the Recommended Daily Value, in a form that contains all the essential amino acids required by the human body.

A 2007 study of 9,500 people reported in Medical Science Monitor showed that eating one or more eggs a day did not increase the risk of heart disease or stroke among healthy adults, and that eating eggs may be associated with a decrease in blood pressure.80

Also in 2007, researchers showed that egg consumption contributed less than 1 percent of the risk for heart disease when other risk factors were taken into account. The researchers concluded that broad recommendations to limit egg consumption may be misguided, particularly when eggs’ nutritional contributions are considered.81

The American Egg Board quotes Stephen Kritchevsky, Ph.D., director of the J. Paul Sticht Center on Aging at Wake Forest University: “People should feel secure with the knowledge that the literature shows regular egg consumption does not have a measurable impact on heart disease risk for healthy adults. In fact, many countries with high egg consumption are notable for low rates of heart disease.”

GROWTH OF INDUSTRIAL ORGANICS

Within the framework of industrial egg production, organic producers contributed to the rapid growth of the organic industry by investing millions of dollars in large-scale henhouse complexes that provide no meaningful outdoor space for their animals. Not a single industrial-scale egg producer has come under investigation by the USDA for violating the standards; on the contrary, industrial-scale producers apparently felt protected from legal action soon after the organic standards went into effect in 2002.

Not only have they felt protected from legal action, large-scale egg producers knew, under the Bush administration, that certain corporate-friendly certifying agents would not deny them organic certification as long as they provided a small, enclosed concrete porch and at least one small door to access this area.

The rapid growth of industrial-scale organic egg production was made possible by two main factors: first, the lack of specific quantitative benchmarks in the organic standards, and second, the outcome of a dispute between The Country Hen, a Massachusetts-based organic egg farm, and a Massachusetts-based certifier over the actual meaning of “outdoor access.” (See “The dispute between The Country Hen and its certifying agency,” below.)

LACK OF QUANTITATIVE BENCHMARKS IN THE ORGANIC STANDARDS

Chino Valley Ranchers, which operates industrial-scale henhouses in California and Texas, argues that producers who
built large-scale henhouses without outdoor space did so in compliance with the organic standards. Its General Manager, David Will, says that “this is not because of our industry’s attempts to circumvent any rules or regulations, but the lack of specific guidelines we all followed at the time of constructing or purchasing ranches.”

Indeed, the organic standards do not provide a clear sense of exactly how much outdoor access must be provided for laying hens, or what this outdoor space should look like. The standards, although clear in their intent, simply state, under section 205.239:

(a) The producer of an organic livestock operation must establish and maintain livestock living conditions which accommodate the health and natural behavior of animals, including:

(1) 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.

Other organic standards, such as the European Union’s and Canada’s, clearly state how much space should be provided for each animal. In the European Union, the size of the flock is limited to 3,000 birds and each bird must have at least 42.8 square feet of outdoor space. In Canada, each bird must have at least 2.7 square feet of outdoor space. These standards were clear from the beginning, preventing the growth of industrial-scale organic producers who simply convert conventional henhouses by building a small concrete porch to the side of the building.

While the NOSB issued a clarification in 2002 that “bare surfaces other than soil (e.g. metal, concrete, wood) do not meet the intent” of the rule and that chickens must be encouraged to go outside, this was never rejected or adopted as an official rule by the USDA.

However, lawyers with expertise in interpreting federal regulations generally agree that “every law means something.” When industry participants, and in this case their certifiers, promulgate an extremely biased interpretation, favoring profit over integrity, they run the risk that regulators will step up and correct the abuses, further refining the regulatory language to reflect the intent of its drafters. That is what is now happening with the current deliberations at the NOSB.

THE DISPUTE BETWEEN THE COUNTRY HEN AND ITS CERTIFYING AGENCY

Despite the 2002 NOSB recommendation to clarify that concrete porches do not meet the intent of the organic standards, USDA officials under the Bush administration ruled in favor of industrial-scale producers with concrete porches shortly after the NOSB’s action—creating confusion in the organic community regarding the expectations for outdoor access. In October 2002, the USDA agreed with The Country Hen, an industrial-scale producer, in a dispute with its certifying agent. The USDA essentially ruled that a small concrete porch, covered with clear plastic, could be considered “outdoor access.”

The Country Hen produces organic eggs at a facility in Massachusetts. In 2002, when the organic rule went into effect, The Country Hen applied for organic certification and was rejected on the basis of failing to grant adequate outdoor access to its hens. Some of its henhouses are two-story barns that house tens of thousands of hens, and there was clearly not enough space surrounding these barns to allow the hens meaningful outdoor space.

The Country Hen then applied with a second certifying agent, Baystate Organic Certifiers. While it was legally required to disclose that it had been denied certification with a different certifier, it failed to do so. However, Baystate Organic Certifiers came to the same conclusion: The Country Hen could not be certified organic unless it provided outdoor access to their animals.

The owner of The Country Hen, George Bass, met with the certifying agent to present a plan for providing his hens with outdoor access. He proposed attaching two-story porches to the existing henhouses. The certifying agent’s review committee met and voted to deny The Country Hen certification, concluding that the proposed plan was inadequate under the regulations. Apparently unwilling to try a third certifier, Country Hen decided to appeal to the National Organic Program. Three days after The Country Hen filed its appeal, the certifying agent received notice that the NOP
sided with The Country Hen. The certifier was directed, by the government agency, to grant organic certification to The Country Hen.

It should be noted that under the Bush administration formal complaints alleging improprieties or violations of the standards by industry participants literally took years to adjudicate, if at all. Their turning around this appeal in three days was breathtakingly fast and unprecedented.

This decision made clear to egg producers and certifying agents that the government agency charged with overseeing the organic program and enforcing its standards did not consider meaningful outdoor space to be a requirement for organic egg producers.

Since the government sided with The Country Hen, the company has spent more than a million dollars in capital improvements, including building porches on existing buildings and building two additional two-story buildings with their own porches. The company is currently preparing to construct another new layer house to expand its business. The Country Hen’s general manager wrote that “all of these expansions and investments were based upon this sustained appeal.”83

Other large egg producers, who watched from the sidelines, considered the NOP’s final decision to be a green light for the entire organic egg industry to move ahead with large-scale henhouses with small porches with concrete or wood flooring. It also sent a message to all certifying agents: not granting outdoor runs where chickens can exercise, dust-bathe, peck, etc. is not grounds for denying certification. It became clear to certifying agents that if they rejected an organic application on the basis of providing inadequate outdoor access for laying hens, they would simply lose business to another more accommodating certifying agent.

In addition to The Country Hen “scandal,” management at the National Organic Program, under the Bush administration, has come under severe criticism for a number of other alleged improprieties.

These include a negotiated agreement with the operators of Aurora Organic Dairy that was found to be in “willful” violation of 14 tenets of the organic law. Although career civil servants recommended that Aurora, milking thousands of cows in confinement at factory farm dairies, be banned from organic commerce, the former director of the NOP, Dr. Barbara Robinson, overruled staff and allowed Aurora to continue its certification under a one-year probation.

More recently, the USDA, under the Obama administration, overturned another controversial decision by Dr. Robinson involving her once again overruling staff after conferring with industry lobbyists. In this incident she approved allowing the use of synthetic nutritional oils as an additive in organic infant formula. The oils are synthesized from soil fungus and algae, and processed with a petroleum-based solvent, hexane, which is explicitly banned in organic production.

The Cornucopia Institute is currently awaiting additional documents requested under the Freedom of Information Act. Based on the findings, Cornucopia may seek a criminal investigation into the pattern of possible illegal conduct by past NOP management.

Although some certifiers view The Country Hen appeal decision as setting precedent, any illegal decision on the part of past management cannot be allowed to degrade the integrity of the organic label and economically handicap ethical industry participants.

**VARIOUS INTERPRETATIONS OF THE ORGANIC STANDARDS**

With conflicting messages from the National Organic Standards Board, which specifically recommended against concrete or wood porches, and Bush administration officials at the United States Department of Agriculture, which ruled in favor of small porches, it has been up to individual producers to choose whether or not to comply with the spirit of the organic standards by granting meaningful outdoor runs for their organic laying hens. Chino Valley’s general manager says that the industry expanded through new construction or purchases of existing ranches and changing the layout “to fit the rule,” meaning they attached small porches to conven-
tional henhouses. According to Chino Valley’s general manager, “We have all done this with the blessing and approval of our own certifying agents, following their leads as to what is and is not acceptable under the National Program.”

Other producers refused to adopt this model. “Aviary systems with little porches just aren’t organic,” said one organic producer, who asked not to be named. Although it would reduce their costs to keep the chickens inside, many refuse to do so, in order to stay true to organic principles and consumer expectations.

These producers believe that the intent of the organic rule will one day be considered, and the rule strictly enforced. They consider the industrial-scale producers’ decision not to grant outdoor access as a willing gamble. These producers, most of whom wished to remain anonymous based on the fear of industry recrimination, argue that producers like Chino Valley and Herbruck’s should have considered the possibility that the standards would one day be further clarified, and brought in line with consumer expectations and the letter of the law.

**BENEFITS OF BUYING ORGANIC—THE GOLD STANDARD OF SAFETY AND NUTRITION**

If industrial-scale organic egg producers confine their hens inside huge barns with tens of thousands of other chickens, consumers may mistakenly assume that buying “cage-free” or “free-range” eggs is just as good. While the treatment of the hens may not differ in the two systems, an important advantage of buying organic eggs is the requirement for 100% organic feed.

When egg farms buy 100% organically grown feed for their hens, they support organic crop farmers. Organic crop farming has numerous benefits for human health and the environment.

**REDUCTION OF FOSSIL FUEL ENERGY USE**

Organic farmers use less energy from fossil fuels to produce corn and soybeans, the major feed crops for animals such as laying hens. In a 2006 review, a nonprofit research group, The Organic Center, found that “Overall energy use is much greater on conventional farms largely because of their reliance on pesticides and nitrogen fertilizer. On a conventional corn farm, for example, these two inputs account for about 43 percent of total energy use.”

Organic farmers, the researchers found, use an average of 30% less energy to produce a bushel of corn, and manage their farms by investing in 25% more labor per hectare. To produce soybeans, The Organic Center found that organic farmers are about 20% more efficient than conventional farmers.

**IMPROVEMENT OF SOIL HEALTH**

Organic farming principles center on the goal of improving soil health. Healthy soil is essential for sustaining plant and animal life, which means productive farms that are not degraded for future use. When egg producers buy organic feed, they buy from crop farmers who contributed to improving soil health. These improvements in soil health from using organic farming techniques have been quantified by scientific research.

**PROHIBITION AGAINST GENETICALLY ENGINEERED FEED**

In organic crop production, the use of genetically engineered seed and crops is strictly prohibited. The Organic Center, in a November 2009 report, reported that genetically engineered crops have been responsible for an increase of 383 million pounds of herbicide use in the U.S. over the first 13 years of commercial use (1996-2008). Their overall impact on human health and the environment has yet to be determined.
TO ADDRESS SOME OF THE PROBLEMS with industrial-scale organic egg production, such as the lack of meaningful outdoor access, the National Organic Standards Board made recommendations to clarify the animal welfare components of the organic standards. At their meeting in the fall of 2009, the NOSB’s Livestock Committee presented the following recommendations, relevant to poultry, for discussion:

(2) The operator of an organic poultry operation shall establish and maintain poultry living conditions that accommodate the health and natural behavior of poultry:

(i) The keeping of poultry in indoor cages or on wire flooring is prohibited.

(ii) Perches of usable height, length, and diameter appropriate for the species shall be provided

(iii) Poultry reared in houses shall have complete access to pasture, open-air runs, and water or other exercise areas subject to the species, weather, parasites, predators, and ground conditions, and shall have such access for a minimum of one third of their life.

(3) Poultry open-air runs shall:

(i) Be covered with vegetation and periodically left empty (and seeded if necessary) to allow vegetation to re-grow to prevent disease build-up;

(ii) Be provided with protective facilities when necessary; permit animals to have access to an adequate number of drinking and feeding troughs.

(iii) Permit poultry to scratch soil, search for insects, and exhibit other natural behavior [emphasis added].

In response to these recommendations, representatives of industrial-scale organic egg producers flocked to Washington, D.C., accompanied by their lobbyist from the United Egg Producers, to lobby against these changes.

While their voices have been heard loud and clear, pasture-based family farmers who raise organic eggs, due to expense and travel logistics for small farmers, have not generally been attending the meetings, and have therefore not been heard. Moreover, a United Egg Producers’ lobbyist, Howard Magwire, has been present at recent meetings and has been lobbying for industrial-scale producers, fighting outdoor access.

In fact, at the November 2009 meeting, he was called to the podium to answer questions after a board member asked, “Should we ask if there are any poultry people here to ask what they might think?” Although the Board chair, Jeff Moyer, admitted that he was “hesitant to have anybody speak for the entire industry,” he ultimately called Howard Magwire to the front, as if he represents the organic egg producer community.88

When addressing the Board members, Mr. Magwire stated:

“I don’t very often agree with” comments from “activists,” which he juxtaposed with “the people who are actually involved in animal agriculture.”89 By “activists,” Mr. Magwire was referring to The Cornucopia Institute and other organizations that oppose industrial-scale organic production without meaningful outdoor access. It is clearly time for the NOSB to hear the other side—and hear that plenty of people who are “actually involved in animal agriculture” do not agree with the industrial producers’ model and arguments. It should be noted that with more than 3,500 members, most of whom are organic farmers, it is believed that Cornucopia represents the interests of more organic farmers than any other nonprofit, advocacy or trade group.

The final recommendation adopted by the NOSB at the November 2009 meeting strengthens the regulations, but was quite different from the Livestock Committee’s initial recommendation—indicating that pressure from industrial-scale producers and lobbyists played a role. Their final recommendation did not state, for example, that outdoor runs must be managed (periodically left empty) to allow vegetation to recover. Concerning outdoor runs, the recommendation states:

205.239 (Avian Section)

(i) Access to Outdoors

Outside access and door spacing must be designed to promote and encourage outside access for all birds on a daily basis, weather permitting. Producers must provide access to the outdoors at an early age in order encourage (train) birds to go outdoors.

Pullets must be provided with outside access from the age of 6 weeks providing they are fully feathered and weather permits.

Broilers must be provided with outside access from the age of 4 weeks providing they are fully feathered and weather permits.

Once layers are accustomed to going outdoors, a brief confinement period to allow for nest box training is permitted.

(2) Birds may not be confined to the house due to a “threat” of an outbreak of disease. There must be a documented occurrence of an outbreak in the region or relevant migratory pathway, or state or federal advisory in order to confine birds.
(3) Producers must maintain records documenting periods of confinement. Producers must identify in the OSP how they plan to protect birds from disease and predators.

(4) For pasture based systems birds must be provided with access to a variety of vegetation. Management of pasture areas must be in compliance with §205.203 – §205.206. Birds must be protected from natural predators.

While a final recommendation was adopted at the November 2009 meeting, the NOSB members decided to solicit more public input before setting quantitative standards for indoor and outdoor space requirements. They indicated that a table with minimum square footage per bird is needed in the organic standards, but have not yet filled in those numbers. Industrial-scale producers continue to lobby for meaningless square footage requirements, while it is clearly time that the NOSB hear from producers who do believe in granting meaningful outdoor access to organic laying hens.

OUTDOOR RUNS AND NATURAL BEHAVIOR

Members of the NOSB’s Livestock Committee, when drafting recommendations for enforcing meaningful outdoor access, clearly believed that ample space in vegetated outdoor runs is needed to satisfy the requirements for organic production. Most industrial-scale organic producers obviously disagree with this—Kurt Kreher, whose Kreher’s Sunrise Farms near Buffalo, N.Y. supplies organic eggs for Wegman’s private label brand, a regional grocery chain, wrote to the NOSB in 2009: “There is nothing about outdoor access or sunlight that would make an animal ‘more organic’ than one that does not have these amenities.”

The Livestock Committee’s recommendation requiring outdoor access for laying hens, first drafted in 2001, specified that the intent of outdoor runs was “to satisfy their natural behavior patterns, provide adequate exercise area, provide preventive health care benefits and answer consumer expectations of organic livestock management.”

While industrial-scale organic producers claim these expectations can be met indoors, scientific findings show that going outside satisfies integral parts of chicken behavior and needs.

NATURAL LIGHT AND SUNSHINE

Pasture-based producers notice that chickens like to sunbathe. Research supports that hens exhibit sunbathing behavior only under real sunlight, not under artificial light indoors. Therefore, they would need a real outdoor run, not simply a small covered concrete porch, to exhibit this natural behavior.

FORAGING AND PECKING

Producers who let their chickens outside also notice that hens spend a lot of time foraging and pecking in the vegetation and the dirt. Research confirms this experience by organic farmers. One study showed that hens in outdoor runs spend 35.3-47.5% of their time foraging, suggesting that foraging is an instinctive and natural behavior. Other researchers have likewise concluded that foraging is a high-priority behavior. This feeding activity adds to the flavor profile and nutrition of pastured organic eggs.

Industrial-scale producers will argue that indoor environments can satisfy a hen’s need to forage by providing deep litter, for example. But after reviewing scientific studies on this topic, an animal welfare specialist at the University of Kassel in Germany, Ute Knierim, writes:

Depending on their quality, outdoor runs have a much higher number and diversity of stimuli than any indoor housing environment can provide. Especially exploratory and foraging behavior is stimulated by such a rich environment. The diversity of plant species present in an outdoor run may elicit pecking, scratching, tearing, biting and harvesting of seeds.

Other scientists have concluded that the inability to forage outside, under natural conditions, contributes to the aggressive behavior of feather pecking. Feather pecking, leading to the necessity of beak trimming, will be discussed in a special section below.
FRESH AIR

It seems self-evident that an animal would enjoy escaping the stench that often plagues crowded henhouses—caused by the animals’ waste leading to high ammonia levels. Several studies by animal behaviorists have shown that hens are motivated to seek fresh air after ammonia exposure.97 It can be difficult for producers to keep ammonia levels low in indoor housing without outdoor access. The obvious way to allow animals to escape bad indoor air quality, of course, is to let them outside.

EXERCISE AND BONE HEALTH

As with humans, exercise is important for overall chicken health, especially bone health.98 Compared with caged hens, outdoor hens have significantly better bone strength.99 In general, studies show that birds in housing systems that promote physical activity have less osteoporosis100—without a doubt, pastured birds or birds with meaningful outdoor runs have a much greater opportunity for exercise than birds that are confined inside or restricted to concrete porches. Weak bones lead to fractures during the laying period or during depopulation.101

When comparing different systems currently used by organic producers, one study showed that aviaries without real access to an outdoor run, used by some industrial-scale organic producers, result in more bone fractures in hens than true free-range systems.102

Another study showed that lack of exercise contributed to the problem of weak bones more than did calcium depletion; as with humans, chickens need exercise in addition to calcium supplements to prevent fractures.103
Industrial Organics’ Arguments Against Outdoor Space

Industrial-scale producers have a host of arguments against letting their birds outside, which are outlined below. For each argument against granting outdoor access to chickens, a typical response is included, using information from pasture-based organic producers and from scientific data.

Greg Herbruck, of Herbruck’s Poultry Ranch in Michigan, which confines 340,000 organic laying hens in its Green Meadows operation, told the NOSB that the proposed animal welfare standards were “hastily drawn-up, inflexible and based purely on opinion, versus on scientific expertise.” Scientific studies can be used to support either sterilized confinement—Herbruck’s and other industrial-scale organic producers’ model—or pasture-based and diversified farming.

Scientific arguments in favor of outdoor access for organic laying hens, which have not been heard at NOSB meetings, are included where appropriate.

**Land Issues/Zoning**

**Industrial Organic Argument**

“We simply do not have the space to meet the three square feet per bird let alone land to sit empty.”

- David Will, Chino Valley Ranchers, Letter to NOSB, October 12, 2009

Industrial-scale producers argue that they simply do not have the land base necessary to grant every hen meaningful outdoor access. With tens of thousands of hens inside every barn, and a proposed requirement of at least one square foot per bird outside, it would take tens of thousands of square feet of space outside the henhouse to meet the requirement.

Some industrial-scale organic producers state that they purchased existing conventional henhouses, tore out the cages, built a concrete porch to the side of the building, and became certified organic. These producers argue that, when buying existing henhouses, “we inherit existing building footprints (concrete pads, walls, roads, and fence lines), spacing, and boundaries,” which cannot be changed. Their hens should not be granted meaningful outdoor access, they argue, because “we made these purchases and modifications to meet our growth and demand for organic egg production at the cost of many millions of dollars,” and the change in the rule would “render these investments useless or require additional large-scale cutbacks in population and equally large capital improvements at an unrecoverable cost.”

**Pasture Producer/Organic Response**

In other words, because they invested millions of dollars in mega-factory farms, which are no different from conventional cage-free egg operations, they argue that the organic standards should accommodate their production model, not the model of small- and medium-scale, diversified, pasture-based producers who built the organic movement.

At the NOSB’s fall 2009 meeting, David Will of Chino Valley Ranchers presented a mock-up of an egg carton—exactly the same as their current “organic” carton, but with the term “cage-free, organically fed” substituted for the term “organic.” He complained that outdoor space requirements would force them to make this change—from “organic” to “cage-free/organically fed.” While he complained about this change, he did not consider that the “cage-free” label would actually be much more truthful than the organic label. If the organic label is reserved for producers with the forethought and dedication to allow their chickens true outdoor access, then their alternative proposal would be a viable option.

The egg label used by the industrial-scale producer showed a picture of a little barn with a silo, a landscape and one chicken outdoors. NOSB member Kevin Engelbert astutely asked, “Does that represent your operation? Do you think you may be deceiving consumers with that type of label as opposed to an image of your current facilities?” The producer responded: “Absolutely not.” He, like the other industrial-scale producers, appears to see nothing objectionable about representing his egg production facilities to consumers as small-scale and pasture-based, all while slowly strangling the true pasture-based organic farmers out of business.

**Loss to Predators**

**Industrial Organic Argument**

“Free-ranging our layers at three square feet per bird on the ground is not in keeping with the health and safety in mind. The land to range the hens properly would not be practical, nor would the hens be safe from natural predators.”

- Robert Beauregard, manager at The Country Hen in Massachusetts, in an oral comment to NOSB members, November 2009
Allowing laying hens to go outside increases the chances that they fall prey to natural predators, such as foxes and hawks. Notwithstanding the fact that all industrial-scale producers kill their laying hens long before the end of their productive or natural life cycle (they are slaughtered when their productivity begins to slow, typically at one year of age), these producers argue that death by predation is a serious welfare issue. They argue that confining their birds and giving no outdoor access is a must, to protect the hens from foxes, hawks and other wildlife.

**PASTURE PRODUCER/ORGANIC RESPONSE**

Published studies do indeed show that mortality rates are higher in outdoor systems than in indoor systems, in part because predators such as coyotes, foxes and hawks do prey on chickens. If mortality alone is used as a measure of welfare, without regard to the quality of life of the animal or any other welfare factors, then confinement systems would indeed be beneficial to the animals’ welfare.

For those who view chickens as animals with an inherent need to exhibit natural behaviors—such as exercise, wing flapping, dustbathing, sunbathing, and pecking in dirt and grass—the risk of an early death to a wild predator is not likely to outweigh the restricted life otherwise lived in a confined barn. If going outside means living a more “natural” life, then ending life in the claws of a predator is merely part of that “natural” cycle.

Regardless of whether one believes in the argument that the benefits of going outside outweigh the risks of dying to a predator, the industrial argument loses all meaning unless those producers are willing to allow each laying hen to live out her natural lifespan (or a longer productive lifespan, which appears economically impossible in their production model). If they are willing to argue that “loss to predators” is a welfare issue, with which they are concerned on moral grounds, then they must consider that the primary predator of the chicken is the human—motivated by the need to maximize profit.

In terms of the number of chickens killed by another species, there can be no doubt that billions more are killed annually by humans than by foxes or hawks.

Pasture-based organic producers recognize that loss to predators is indeed a consideration, and have come up with several solutions. Good, often electrified, fences and nightly indoor housing prevent losses to ground predators. Some family-scale producers, with the commitment to outdoor access for their birds, have hung reflective objects that scare away predators and even strung a lattice of wire or rope above outdoor runs that discourage raptors. Many others found that trees in pasture areas help shelter the birds. Many pasture-based producers also use guard dogs to protect the chickens.

And those who allow several species of farm animals to share the pasture will find that larger animals, such as cows, provide a deterrent to several species of predators.

**AVIAN INFLUENZA**

**INDUSTRIAL ORGANIC ARGUMENT**

“The commercial size egg industry—both organic and conventional—have great concerns with birds having outdoor access and possibly being exposed to the potential for Highly Pathogenic Avian Influenza. … Our best defense against such contagious diseases is keeping birds indoors.”

- United Egg Producers, in a letter to the NOSB, April 2010

According to the Centers for Disease Control and Prevention, there were 16 outbreaks of low pathogenic avian influenza A viruses (H5 and H7 subtypes) and one outbreak of highly pathogenic avian influenza A (H5N2) in poultry in the United States from 1997 to 2005.

Although there has been only one U.S. outbreak of the highly virulent type of avian influenza in the last a decade, industrial-scale organic egg producers like to use the threat of avian influenza to argue for continual confinement.

They oppose the NOSB Livestock Committee’s general recommendation for birds to go outside, as well as the specific recommendation that would prohibit the continual, lifelong confinement of chickens due to the “threat” of disease. The recommendation states:

(2) Birds may not be confined to the house due to a “threat” of an outbreak of disease. There must be a documented occurrence of an outbreak in the region or relevant migratory pathway, or state or federal advisory in order to confine birds.
There has never been a recorded emergence of a highly pathogenic avian influenza virus in any backyard flock or free-range poultry operation.

— David Swayne, a leading bird flu researcher at the USDA

**PASTURE PRODUCER/ORGANIC RESPONSE**

Many scientists argue that the highly pathogenic form of avian influenza is actually the direct result of large-scale, densely crowded confinement buildings such as the ones operated by industrial-scale organic producers and the national/international trade in chicks, pullets and mature birds.111

Dr. Michael Greger, M.D., Director of Public Health and Animal Agriculture at the Humane Society of the United States, writes:

The World Organization for Animal Health (OIE) and the Food and Agriculture Organization of the United Nations (FAO) consider it “proven” that once low pathogenicity avian influenza viruses gain access to poultry facilities, they “progressively gain pathogenicity in domestic birds through a series of infection cycles until they become Highly Pathogenic Avian Influenza.”112 More specifically, U.S. Department of Agriculture researchers believe that “high density confinement rearing methods” give bird flu “a unique chance to adapt to the new species.”113

Dr. Greger goes on to explain, “Intensive factory farming practices may remove the natural obstacles to transmission that prevent the virus from becoming too dangerous.”114

Other scientists appear to agree with Dr. Greger.

David Swayne, a leading bird flu researcher at the USDA and author of more than 100 scientific publications on avian influenza:

There has never been a recorded emergence of a highly pathogenic avian influenza virus in any backyard flock or free-range poultry operation.115

Dr. Earl Brown, University of Ottawa virologist and specialist in influenza virus evolution:

High-intensity chicken rearing is a perfect environment for generating virulent avian flu virus.116

Dennis Alexander, former director of the European Union’s OIE/FAO Reference Laboratory for Newcastle Disease and Avian Influenza:

We have never known [highly pathogenic avian influenza] to arise in an outdoor flock.117

In October 2005, the United Nations issued a press release on bird flu stating:

Governments, local authorities and international agencies need to take a greatly increased role in combating the role of factory-farming, commerce in live poultry, and wildlife markets which provide ideal conditions for the virus to spread and mutate into a more dangerous form....118

While the United Nations mentioned the role of factory farming in the threat of highly pathogenic avian influenza, they did not mention outdoor flocks as a risk factor. Moreover, when speaking of “combating the role of factory farming … in provid[ing] the ideal conditions for the virus to spread,” the underlying assumption seems to be that egg production ought to move away from intensive, highly crowded confinement conditions to outdoor, pasture-based production.

IFOAM, the International Federation of Organic Agriculture Movements, writes:

When it comes to bird flu and other fast-spreading animal diseases, diverse small-scale farming is the solution, not the problem.119

As with other problems that arise in farming, organic producers can address problems in ways that do not require adopting industrial-scale practices, such as continual confinement. One way is to “keep wild birds out of range feeders so they won’t eat from them or defecate in them.” Organic experts suggest a container with small slits that allows poultry to pick out only a few grains or pellets at a time.120

If there ever is a documented and declared avian influenza emergency, the current organic standards permit “temporary” confinement of animals for health-related risks of this nature.

**OTHER DISEASE**

**INDUSTRIAL ORGANIC ARGUMENT**

“We are strongly opposed to any requirement for hens to have access to the soil and to search for insects … There is no additional benefit to the hen to scratch in soil or to eat insects; however, there is a great deal of additional risk in the latter. Those risks include picking up internal and external parasites as well as bacterial infections.”

- Kurt Kreher, Kreher’s Sunrise Farms, in a letter to the NOSB, October 13, 2009
In addition to avian influenza, industrial-scale producers tend to use the general threat of disease—any disease—as an argument for continually confining their animals. Greg Herbruck, of Herbruck’s Poultry Ranch, Inc., told the members of the NOSB that “disease problems are to be controlled through management practices to suppress the spread of disease,” which include keeping birds “on easy-to-disinfect wire or like surfaces to separate them from their feces,” giving them “only limited access to each other and migratory fowl to prevent the spread of disease.”

**PASTURE PRODUCER/ORGANIC RESPONSE**

Keeping tens of thousands of hens inside a barn, without any opportunity for going outside, is clearly the result of an industrial mindset where every pathogen and every microbe must be controlled in a sterilized environment.

Organic producers who believe in farming in harmony with natural processes do not share this mindset, and many are actively engaged in finding ways to prevent and cure common diseases that can affect chickens.

Karma Glos, organic farmer at Kingbird Farm in upstate New York, has compiled herbal and homeopathic remedies for various poultry diseases and ailments, which she shares freely with other organic producers on her website. In direct contrast to the industrial-scale producers, she writes:

[Disease prevention] assumes a certain level of organic management practices such as access to pasture, natural light, organic feed, and ample space for birds to carry out their natural behaviors. These practices provide the foundation of good bird health and immunity on which all herbal and homeopathic remedies depend.

Organic producers find that typical organic production practices have the beneficial effect of also helping with the control of disease and parasites. When visiting an organic, pasture-based egg farm in Switzerland, organic specialist Jim Riddle, with the University of Minnesota, writes that the organic farmer found that “the dust bath helps prevent external parasites such as mites and lice, and satisfies a natural need of the hens.”

Likewise, Dr. Anne Fanatico, Ph.D., writes that “Outdoor access … may reduce stress because the birds are less crowded. Direct sunlight, fresh air, and the elements (frost, heat, drying) can help reduce disease.”

Dr. Fanatico warns, however, that “if outdoor access is poorly done, it will be a detriment for the poultry rather than a benefit.” In other words, as with most organic farming practices, outdoor access for chickens cannot be done haphazardly—and real questions arise when industrial-scale henhouses with tens of thousands of hens provide small outdoor spaces instead of well thought-out and well-managed pasture.

It has become common knowledge among organic egg producers that disease cycles can be broken and parasites controlled when hens are rotated on pasture, and do not occupy the same space continually.

Other animals, such as sheep, can clean up parasites that affect poultry. Lowering the stocking density has also been suggested by researchers as an effective way of controlling parasites in outdoor flocks. Moreover, some researchers have shown that resistance to some of these parasites (A. galli) is genetically determined and these authors suggest selection of poultry strains based on parasite resistance.

When the organic standards encourage the use of management practices to prevent and decrease the spread of disease, this can be interpreted in two ways, depending on the perspective of the producer. Industrial-scale producers assume that it means continual confinement, heightened biosecurity and sterilized henhouses, while pasture-based organic producers immediately think of rotating pasture, sharing pasture with sheep, lowering stocking densities, and promoting natural behaviors that reduce stress and strengthen immunity.

Of course, organic advocates also argue that the enhanced nutritional benefit of eating a 100% organic diet adds to the overall health and resistance to disease enjoyed by birds raised in a certified organic environment.

For industrial-scale producers to argue, therefore, that their organic chickens should be kept inside for their own health and wellbeing, shows a lack of understanding of the foundational principles of the organic farming movement.

“**CHICKENS DON’T LIKE TO GO OUTSIDE**”

**INDUSTRIAL ORGANIC ARGUMENT**

“Only a small percentage of birds go outside even in good weather.”

- Randy Boone, Soncrest Egg Company, in a letter to the NOSB, October 2009

It is not uncommon for industrial-scale producers to argue that since their chickens do not go outside, providing more outdoor space would be a waste of land and money. And from the observation of Cornucopia researchers, who visited scores of egg producers of all sizes and management models, there is a tremendous disparity in the proportion of chickens that actually do take advantage of outdoor access and pasture when available.
PASTURE PRODUCER/ORGANIC RESPONSE

It is entirely true that chickens may not show a desire to go outside if they live in a large henhouse with an uninviting and inhospitable outdoor environment that is barely accessible to the majority of the birds. Without a doubt, the outdoor environment must be designed to be appealing to the animals. The lifeless concrete porches that are so popular with industrial-scale producers do not allow the birds to engage in the natural and instinctive behaviors such as dust-bathing, scratching in the dirt or pecking in the grass—thus minimizing the behavioral incentives to head outside. Even more-legitimate outside spaces, lacking amenities (bare dirt/weeds without shade), might be viewed as inhospitable to laying hens. And how birds were raised, in the early part of their lives, is a major factor for pasture utilization.

Organic, pasture-based poultry producers explain that chickens need to be trained to go outside—if they are raised exclusively indoors for the first 17 weeks of their lives (a common practice by organic pullet producers), they are not likely to venture outside on their own, without encouragement, for the balance of their lives after they are transferred at the age of 17 weeks to the egg-laying operation.

“Chickens also need protection and shade outdoors,” writes Dr. Anne Fanatico, “such as trees and bush plantings. In fact, they may not venture out without it. Chickens do not like full, intense summer sun, strong winds, and are fearful of overhead predators.” Some farmers are experimenting with shade cloth or other artificial shelter in addition to planting trees.

Researchers have found that hens used outdoor areas with cover more frequently than outdoor runs without cover and showed increased resting and preening behavior in areas with cover. It also helps to provide food and water outside to encourage the birds to go outside. “They like to be where the food is,” explains one organic producer.

Organic farmers who do provide meaningful and appealing outdoor areas for their birds find this industrial argument—“chickens don’t like to go outside”—to be especially ridiculous. “They line up to run outside as soon as they see me coming to open up the doors. They love being outside,” says one organic producer.

And of course, birds must have an opportunity to find their way to the outside space. In industrial-scale henhouses, exits to the outdoor porch are often small and practically inaccessible to the vast majority of the birds. Clearly, birds must have access to the exits (“popholes”) or they will not go outside—not by choice, but because they are simply unable to. And the number of doors is critical. Whether it is in a house with 5,000 or 50,000 birds, birds are not going to climb over each other to reach the outdoors if the exit is on the opposite end of the building.

Another way to encourage chickens to go outside is by reducing the flock size. Published studies show that laying hens are less likely to go outside when they are part of a large flock. One experiment showed that groups of more than 500 birds seem to use the outdoor run less, and another found that hens in flocks of 50 use outdoor areas much more than hens in larger flocks of 500 or 3,000 birds. In fact, flocks of fewer than 100 birds seem preferable in this regard (although this scale would be challenging for most commercial producers other than direct marketers)—a comparison of flock size showed that 80% of the birds in flocks of 40 hens used their outdoor run versus 10% use in a flock of 1,000 or more hens.

This Pennsylvania farm supplies eggs for Organic Valley. Photo by The Cornucopia Institute.

Birds can be encouraged to go outside by providing shade cover, food and water outside, and providing ample exit doors. Photo courtesy of Misty Meadow Farm.
Research has been conducted to determine ways to encourage hens to use outdoor runs, and published articles with the results are available (see, for example: www.orgprints.org/3159/1/zeltner-et-al-2004-how-to-motivate-laying-hens.pdf).

**SOIL, AIR AND WATER QUALITY**

**INDUSTRIAL ORGANIC ARGUMENT**

“Birds living primarily outdoors will pollute local waterways and damage the soil”

- Greg Herbruck, of Herbruck Poultry Ranch, in a letter to the NOSB, October 8, 2009

Several industrial-scale producers, in lobbying the NOSB to eliminate outdoor access as a requirement in organics, argued that outdoor runs damage soil and water quality.

They also argue that the chickens destroy the outdoor space, turning it into a lifeless moonscape. The Country Hen’s owner explained to the NOSB that when they experimented with “putting 50 hens on 150 square feet of space,” the chickens destroyed the vegetation and “quickly left behind nothing but dirt and mud.”

Concentrated Animal Feeding Operations also have a long history of endemic problems with soil and surface and groundwater contamination. Because CAFOs produce tremendous quantities of manure, and generally do not raise crops for the animals in close proximity to the barns, or have commensurate acreage available based on the number of animals, oftentimes manure is stockpiled creating an environmental liability in the event of rain storms or man-made accidents.

Frequently, over application of manure results in elevated levels of nutrients in the soil and eventually groundwater. As an example, nitrate contamination of drinking water in agricultural regions is a serious health threat for young children and pregnant and nursing mothers.

Finally, environmental and food safety regulators have become increasingly concerned about “fugitive dust” from CAFOs. Constituents in this dust, sometimes distributed miles from the livestock operation, by wind or spreading on farm fields, often contain pathogenic contamination and residues of antibiotics, hormones and other drugs. Some scientists speculate that it was fugitive dust, from industrial livestock facilities, that was responsible for the E. coli contamination in the California spinach outbreak of 2006.

**PASTURE PRODUCER/ORGANIC RESPONSE**

In order for outdoor runs to work, the space must be rotated or otherwise managed. The land must be given a chance to rest and recover. Pasture-based producers either rotate intentionally, by using mobile housing and movable fencing, or provide enough space to their birds that the birds “go where they please,” with enough space to prevent their total destruction of the land.

Furthermore, we have observed many family-scale operations that do provide adequate outdoor space, but because of poor planning and maintenance, the birds only utilize a small portion of it. Frequently, instead of seeding down appropriate grasses and other pasture species, they allow various weeds to grow. Since many weed varieties are not palatable to chickens, sometimes because of their disproportionate size (giant ragweed is an example), the birds will not venture out into the far reaches of an outdoor run and instead congregate where they have already beaten down the overgrowth.

Dr. Fanatico recognizes this problem, and explains,

An additional consequence of not rotating pasture is that the vegetation is worn down to dirt. Mud from bare lots is tracked into the house and dirties eggs, greatly increasing egg-cleaning costs and increasing moisture in the litter.134

Other scientists have suggested “well-dispersed cover and stimuli” as effective because it encourages the hens to not hang out close to the henhouse, but venture to different parts of the outdoor space.135 This, of course, assumes that enough space is provided to allow hens to spread out and use different parts of the outdoor run on different days. The NOSB Livestock Committee is clearly already aware of this, which is why it recommended that poultry open-air runs shall “be covered with vegetation and periodically left empty (and seeded if necessary) to allow vegetation to re-grow to prevent disease build-up.”

In terms of potential risk from CAFO pollution, the industry touts both technology and increasingly stricter state and federal regulations as attributes protecting the public. Unfortunately, in every agricultural state, horror stories continue to illustrate that these giant livestock facilities are an “accident waiting to happen.” Fines in the thousands, or even the millions of dollars, appear to be just a cost of doing business to this industry.

**FOOD SAFETY (FDA EGG RULE)**

**INDUSTRIAL ORGANIC ARGUMENT**

On July 9, 2009, the Food and Drug Administration issued a final rule titled “Prevention of Salmonella Enteritidis in Shell
Eggs During Production, Storage and Transportation."136

The rule covers all shell egg producers, exempting only those with fewer than 3,000 laying hens at a particular farm, and those selling directly to consumers. Under the new rule, which went into effect on September 8, 2009, and became enforceable on July 9, 2010, egg producers are required to take certain steps to reduce the risk of Salmonella enteritidis contamination of their eggs. The rule lists several prevention measures, and has been used by industrial-scale producers to argue against outdoor access in organics.

The United Egg Producers lobbyist wrote to the NOSB: “Rodent and Pest Control programs are additional requirements of the Egg Safety Rule. Rodents are known carriers of Salmonella enteritidis. Housing systems for poultry should be designed to be rodent resistant and allow for monitoring for the presence of rodents so that steps may be taken to initiate eradication efforts if needed. We are concerned that the Pasture Rule and any future rule requiring outdoor access beyond a winter garden weakens the potential for appropriate rodent control and prevention of exposure of the hens to rodent droppings.”

In the Preamble to the final rule, however, the FDA assured organic producers that they had “consulted with AMS,” and AMS assured that this rule would not make it impossible for producers to qualify as certified organic. Furthermore, the FDA assuaged concerns of organic producers that this rule would interfere with the “outdoor access” requirement of the organic standards, by specifying that rodent control is necessary in the poultry houses only, not on the outdoor runs or pasture. FDA writes: “Therefore, in the final rule, we have changed the requirement for stray animals so that it applies only to poultry houses rather than the entire grounds.”137

The FDA rule now states:

118.4(b) Biosecurity:

(4) prevent stray poultry, wild birds, cats and other animals from entering the poultry houses [emphasis added].

Industrial-scale producers continue to use the FDA rule as an argument against outdoor access, arguing that leaving the doors of the henhouse open during the day, to allow the hens to go outside, increases the chances that other animals will come inside. As such, they argue that covered porches, completely encased with netting, or enclosed “winter gardens,” should be the only requirement for “outdoor access.”

Other organic producers, that do grant meaningful outdoor access, point out that no area can ever be completely rodent-proof. “I’d like to see them prove that their covered porches are 100% successful at keeping out rodents,” argues one organic producer. Others also point out that rodents are very unlikely to enter the poultry house during the day, because if they do, they are likely to be chased and pecked at by the hens.

One section of the rule remains problematic:

118.4(c) Rodents, flies and other pest control:

(1) Monitor for rodents by visual inspection and mechanical traps or glueboards or another appropriate monitoring method and, when monitoring indicates unacceptable rodent activity within a poultry house, use appropriate methods to achieve satisfactory rodent control;

(2) Monitor for flies by spot card, scudder grills or sticky traps or another appropriate monitoring method and, when monitoring indicates unacceptable fly activity within a poultry house, use appropriate methods to achieve satisfactory fly control.

(3) Remove debris within a poultry house and vegetation and debris outside a poultry house that may provide harborage for pests [emphasis added].

FDA officials explain that preventive measures, such as keeping the vegetation short or mowing the outdoor run, should satisfy this requirement. They have recommended at least three feet of gravel or bare space between the house and any vegetated outdoor space, which happens naturally since these “high-traffic” areas tend to be destroyed by vegetation by the chickens.

Obviously, choosing the right pasture mix (species of grasses, legumes, etc.) and maintaining the quality and fertility of the pasture will not only provide superior supplemental nutrition but will also create a healthier environment for discouraging undesirable pests.

118.5 Environmental testing for Salmonella Enteriditis (SE)

(a) Environmental testing when laying hens are 40-45 weeks of age. As one indicator of the effectiveness of your
SE prevention plan, you must perform environmental testing for SE in a poultry house when any group of laying hens constituting the flock is 40 to 45 weeks of age.

George Bass, owner of The Country Hen, wrote to the NOSB: “With the FDA’s new salmonella prevention standards, environmental testing will be required at 40-45 weeks of age. If the hens are required to be on the range, will the FDA consider the range part of the environment that needs to be tested for salmonella? If so, how could anyone possibly pass?”

The final rule specifically states that testing should be performed “in a poultry house,” and does not mention testing the outside environment. Also, as described in more detail on the FDA’s webpage titled “Environmental Sampling and Detection of Salmonella in Poultry Houses,” environmental testing refers to testing the layer house—not the entire range. Specifically, the FDA recommends that “manure is the preferred sample type.” It should be clear from the rule and from the FDA’s supporting documents that “environmental testing” does not mean testing every sample of soil or blade of grass in the outdoor chicken run. Yet this supposed fear—that all outdoor areas will be subject to testing—is a popular argument against outdoor access by industrial-scale producers.

**PASTURE PRODUCER/ORGANIC RESPONSE:**

Controlling food-borne diseases such as Salmonella enteritidis is indeed a concern, for all producers regardless of whether they are conventional or organic. However, this does not mean that all producers should be required to implement the same preventive measures—different production models require different solutions. Simply because industrial-scale producers confine their hens, and doing so may be an effective preventive measure, does not mean that organic producers should also automatically have to adopt these restrictive measures.

The August 2010 recall of 500,000,000 eggs, most of which were produced after new regulations went into effect, has led some food safety experts to question their utility.

Research has been conducted, and more is currently under way, to determine potential safe, effective and organic strategies to combat bacterial pathogens such as Salmonella enteritidis.

In a recent paper discussing such strategies, a team of scientists writes that caprylic acid, a food-grade medium-chain fatty acid that is naturally found in milk and coconut oil, has been shown in studies to have a high antimicrobial activity against relevant bacterial pathogens, including Salmonella enteritidis. The scientists conducted their own experiment and found that “caprylic acid at 0.7 and 1% consistently decreased Salmonella enteritidis populations recovered from the treated chicks in comparison to positive control chicks. The results suggest that prophylactic supplementation of caprylic acid through feed can effectively reduce Salmonella enteritidis colonization in day-old chicks and may be a potential treatment for reducing the pathogen carriage in poultry.”

Moreover, organic producers have long known that some herbs and plants can be helpful in combating certain health problems in poultry. A research team led by Dr. Dan Donoghue of the University of Arkansas, writes: “Most studies indicate that three of the compounds with the highest antimicrobial properties are: trans-cinnamaldehyde from cinnamon (Cinnamomum verum), thymol from thyme or oregano (Thymus vulgaris or Origanum glandulosum) and eugenol from clove (Syzygium aromaticum). All of these compounds have shown in vitro and in vivo efficacy against bacteria such as E. coli, Staphylococcus aureus, Campylobacter jejuni, Salmonella typhimurium, and different Clostridium spp.”

The team’s own experiment found that “trans-cinnamaldehyde killed all Campylobacter within 8 hours of dosing, while it reduced Salmonella at 8 hours and killed all Salmonella at 24 hours. Both Campylobacter and Salmonella were killed by eugenol (50mM) and thymol (75mM) within 8 hours of exposure.” Studies such as these show that one-size-fits-all regulations are not appropriate, and that more research is needed to determine additional safe, effective and organic methods of preventing foodborne pathogens such as Salmonella Enteriditis.

**BEAK TRIMMING**

Beak trimming, also referred to as “tipping,” is a common practice in egg production, including organic production. Beak trimming means the sharp tip of the beak is cut off; it does not mean that the entire beak is removed. The hens are still able to eat and forage with their beaks, but are missing the sharp tip that can cause serious injury if the hen pecks at flock mates. The practice of beak trimming is employed because feather pecking—the unfortunate situation in which hens peck at feathers and flesh of flock mates that are lower on the social “pecking order”—is a fairly common occurrence in crowded henhouses.

As part of its animal welfare recommendations, the NOSB Livestock Committee recommended in the fall of 2009 that organic standards be changed to prohibit beak trimming of laying hens.

In other countries, including New Zealand and all member states of the European Union, organic standards prohibit systematic beak trimming. In the end, the NOSB decided not to include this prohibition in their recommended standards. Their recommendation currently states:
205.239(j)(2): Minimal beak trimming is allowed for protection of the flock and must be done in a manner that minimizes pain and stress, no later than 10 days old. De-beaking (severe beak trimming) is prohibited.

Beak trimming is a welfare concern because studies do show that it causes pain. One scientific study observed increased corticosterone levels in both chicks receiving a beak trim at six days of age and chicks receiving a block cut at 11 weeks of age, at levels beyond those of chicks who received no beak trim. In addition, the feed consumption and body weight among the beak-trimmed chicks was depressed compared with the control group.144

INDUSTRIAL ORGANIC ARGUMENT

“Beak trimming is humane not inhumane.”
- Randy Boone, Soncrest Egg Company, in a letter to the NOSB, October 2009

This recommendation solicited widespread concern and opposition from industrial-scale producers, one of whom predicted that it would “create the absolute worst animal welfare situation that could possibly occur.”145 Another industrial-scale producer, Robert Beauregard of The Country Hen, explained that “birds confined to housing due to weather or other conditions at 1.5 square feet per bird experience prevalent pecking.” What he failed to mention, of course, is that even in the warm summer months, his laying hens do not have the opportunity for meaningful outdoor access, since only small porches are provided.

When the hens do not go outside, and their conditions lead to feather pecking, it is indeed beneficial, from the flock’s welfare point of view, to trim the birds’ beaks. Several researchers have found that beak-trimmed layers had lower mortality, higher feather scores and better percent/day egg production than non-trimmed layers.146

PASTURE PRODUCER/ORGANIC RESPONSES

The vast majority of pasture-based organic farmers do not trim their chickens’ beaks. These farmers do not have problems with feather pecking and cannibalism—and the fact that they do not beak trim certainly does not lead to animal welfare disasters, as predicted by industrial-scale producers.

SCIENCE TO PREVENT PECKING

DIET

In a review of animal health in organic farming systems, scientists found that “feeding roughage and offering the poul-

try good outdoor conditions (shelter, shade, possibilities for dustbathing and areas with vegetation) can significantly reduce problems of excessive feather pecking and cannibalism. Nutritional deficiencies (e.g. lack of essential amino acids), unsatisfactory housing conditions and overcrowding can increase the problem.”147

Family-scale organic farmers also tend to give scrap and surplus vegetables and crop production residues to their hens, providing them with much-needed roughage, which has been shown to reduce feather pecking. A study found that when hens were given carrots, maize silage and barley pea silage, the incidence of feather pecking decreased compared with a control group.148 This study also found that roughage supplementation did not negatively affect egg production (except for barley pea silage) and feed efficiency, but significantly decreased mortality rate.

FORAGING, OUTDOOR RUNS AND PASTURE

Scientific research shows that organic practices, such as ample outdoor space and the ability to engage in natural behavior, do indeed reduce feather pecking. These studies find “a preventive effect of a good use of the outdoor run on the prevalence of feather pecking.”149

One study found that a high use of an outdoor range reduced the risk of feather pecking nine times.150 Another study found a relationship between higher percentages of birds using an outdoor run resulting in decreases in feather pecking.151 Furthermore, this study showed that feather pecking decreases when vegetation in the outdoor run increases—an argument for well-managed pasture-based production. Pasture has been shown in other studies to help with feather pecking problems—one research team found a negative correlation between feather damage and time spent outside on grassland.152

Roughage in a hen’s diet has been shown to reduce the prevalence of feather pecking.153 The best way to provide roughage in a laying hen’s diet is by allowing her to forage on pasture. One study found that hens given free access to fresh grass had better plumage condition than those without such access.154

Finally, research suggests that a chicken’s ability to peck for insects and peck in the grass and the dirt on pasture may prevent her from pecking at her flock mates. One researcher suggests feather pecking may be a redirection of ground pecking, which is a normal behavior of foraging and exploration in chickens.155 This theory is supported by another study that found that housing conditions that promote foraging behavior (such as those offering straw) are effective in reducing and preventing feather pecking.156 Of course, the best way to provide pecking opportunities to chickens is to give them ample outdoor access and pasture.
Animal Welfare Labels

INDUSTRIAL-SCALE PRODUCERS argue that animal welfare standards are unnecessary in the federal organic standards because they already adhere to other sets of animal welfare standards. But just how meaningful are those standards?

They range from the very lax, industry-beholden United Egg Producers Certified standards—which even allow cages—to the rigorous Animal Welfare Institute’s standards. All claim to be based on both science and ethics—yet the conclusions they reach regarding a laying hens’ needs are very different, and oversight and enforcement leave serious questions.

When industrial-scale organic producers argue that existing animal welfare standards be used, why not choose the rigorous Animal Welfare Institute’s standards, which require outdoor access and flocks no larger than 500 hens? Moreover, while the Humane Farm Animal Care standards and American Humane Association standards do not require outdoor access, they do have standards for producers that provide outdoor runs for their hens—such as requiring a minimum space allowance per bird outside.

Some industrial-scale producers follow these standards without following their requirements specific to outdoor access. Given the organic standards’ requirement for “access to the outdoors,” this seems counterintuitive. If these producers argue that existing voluntary standards are sufficient, they should at the very least follow the standards for outdoor access, which is required in organics.

Animal welfare labels include:

**Certified Humane by Humane Farm Animal Care**
- No requirement for outdoor access.
- No limit on the size of the flock.
- Beak trimming is allowed.
- American Humane Certified by the American Humane Association
- No requirement for outdoor access.
- No limit on the size of the flock.
- Beak trimming is allowed.
- Producers sign a nondisclosure agreement before they are shown the standards.

**Animal Welfare Approved by the Animal Welfare Institute**
- Limits flock size to 500 birds.
- Requires outdoor access: All chickens must have access to areas of retreat both inside and out on the range.
- Beak trimming is prohibited.

**Food Alliance Certified by Food Alliance**
- No requirement for outdoor access.
- If an outdoor area exists, it must be covered to prevent contamination by manure from wild birds and to prevent aerial attacks.

**UEP Certified by United Egg Producers**
- For conventional producers, they may carry the seal even if hens were caged and given 67 square inches per bird (less than a sheet of paper). The only requirement is that they be able to “stand comfortably upright in their cage.”
- Cage-free hens must be grated at least 1.5 square feet per bird.
- No requirement for outdoor access.
- Beak trimming, forced molting, etc. are all allowed.

The United Egg Producers standards were developed not to improve animal welfare, but as a marketing vehicle to compete with eggs that are raised in truly humane conditions and to help undermine citizen initiatives focusing on more restrictive federal state regulatory schemes. Egg producers may no longer use the “Animal Care Certified” logo after Compassion Over Killing, a Washington, D.C.-based animal rights group, successfully used legal action to force United Egg Producers to remove this label. But the UEP still uses a misleading label that reads, “United Egg Producers Certified: Produced in Compliance With United Egg Producers’ Animal Husbandry Guidelines.”

Although technically accurate, standards are anything but designed to promote best practices.

The label allows producers like Moark to claim: “Part of our ongoing commitment to providing American consumers the safest, best quality and most economical eggs in the world is our compliance to the standards of the United Egg Producers Certified program, whose standards have been scientifically tested and proven for the comfort and well-being of laying hens.”

According to New York University professor and nutritionist Marion Nestle, if your egg carton says “United Egg Producers Certified,” you are in “marketing cloud cuckoo-land.” She writes, “The purpose of this program is to make you think that commercial egg production is kind to hens,” when “this
“If your egg carton says ‘United Egg Producers Certified,’ you are in marketing cloud cuckoo-land. ... The purpose of this program is to make you think that commercial egg production is kind to hens,” writes New York University professor and nutritionist Marion Nestle.

certification merely attests that a company gives feed and water to its caged hens.\textsuperscript{160}

Yet industrial-scale organic egg producers continue to argue that the USDA should not develop animal welfare standards in organics based on the fact that other “animal welfare” programs and certification systems, like the United Egg Producers’, exist.

The most meaningful animal welfare label, for laying hens, appears to be the Animal Welfare Approved label, since it is the only one that guarantees the birds were allowed to go outside and exhibit their natural behavior outdoors. The Animal Welfare Institute, a non-profit organization based in Washington, D.C. and dedicated to alleviating animal suffering, currently administers the program. Farmers who wish to participate in the program must meet the Animal Welfare Approved program’s standards, but do not need to pay any fees in order to receive certification. The program is funded by the Animal Welfare Institute.
The Cornucopia Institute strongly believes that legitimate important arbiter for the industry in these matters. accurately reflect the beliefs of the organic consumer, the most ger animal welfare benchmarks in organics will also more ac-intent of the Organic Foods Production Act of 1990. Stron-blatant disregard for the original legislative and regulatory rein in the widespread abuses currently occurring and the some of the stricter animal welfare language, which will help outdoor access for organic laying hens is already a require-ment under current federal regulations, and should be strict-ly and immediately enforced by organic certifiers and the United States Department of Agriculture.

Cornucopia supports the NOSB’s plan to clarify the organic standards by requiring a minimum square footage per bird re-quirerment, and believes that an organic henhouse’s outdoor run should be at least as large as the henhouse itself (as in the European rules, an even larger space would be highly de-sirable). While industrial-scale producers have argued that their eggs should be labeled “organic” and those from hens with outdoor runs should be labeled “free-range organic,” Cornucopia believes the standards already clearly require all organic hens to be “free range.” Eggs from industrial-scale egg producers should more aptly be labeled “raised with or-ganic feed,” since there is little difference between the animal husbandry model of cage-free conventional producers and industrial organic management. Cornucopia urges NOSB members to use research presented in this report during their deliberations, including arguments and scientific data in re-sponse to industrial-scale producers’ claims that birds should not be allowed to go outdoors.

Cornucopia has also filed legal complaints against a number of representative producers, where we have evidence of gross violations, that are currently granting only porches, or no outdoor access whatsoever, to their organic laying hens in violation of the current federal organic standards.

Industrial-scale producers, in actual numbers, are a minority in the organic community, but their certified organic eggs flood the marketplace and place legitimate organic farmers at an economic disadvantage. Cornucopia urges consumers and wholesale buyers to use the organization’s newly devel-oped Organic Egg Scorecard to guide their purchasing deci-sions. The Organic Egg Scorecard rates organic egg brands based on criteria that are important to organic stakeholders, such as legal and legitimate outdoor access, and adherence to organic principles such as farm diversity and nutrient cy-cling. Consumers are encouraged to vote in the marketplace by purchasing the ethically produced, highly rated brands. The Organic Egg Scorecard is available on the Cornucopia website (www.cornucopia.org).

Conclusion

CURRENT (2010) FEDERAL ORGANIC REGULATIONS clearly state that organic egg producers must grant “year-round access for all animals to the outdoors” and that “total continuous confinement of any animal indoors is prohibited.” In 2002, the National Organic Standards Board (NOSB) passed a recommendation for organic egg producers, including that “bare surfaces other than soil (e.g. metal, concrete, wood) do not meet the intent of the National Organic Standards.”

Unfortunately, The Cornucopia Institute’s research indicates that most industrial-scale organic egg producers are currently housing tens of thousands of hens inside henhouses, only offering small concrete or wooden porches as “outdoor access”—and they are getting away with it. Some other large operations offer no access whatsoever to the outdoors. These industrial-scale producers are an aberration in the organic community, and put legitimate organic farmers—who grant either pasture or legitimate outdoor runs to their laying hens—at an economic disadvantage in the organic marketplace.

Even on more moderate-sized operations sometimes only token outdoor space exists. And the birds may be predisposed, by virtue of their management and/or how they have been raised from chicks, to not take advantage of access to the outdoors.

The NOSB’s Livestock Committee, in 2009, proposed a recommendation to create animal welfare benchmarks in the federal organic regulations that would clarify and help facilitate enforcement. They recognized that outdoor access for organic laying hens is an important animal welfare issue that is currently ignored by industrial-scale organic producers, and proposed a minimum outdoor and indoor space per bird requirement. At publication the issue has yet to be resolved, and industrial-scale producers have traveled to NOSB meet-ings, accompanied by their lobbyist, to voice their opposition to letting laying hens go outside.

After reading this report we urge the members of the Na-tional Organic Standards Board to revisit the NOSB recommend-ations from 2002, strictly prohibiting small porches as “outdoor access,” and the more recent livestock committee proposal of 2009.

We hope the current board will consider reincorporating some of the stricter animal welfare language, which will help re-in in the widespread abuses currently occurring and the blatant disregard for the original legislative and regulatory intent of the Organic Foods Production Act of 1990. Stronger animal welfare benchmarks in organics will also more accurately reflect the beliefs of the organic consumer, the most important arbiter for the industry in these matters.

The Cornucopia Institute strongly believes that legitimate
Appendix A: Legal Complaint

September 27, 2010

NOP Compliance
Agricultural Marketing Service
United States Department of Agriculture
1400 Independence Avenue, S.W.
Mail Stop 0268
Washington, D.C. 20250

RE: Complaint concerning possible violation of the National Organic Program’s regulatory standards by various egg producers.

Dear Mr./Ms.,

The Cornucopia Institute is filing this complaint with your office concerning a possible violation of the National Organic Program’s regulatory standards by the following organic egg producers:

- The Country Hen in Hubbarton, Massachusetts
- Hillandale in Spring Grove, Pennsylvania
- Petaluma Farms in Petaluma, California
- Paul Fuenger Farm, Genoa, Wisconsin

We also request that the USDA conduct surprise inspections of industrial-scale organic egg facilities, the majority of which are managed by signatories to a letter submitted to the National Organic Standards Board by the United Egg Producers (UEP) in opposition of granting outdoor access to laying hens. These include:

- Cal-Maine Foods
- Chino Valley Ranchers organic facility in Idalou, Texas
- Delta Egg Farms
- Dixie Egg Company
- Fassio Egg Farms
- Fort Recovery Equity, Inc.
- Herbruck’s Poultry Ranch (Green Meadow Organics) in Saranac, Michigan
- Kreher’s Farm Fresh Eggs, LLC
- Nature Pure, LLC
- Oakdell Egg Farms
- Ritewood, Inc.
- R.W. Sauder, Inc.

In written and oral communications with the NOSB, these companies have made it abundantly clear that offering outdoor access to their birds is incompatible with their present management systems and would drive them from the organic industry.

Outdoor Access in the Rule

Current organic standards state that organic livestock producers must “establish and maintain living conditions which accommodate the health and natural behavior of animals, including year-round access for all animals to the outdoors, shade, shelter, exercise areas, fresh air and direct sunlight suitable to the species” (7 CFR 205.239 (a)(1)).

The final rule released in February 2010 also specifies that “total continuous confinement of any animal indoors is prohibited” (7 CFR 205.239(a)(1)).

We believe that meaningful outdoor access—an area large enough for every bird to be outside at the same time, and covered with either vegetation and/or dirt—is necessary to accommodate the health and natural behavior of laying hens, as the rule states—and there must be meaningful egress so that the birds can access the outdoors.
We do not believe that small, bare, covered concrete or wood porches—that are inaccessible to the majority of the birds—meets either the letter or the intent of the organic rule. Moreover, some producers, such as Petaluma Farms in California and the Fuenger farm in Wisconsin, appear to confine their organic birds continuously, therefore violating the prohibition against “continuous confinement indoors.”

Furthermore, widespread abuses are taking place, nationally, in pullet production, where birds are routinely and exclusively confined through 17 weeks of age.

Cornucopia’s interpretation of the rule is consistent with the NOSB’s clarification of the rule for organic poultry producers, and that was passed by a 12-1 Board vote at their May 2002 meeting. The Board specifically clarified to the organic community that:

1. Organically managed poultry must have access to the outdoors. Organic livestock facilities shall give poultry the ability to choose to be in the housing or outside in the open air and direct sunshine. The producer’s organic system plan shall illustrate how the producer will maximize and encourage access to the outdoors (emphasis added).

2. Bare surfaces other than soil (e.g. metal, concrete, wood) do not meet the intent of the National Organic Standards (emphasis added).

3. The producer of organically managed poultry may, when justified in the organic system plan, provide temporary confinement because of:
   a. Inclement weather;
   b. The stage of production (i.e. sufficient feathering to prevent health problems caused by outside exposure);
   c. Conditions under which the health, safety, or well being of the poultry could be jeopardized;
   d. Risk to soil or water quality.

The organic egg producers named in this complaint provide small concrete porches, with bare surfaces other than soil—which were specifically identified as “not [meeting] the intent of the National Organic Standards” by the Board in 2002, or no outdoor access is being afforded it all. Their facilities also do not provide the ability to choose to go outside to all birds—their outdoor areas are too small to allow all birds to go outside at the same time, and exit doors are inaccessible to the majority of the birds. In other words, these producers are actively discouraging the birds from going outside by providing no incentive and little opportunity to do so.

Studies published in scientific journals and respected organic publications reveal that outdoor runs are necessary to accommodate the health and natural behavior of laying hens. As such, Cornucopia asserts that producers that provide only concrete porches and fail to provide outdoor runs are in violation of the rule.

The importance of outdoor runs/pasture for organic egg laying hens

When the organic standards were created, public input from the organic community made clear that stakeholders—consumers, farmers, marketers—expect organic animals to go outside. This is clear from the Preamble to the final rule, published in 2002:

Commenters were virtually unanimous that, except for the limited exceptions for temporary confinement, all animals of all species must be afforded access to the outdoors. Commenters also maintained that the outdoor area must accommodate natural livestock behavior, such as dust wallows for poultry (page 91) (emphasis added).

The NOSB recommended that the final rule state that all livestock shall have access to the outdoors. As a result of these comments, we have revised the final rule to establish that access to the outdoors is a required element for all organically raised livestock (page 91) (emphasis added).

When the NOSB considered adopting this recommendation to clarify the intent of the rule, NOP staff member Richard Mathews told the Board members: “The preamble I think has always been pretty clear that the intent [of the rule] was that the birds go outside” (NOSB transcript, May 7, 2002, page 710).

Likewise, published studies by poultry scientists reveal that allowing chickens to exhibit their “natural behavior”—which the rule states is an important aspect of organic livestock production—requires access to the outdoors. Natural chicken behavior that requires an outdoor run or pasture includes foraging and sunbathing. Moreover, outdoor runs promote the health of chickens by strengthening their bones.

Foraging

Producers who let their chickens outside notice that hens spend a lot of time foraging and pecking in the vegetation and the dirt; therefore, observation of laying hen behavior leads to the conclusion that foraging is a natural behavior. Research confirms this. One particular study demonstrated that hens in outdoor runs spend 35.3-47.5% of their time foraging, suggesting that foraging is an instinctive and natural behavior.
Based on a review of various scientific studies on the topic, one scientist concluded: “Depending on their quality, outdoor runs have a much higher number and diversity of stimuli than any indoor housing environment can provide. ... Especially exploratory and foraging behavior is stimulated by such a rich environment. The diversity of plant species present in an outdoor run may elicit pecking, scratching, tearing, biting and harvesting of seeds.”

Research suggests that a chicken's ability to peck for insects and peck in the grass and the dirt on pasture may prevent her from pecking at flock mates. One researcher suggests feather pecking may be a redirection of ground pecking, which is a normal behavior of foraging and exploration in chickens.

**Natural sunlight**

Pasture-based producers notice that chickens like to sunbathe. Research supports that hens exhibit sunbathing behavior only under real sunlight, not under artificial light indoors. Therefore, they would need a real outdoor run with adequate access to the outdoors to exhibit this natural behavior.

**Bone health**

Exercise is important for chicken health, especially bone health, and studies show that birds in housing systems that promote physical activity, such as outdoor runs, have less osteoporosis. Weak bones lead to fractures caused during the laying period or during depopulation, and are a serious welfare issue. When comparing different systems currently used by organic producers, one study showed that aviaries without real access to an outdoor run, used by many industrial-scale organic producers, produces more bone fractures in hens than free-range systems that are popular with medium- and small-scale organic farmers.

Another study showed that lack of exercise contributed to the problem of weak bones more than did calcium depletion—as with humans, chickens need exercise in addition to calcium supplements to prevent fractures.

**The Country Hen Decision**

The 2002 NOSB adopted the recommendation for organic poultry production precisely to avoid a situation where bare concrete porches would become the norm. NOP staff members at the time, present at the meeting, encouraged this guidance to prevent concrete porches as passing for “outdoor access,” and discussion by Board members clearly indicates that their recommendation was adopted in part to clarify that concrete porches do not meet the intent of the rule.

And yet, later in the same year that the NOSB adopted this recommendation, management at the National Organic Program ruled in favor of The Country Hen in a dispute between the producer and their certifier. The certifier refused to certify The Country Hen based on their lack of outdoor access—clearly respecting and following both the letter and the intent of the organic standards.

This 2002 ruling by the USDA, in favor of The Country Hen, was yet another example of gross mismanagement of the National Organic Program at the time (management that has now been discredited, for similar incidents where career civil servants at the NOP were overruled, by independent media investigations and the 2010 Inspector General’s report). With new leadership at the program, and a renewed commitment to respecting the law and the rules, we respectfully request an investigation of the above-named producers’ compliance with 205.238 and 205.238’s requirements for outdoor access.

The USDA ruling in The Country Hen appeal was clearly an illegal interpretation outside of the intent of the organic foods production act of 1990 and its enabling regulation. Unless this situation is immediately corrected, producers who are complying with the regulations will be forced to consider seeking legal redress.

**Specific alleged violations of the organic standards**

Henhouses used by producers named in this complaint share three common features, which we allege violate the national organic standards for outdoor access.

1. **Not all birds have access to the outdoors—outdoor area is too small—and/or birds are regularly prevented from any outdoor access**

Even if we were to concede that these concrete porches qualify as “the outdoors,” which we most assuredly do not, they are too small to accommodate all birds at the same time, often just a small fraction of the total square footage of the buildings. Therefore, as soon as the porch is filled with birds, the other birds remaining in the building no longer have “access.” The outdoor space should be as large as the indoor space.

2. **Not all birds have access to the outdoors—exit doors are inaccessible**

The exit doors in their buildings are not accessible by all birds. This means that not all organically managed poultry in the house meet the requirement for “access,” since it is generally impossible for the majority of the birds to reach the doors. While they
theoretically have access if they flew over, literally, tens of thousands of flock mates, they clearly do not have access in reality. Their “natural behavior” would prevent them from aggressively encroaching on the space of other birds in an effort to reach a door.

3. **The outdoor area’s substrate is bare concrete/wood/gravel**

Bare concrete porches, and other “bare” materials, do not allow the hens to exhibit their natural behavior outdoors, such as foraging, dustbathing and pecking. The NOSB recommendation from 2002 clearly states that bare surfaces other than dirt do not meet the intent of the National Organic Standards.

**Conclusion**

Producers named in this complaint will likely argue that the rule is vague, and especially that the intent of the rule is unclear. We disagree. The rule clearly states that outdoor access is required for organically produced livestock—and inaccessible porches that only hold a small percentage of all birds should not pass as legitimate outdoor access.

Producers also have access to the preamble to the final rule, published in 2002, which clearly states that the organic community, at the time of the rule’s writing, supports full access to the outdoors for all livestock, including poultry. Also in 2002, the NOSB clarified that organically produced animals must be able to choose to go outside, and bare concrete surfaces do not meet the intent of the rule.

Furthermore, the regulations make it clear that animals need to be afforded the ability to display their “natural behavior.” Even if adequate space was provided, the use of concrete and many other materials clearly restricts the natural pecking behavior of the birds.

No producer is forced to become organic. Unlike most other federal rules, abiding by organic standards is completely voluntary. Producers wishing to become organic have a responsibility to their customers and to the organic community as a whole to understand the organic standards, including their intent. If they choose to look for loopholes in the rules, it is a gamble they willingly took and must be prepared for the consequences.

The Country Hen case does indeed provide a different perspective, but while this is viewed as a precedent by some certifiers, it does not hold the weight of the law and can easily be reversed by a new administration that does respect both the organic standards and the principles on which the organic standards were founded. This is clearly true because of documented abuses in the way past NOP management handled incidents such as the penalty phase of the Aurora Dairy scandal and their allowance of illegal synthetic substances in organic infant formula. These past improprieties cannot be left unchallenged by the current management at the USDA and we applaud the corrective actions that are already under way.

Please keep The Cornucopia Institute apprised of the status of and progress of your investigation into this complaint.

It should be noted that nothing in this formal complaint shall be interpreted as a waiver of our right to appeal under the Adverse Action Appeals Process cited above.

You may contact us at your convenience.

Sincerely,

Will Fantle
Research Director
The Cornucopia Institute
Appendix B: Ratings for the Organic Egg Scorecard

ORGANIC EGG SCORECARD RATINGS

Total Possible Score: 2,200 points

Ownership Structure (100 points)

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>Family Farm (owned and operated by resident farm family)</td>
</tr>
<tr>
<td>90</td>
<td>Farmer-owned cooperative</td>
</tr>
<tr>
<td>80</td>
<td>Family-owned business with close ties/partnerships with farmers</td>
</tr>
<tr>
<td>70</td>
<td>Investor-owned, public corporation</td>
</tr>
<tr>
<td>0</td>
<td>No answer</td>
</tr>
</tbody>
</table>

Organic Certifying Agency (100 points)

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>Certifying agencies that have not, to our knowledge, approved henhouses without adequate outdoor space. <strong>Certifiers:</strong> Baystate Organic Certifiers Global Organic Alliance International Certification Services Maine Organic Farmers and Gardeners Association Maryland Dept. of Agriculture Midwest Organic Services Association Montana Dept. of Agriculture Nature’s International Certification Services NOFA – New York Certified Organic Ohio Ecological Food and Farming Association Organic Crop Improvement Association Stellar Certification Services Utah State Dept. of Agriculture Vermont Organic Farmers Washington State Department of Agriculture</td>
</tr>
<tr>
<td>85</td>
<td>These certifiers, generally well regarded, have approved industrial-scale livestock operations without “legitimate” access to the outdoors. In some cases, certifiers listed below approved industrial-scale dairy operations without legitimate pasture; in other cases the certifier has permitted henhouses with porches, many including roofs with concrete or wood floors. (Cornucopia and other organic policy experts do not consider these structures as meeting the legal requirement for access to the “outdoors.”) (In almost all cases, the square footage provided by these porches is a small fraction of the square footage of the principal housing; therefore, even if these enclosures qualified as the outdoors, only a small percentage of the hens would have access.) <strong>Certifiers:</strong> Pennsylvania Certified Organic California Certified Organic Farmers Oregon Tilth Certified Organic New Hampshire State Department of Agriculture Natural Food Certifiers</td>
</tr>
<tr>
<td>75</td>
<td>QAI</td>
</tr>
<tr>
<td>0</td>
<td>No answer</td>
</tr>
</tbody>
</table>
Egg Supply (100 points)

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>All eggs produced on single-family farm</td>
</tr>
<tr>
<td>95</td>
<td>Eggs produced on family farm, buys additional eggs from other family-scale farmers</td>
</tr>
<tr>
<td>90</td>
<td>Cooperative of multiple family farms</td>
</tr>
<tr>
<td>80</td>
<td>Business buys eggs from independent family farmers</td>
</tr>
<tr>
<td>70</td>
<td>Contract farmers; company owns chickens and feed, farmers supplies building and labor</td>
</tr>
<tr>
<td>60</td>
<td>Vertically integrated business model; corporation owns and manages every aspect of egg production</td>
</tr>
<tr>
<td>0</td>
<td>No answer</td>
</tr>
</tbody>
</table>

Note: Organic Valley received 75 points: Their eggs come primarily from cooperative members, but they also buy a significant number of eggs from an industrial-scale egg company in California, and have bought additional eggs on the spot market from non-members who do not meet their published standards, which are higher than the USDA minimums.

Disclosure (100 points)

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>Full and open disclosure</td>
</tr>
<tr>
<td>1-90</td>
<td>Depending on percentage of questions substantively answered</td>
</tr>
<tr>
<td>0</td>
<td>No disclosure</td>
</tr>
</tbody>
</table>

Commitment to Organics (100 points)

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>Exclusively organic—henhouses and other crops, commodities and livestock</td>
</tr>
<tr>
<td>80</td>
<td>Company markets both organic and conventional cage-free eggs; all organic eggs are produced on exclusively organic farms</td>
</tr>
<tr>
<td>40</td>
<td>Split operation with conventional cage-free; no cages</td>
</tr>
<tr>
<td>25</td>
<td>Split operation with caged</td>
</tr>
<tr>
<td>0</td>
<td>No answer</td>
</tr>
</tbody>
</table>

OUTDOOR ACCESS

Single- or double-story henhouse(s) (100 points)

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>Single</td>
</tr>
<tr>
<td>30</td>
<td>Double</td>
</tr>
<tr>
<td>0</td>
<td>No answer</td>
</tr>
</tbody>
</table>

Explanation: In a double henhouse, birds on the second story are either required to walk down a ramp to reach outdoor space, or are granted a second-story porch as “outdoor access.” In both cases, the double henhouse is designed for maximum production, not for encouraging outdoor access.

Outdoor space (100 points)

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>5 or more square feet per bird</td>
</tr>
<tr>
<td>80</td>
<td>1.75 - 4.99 square feet per bird</td>
</tr>
<tr>
<td>60</td>
<td>1.0-1.75 square feet per bird</td>
</tr>
<tr>
<td>20</td>
<td>Less than 1.0 square feet. per bird</td>
</tr>
<tr>
<td>10</td>
<td>No outdoor access</td>
</tr>
<tr>
<td>0</td>
<td>No answer</td>
</tr>
</tbody>
</table>

Note: Organic Valley receives 75 points; while most of their eggs come from farmer-members who comply with Organic Valley’s policy of five square feet per bird of outdoor space, their California supplier grants no outdoor access at all. Moreover, there are some questions in terms of enforcement of the cooperative’s standard of five square feet per bird—a farmer-member in Wisconsin who supplies Organic Valley eggs, visited by Cornucopia staff, appears to grant no outdoor access.
### Popholes/Exit to the outdoors (100 points)

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>Birds kept on rotated pasture in mobile housing; or at least 1 large door for fewer than 500 birds.</td>
</tr>
<tr>
<td>90</td>
<td>One door or more per 500 birds</td>
</tr>
<tr>
<td>80</td>
<td>At least one door per 501-1,000 birds</td>
</tr>
<tr>
<td>40</td>
<td>One door per 1,000-2,000 birds</td>
</tr>
<tr>
<td>20</td>
<td>Fewer than one exit door per 1,000 birds</td>
</tr>
<tr>
<td>0</td>
<td>No answer</td>
</tr>
</tbody>
</table>

Note: If the housing system does not have multiple small doors, but another type of exit that clearly grants easy outdoor access to all birds in the building, the producer receives a full score on this question. This includes large barn doors accessible to all birds, houses with an entire side open to the outdoors, etc.

For brands with multiple suppliers, an average score is given depending on the various systems used by different family-farm suppliers.

### Outdoor space exemptions (100 points)

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>Outdoor access year-round</td>
</tr>
<tr>
<td>90</td>
<td>Outdoor access year-round except during freezing temperatures or heavy rain; inclement weather</td>
</tr>
<tr>
<td>70</td>
<td>Confined seasonally</td>
</tr>
<tr>
<td>0</td>
<td>No answer</td>
</tr>
</tbody>
</table>

### Opportunity for all birds to be outside simultaneously (100 points)

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>Yes; 100%</td>
</tr>
<tr>
<td>75</td>
<td>Approximately 75% or more of the birds can be outside at one time</td>
</tr>
<tr>
<td>25</td>
<td>Approximately 25-75% of the birds can be outside at one time</td>
</tr>
<tr>
<td>10</td>
<td>Less than 25% of the birds can be outside at one time</td>
</tr>
<tr>
<td>0</td>
<td>No answer</td>
</tr>
</tbody>
</table>

Note: Organic Valley receives a score of 75; while the majority of its eggs come from farms where all birds can be outside at one time, its California supplier grants no outdoor access at all. We also have concerns about the enforcement of the cooperative’s policy that all birds must have five square feet of outdoor space. The cooperative’s members generally seem to be in compliance, but we have found some glaring exceptions to its standards.

### OUTDOOR MANAGEMENT

#### Rotation of outdoor space (100 points)

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>Rotated pasture; mobile housing</td>
</tr>
<tr>
<td>90</td>
<td>Well managed and rotated; at least 20 square feet per bird of outdoor space</td>
</tr>
<tr>
<td>80</td>
<td>Rotated fixed outdoor space; or managed to prevent degradation</td>
</tr>
<tr>
<td>60</td>
<td>No rotation, adequate outdoors</td>
</tr>
<tr>
<td>40</td>
<td>No rotation, all birds cannot go outside at the same time</td>
</tr>
<tr>
<td>20</td>
<td>Porches without vegetation</td>
</tr>
<tr>
<td>10</td>
<td>No outdoor access</td>
</tr>
<tr>
<td>0</td>
<td>No answer</td>
</tr>
</tbody>
</table>

Note: Organic Valley receives a score of 55; most eggs come from farms with adequate outdoor space without rotation, but California eggs are supplied by a producer that grants no outdoor space and a few of their farmer-members are out of compliance.
Outdoor vegetation (100 points)

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>Rotated pasture with mobile housing</td>
</tr>
<tr>
<td>90</td>
<td>Managed pasture with fixed housing</td>
</tr>
<tr>
<td>80</td>
<td>Living vegetation and dirt</td>
</tr>
<tr>
<td>50</td>
<td>No living vegetation in outdoor space</td>
</tr>
<tr>
<td>20</td>
<td>Bare surfaces like concrete or wood (porch)</td>
</tr>
<tr>
<td>10</td>
<td>No outdoor access</td>
</tr>
<tr>
<td>0</td>
<td>No answer</td>
</tr>
</tbody>
</table>

Note: Organic Valley receives a score of 60; most eggs come from farms with living vegetation and dirt in the outdoor run, but California eggs come from a farm with no outdoor access.

INDOOR – QUALITY OF LIFE AND WELFARE

Indoor space per bird (100 points)

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>&gt; 1.8 square feet per bird</td>
</tr>
<tr>
<td>90</td>
<td>1.5-1.8 square feet per bird</td>
</tr>
<tr>
<td>80</td>
<td>1.2-1.49 square feet per bird</td>
</tr>
<tr>
<td>60</td>
<td>&lt; 1.2 square feet per bird</td>
</tr>
<tr>
<td>0</td>
<td>No answer</td>
</tr>
</tbody>
</table>

Indoor enrichment such as perches, litter, etc. (100 points)

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>Perches, scratching areas and deep litter; producers granting year-round outdoor access on pasture also receive the highest score for indoor enrichment</td>
</tr>
<tr>
<td>90</td>
<td>Some, but not all, farms have perches and other indoor enrichment, standards are implemented to require them</td>
</tr>
<tr>
<td>80</td>
<td>Scratching areas and deep litter, no perches</td>
</tr>
<tr>
<td>60</td>
<td>No perches, no scratching areas and bare flooring</td>
</tr>
<tr>
<td>0</td>
<td>No answer</td>
</tr>
</tbody>
</table>

Natural light (100 points)

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>Birds have ample access to the outdoors for natural light</td>
</tr>
<tr>
<td>90</td>
<td>Abundant natural light is available inside the house</td>
</tr>
<tr>
<td>80</td>
<td>Limited natural light available inside the house</td>
</tr>
<tr>
<td>50</td>
<td>Henhouse is lit exclusively by artificial light</td>
</tr>
<tr>
<td>0</td>
<td>No answer</td>
</tr>
</tbody>
</table>

Note: An average score is taken for brands that have multiple suppliers with varying levels of natural light.

ORGANIC PRINCIPLES—FARM INTERDEPENDENCE AND ECOLOGICAL SUSTAINABILITY

Other animals on pasture (100 points)

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>Pasture rotated and shared with other livestock, such as cows, goats, sheep</td>
</tr>
<tr>
<td>90</td>
<td>Birds are pastured with no other animals sharing pasture</td>
</tr>
<tr>
<td>50</td>
<td>No pasture</td>
</tr>
<tr>
<td>25</td>
<td>No living vegetation</td>
</tr>
<tr>
<td>0</td>
<td>No answer</td>
</tr>
</tbody>
</table>
### Cycling of nutrients—manure (100 points)

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>Manure is recycled on the farm—used as fertilizer for crops and/or pasture</td>
</tr>
<tr>
<td>90</td>
<td>Manure is shared with local farmer(s) who grow(s) feed for chickens</td>
</tr>
<tr>
<td>80</td>
<td>Manure is composted and sold off-farm</td>
</tr>
<tr>
<td>0</td>
<td>No answer</td>
</tr>
</tbody>
</table>

Note: For brands with multiple suppliers with different practices, an average score is given.

### Feed produced on farm (100 points)

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>All feed is produced on farm</td>
</tr>
<tr>
<td>90</td>
<td>Some feed is produced on farm along with pasture</td>
</tr>
<tr>
<td>80</td>
<td>Some feed is produced on farm</td>
</tr>
<tr>
<td>70</td>
<td>No feed is produced on farm, but birds acquire some nutritional intake from well-managed pasture</td>
</tr>
<tr>
<td>60</td>
<td>Multiple suppliers with some farms producing some or all feed, others producing no feed</td>
</tr>
<tr>
<td>50</td>
<td>No feed is produced on farm</td>
</tr>
<tr>
<td>0</td>
<td>No answer</td>
</tr>
</tbody>
</table>

### Replacement Stock (100 points)

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>Farm raises own pullets from chicks</td>
</tr>
<tr>
<td>90</td>
<td>Company or cooperative raises own replacement pullets in an effort to train the birds for using the outdoor space</td>
</tr>
<tr>
<td>60</td>
<td>Farmers purchase/acquire replacement pullets from outside sources; or company raises own replacement pullets in industrial-scale setting</td>
</tr>
<tr>
<td>0</td>
<td>No answer</td>
</tr>
</tbody>
</table>

Note: For brands with multiple suppliers with different practices, an average score is given.

### Laying Hen Lifespan (100 points)

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>Hens live out natural lifespan—die a natural death</td>
</tr>
<tr>
<td>90</td>
<td>Hens live an average of 3+ years</td>
</tr>
<tr>
<td>80</td>
<td>Hens live 1.6-3 years</td>
</tr>
<tr>
<td>70</td>
<td>Hens live 1.5 years</td>
</tr>
<tr>
<td>60</td>
<td>Hens live less than 1.5 years</td>
</tr>
<tr>
<td>0</td>
<td>No answer</td>
</tr>
</tbody>
</table>

### Beak Trimming (100 points)

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>No beak trimming</td>
</tr>
<tr>
<td>75</td>
<td>Beaks trimmed prior to age 10 days</td>
</tr>
<tr>
<td>50</td>
<td>No policy on beak trimming, no age limit</td>
</tr>
<tr>
<td>0</td>
<td>No answer</td>
</tr>
</tbody>
</table>
Farm Support (100 points)

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>Farmer-owners live/work on-site</td>
</tr>
<tr>
<td>90</td>
<td>Farmer-owners live/work on-site; representatives visit additional farms regularly</td>
</tr>
<tr>
<td>80</td>
<td>Farmer-owners live/work on-site; relies on additional third party inspection</td>
</tr>
<tr>
<td>70</td>
<td>Cooperative or company representative visits farms regularly</td>
</tr>
<tr>
<td>60</td>
<td>Relies on regular third-party inspection</td>
</tr>
<tr>
<td>10</td>
<td>No oversight</td>
</tr>
<tr>
<td>0</td>
<td>No answer</td>
</tr>
</tbody>
</table>

Note about Organic Valley’s ratings:

Organic Valley received a limited number of points in terms of its approach to transparency.

Due to some past ethical lapses by management, discovered by The Cornucopia Institute, the company was not willing to participate in this study. Since it very well could represent the largest name brand in the industry, it was important for us to do additional research in preparing this report.

Organic Valley is a farmer-owned cooperative that primarily produces dairy products. It is highly rated in our organic dairy study but has lost points in recent years due to its unwillingness to continue releasing information.

In 2008, Cornucopia discovered that although Organic Valley maintains high standards for its family-scale farmers, who produce the lion share of the cooperative’s organic milk, it had, for well over a year, been purchasing from a 7,200-cow factory farm in Texas. The industrial dairy in Texas violated a number of fundamental standards that the co-op stated were in force for all their dairy producers. Purchases from this dairy were quickly discontinued after Cornucopia brought its concerns to the farmers who own and oversee the cooperative.

More recently, when we published Cornucopia’s organic soy scorecard, we were forced to deal directly with Organic Valley’s farmers producing soybeans to obtain detailed information about its operation. Organic Valley once again received a high rating. Without management’s cooperation, the farmers stepped in themselves. If the individual farmers hadn’t stepped up, the cooperative’s brand, that they own, could have had its reputation irreparably injured.

A similar dynamic took place in our current research on organic eggs. It has been the farmers who have been open themselves about their management and production practices and have shared the standards that the cooperative uses to manage production.

We did discover, however, that one of Organic Valley’s “members” supplying organic eggs is actually an industrial-scale farm in Northern California that grants no outdoor access to the laying hens. Scores given to Organic Valley on this scorecard therefore factor in the cooperative’s high standards and the fact that it also markets eggs from hens with no outdoor access, as well as the unfortunate reality that its management has attempted to mislead its customers, and even their farmer-members (with rhetoric on its website and packaging) and has refused to be open and transparent about its practices, unlike so many of its competitors.

We encourage loyal Organic Valley consumers to contact the company and encourage it to fully share with our researchers details about how its eggs are produced. We would be pleased to raise its ratings if we receive the same cooperation as was offered by the other companies listed on the scorecard.
Endnotes

4 The National Farmers Union describes a “family farm” as one where the majority of labor comes from family members.
30 The Hard-Boiled Truth about Eggs, Matthew Green, Edible East Bay, Summer 2009


77 United Egg Producers, available online at http://www.unitedegg.org/.


90 Kreher’s Sunrise Farm, letter to the National Organic Standards Board, available online at www.regulations.gov.


Scrambled eggs: Separating factory farm egg production from authentic organic agriculture


139 Leyendecker (2005).
the cornucopia institute

is dedicated to the fight for economic justice for the family-scale farming community. Through research, advocacy, and economic development, our goal is to empower farmers both politically and through marketplace initiatives.

The Organic Integrity Project acts as a corporate and governmental watchdog assuring that no compromises to the credibility of organic farming methods and the food it produces are made in the pursuit of profit. We will actively resist regulatory rollbacks and the weakening of organic standards, to protect and maintain consumer confidence in the organic food label.

also published by the cornucopia institute:

Replacing Mother — Imitating Human Breast Milk in the Laboratory. Novel oils in infant formula and organic foods: Safe and valuable functional food or risky marketing gimmick?

Maintaining the Integrity of Organic Milk: Showcasing ethical family farm producers, Exposing the corporate takeover — factory farm production.

Walmart: The nation’s largest grocer rolls-out organic products. Market expansion or market delusion?

Behind the Bean. The Heroes and Charlatans of the Natural and Organic Soy Foods Industry

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