

National Organic Standards Board
Livestock Committee
Recommendation

ANIMAL WELFARE

September 14, 2009

I. Introduction:

Animal welfare is a basic principle of organic production. The Livestock Committee of the NOSB considers that a focus on animal welfare warrants appropriate and effective regulation. From its conception, regulation in organic agriculture was intended to provide conditions that foster the natural behavior of livestock. Since research in organic animal production has increased considerably, it is now possible to obtain science-based evidence for justifying and supporting expanded regulation for improved animal management practices. With this proposal, which involves several terms defined and added language to **§205.238 Livestock health care practice standard** and **§205.239 Livestock living conditions**, the Livestock Committee intends to move closer to the goal of providing stricter definitions for animal welfare in certified organic operations.

II. Background:

The need for specificity regarding animal welfare has been considered by the Livestock Committee for considerable time. However, immediate priorities, such as material reviews, and lack of significant scientific data, had prevented the Committee from focusing on animal welfare from the perspective of the organic enterprise as a whole. Starting in 2007 and under the initiative of NOSB member Dr. Hubert J. Karreman, the Livestock Committee organized several conference calls with experts on animal welfare and conducted site inspections to farm operations. In addition, speakers were invited to the NOSB meetings of November, 2007 and a Discussion document on animal welfare was presented at the May 2009 meeting. The goal was simple: to raise awareness among Board members and the organic community for the need of improved regulation regarding animal welfare.

Livestock Committee members arrived at the conclusion that current livestock regulation lacked specificity, with the potential for creating confusion between producers, inspectors and certifiers. Further, it was considered that the imprecise language had created unintended production practices which restricted the welfare of animals to a considerable degree.

In completing the current proposal, the Livestock Committee carefully reviewed studies presented on animal welfare and considered existing legislation from other countries.

III. Relevant Areas in the Rule:

Those areas of the Rule which impact animal welfare include **§205.237 Livestock feed**, **§205.238 Livestock health care practice standard** and **§205.239 Livestock living conditions**. However, historical context relating to animal welfare and the intent of the Rule is best found in the testimony provided to the NOSB on November 28, 2007, by Kathleen Merrigan and William Lokeretz, both of Tufts University at that time. Dr. Merrigan reflected upon the time she had spent in helping write the Organic Foods Production Act as staff of the US Senate Committee on Agriculture, Nutrition and Forestry. The introduction to their presentation is reproduced here:

“The United States Congress foresaw the need to elaborate livestock standards in 1990 when it passed the Organic Foods Production Act. The report accompanying the Senate bill included the following statements anticipating additional standards and directing the NOSB to recommend additional standards to the Secretary.

More detailed standards are enumerated for crop production than for livestock production. This reflects the extent of knowledge and consensus on appropriate organic crop production methods and materials. With additional research and as more producers enter into organic livestock production, the Committee expects that USDA, with the assistance of the National Organic Standards Board will elaborate on livestock criteria. (Report, 292)

There are not many organic livestock producers at this time, perhaps as few as one hundred. A major reason is that few producers are willing to invest in raising animals organically since USDA explicitly prohibits meat and poultry from being labeled as organically produced. There is also little consensus on appropriate livestock standards and thus State and private programs vary widely. (Report, 302)

The Board shall recommend livestock standards, in addition to those specified in this bill, to the Secretary. (Report, 303)²

Admittedly, these passages do not explicitly discuss health and welfare. Yet it was presumed that animal health and welfare would be encompassed whenever such standards were developed as one author of this paper can personally attest. As well, our records show, and many of you remember, the central role played by The Humane Society of the United States in advocating for passage of OFPA. This underscores our point that it was widely understood at the time that organic livestock production would eventually include standards requiring superior welfare for animals.

Animal health and welfare standards were also anticipated by USDA when it promulgated the National Organic Program Final Rule. The Preamble accompanying the NOP Final Rule describes several animal health and welfare practices, most of which have yet to be fully articulated by the program. According to the Description of Regulations, an organic livestock producer *must*:

- select species and types of livestock with regard to suitability for site-specific conditions and resistance to prevalent diseases and parasites
- provide a feed ration including vitamins, minerals, protein, and/or amino acids, energy sources, and, for ruminants, fiber.
- establish appropriate housing, pasture conditions and sanitation practices to minimize the occurrence and spread of diseases and parasites.
- maintain animals under conditions which provide for exercise, freedom of movement, and reduction of stress appropriate to the species.
- conduct all physical alterations to promote the animals' welfare and in a manner that minimizes stress and pain.
- establish and maintain livestock living conditions which accommodate the health and natural behavior of the livestock.
- provide access to the outdoors, shade, shelter, exercise areas, fresh air, and direct sunlight suitable to the species, its stage of production, the climate, and the environment.
- provide shelter designed to allow for the natural maintenance, comfort level, and opportunity to exercise appropriate to the species.

Furthermore, in sections relating to comments, the Preamble describes several issues that the Secretary understood would require elaboration in the short-term, but for which he had insufficient expertise to prescribe. In these cases, a central role for the NOSB is established, with the Board soliciting public comment, building consensus, and providing expert recommendations to USDA on animal health and welfare standards.

- (confinement) species-specific guidelines would be developed in conjunction with future NOSB recommendations and public comment.⁴
- We will seek additional input from the NOSB and public comment before developing such standards (on a specific length of time that cattle or other species may be confined prior to slaughter).⁵
- We anticipate that additional NOSB recommendations and public comment will be necessary for the development of space requirements.⁶
- The NOP will work with the NOSB to develop additional guidance for managing ruminant production operations.⁷
- We will continue to explore with the NOSB specific conditions under which certain species could be temporarily confined to enhance their well-being. ”

IV. Discussion:

The present recommendation was developed after careful analysis of research on animal welfare and the review of legislation already in place in other countries. In particular, the Canadian standards were considered closely, with attention also to the EU regulations. The approach not only allowed comparisons with organizations seen at the forefront of animal welfare, but provided greater equivalence and reciprocity with standards found in those countries. While the proposed changes might not provide for a comprehensive review in favor of animal welfare, the Livestock Committee considers these changes a significant first step.

V. Recommendation:

The language shown in the following pages is recommended for rulemaking. Original language is shown in **black font**, while the proposed new language is shown in **red font**. Proposed deletions of text or numbering are shown with strikethrough.

§ 205.2 Terms defined.

Stock density. The number of animals on a given unit of land at any one time. This is traditionally a short-term measurement. This is very different from stocking rate which is a long term measurement of the whole pasture.

Stocking rate. A measurement of the long-term carrying capacity of a pasture.

§ 205.238 Livestock health care practice standard.

(a) The producer must have a valid veterinary-client-patient-relationship (VCPR) with a licensed veterinarian, a herd health plan and maintain preventive livestock health care practices, including:

(1) Selection of species and types of livestock with regard to suitability for site-specific conditions and resistance to prevalent diseases and parasites;

(2) Provision of a feed ration sufficient to meet nutritional requirements, including vitamins, minerals, protein and/or amino acids, fatty acids, energy sources, and fiber (ruminants);

(3) Establishment of appropriate housing, pasture conditions, and sanitation practices to minimize crowding and the occurrence and spread of diseases and parasites;

(4) Provision of conditions which allow for exercise, freedom of movement, and reduction of stress appropriate to the species;

(5) All surgical procedures shall be undertaken in a manner that minimizes pain, stress and suffering, with consideration to the use of anesthetics and sedatives

(6) ~~(5)~~ Performance of physical alterations as needed to promote the animal's welfare and in a manner that minimizes pain and stress. Physical alterations when absolutely necessary to improve the health, welfare or hygiene of animals, or for identification or safety reasons (including but not limited to: sheep tail docking, pig teeth trimming, castration [including banding], branding, ear tagging and dehorning) shall be performed at the youngest age possible and by competent persons. Written standard operating procedures shall be created with the farm veterinarian and be available for audit.

(i) Beak trimming and de-toeing of birds is prohibited

(ii) Tail docking of pigs is prohibited except when necessary for veterinary treatment of injured animals

(iii) Tail docking of cattle is prohibited except when necessary for veterinary treatment of injured animals.

(iv) Tail docking of sheep less than 3 inches is prohibited.

(7) ~~(6)~~ Administration of vaccines and other veterinary biologics

(b). When preventive practices and veterinary biologics are inadequate to prevent sickness, the provision of prompt treatment for animals with detectable disease, lesions, lameness, injury and other physical ailments shall be instituted. .

(1) Phytotherapeutic (i.e. herbal or botanical substances excluding antibiotics), homeopathic or similar products shall be used in preference to chemical allopathic veterinary drugs or antibiotics, provided that their therapeutic effect, for the condition which the treatment is intended, is working.

(2) If the use of phytotherapeutic, homeopathic or similar products are not effectively treating illness or injury, synthetic medications may be administered under veterinary supervision: Provided, That, such medications are allowed under §205.603.

(3) Organic livestock operations shall have a comprehensive plan to minimize internal parasite problems in livestock. The plan will include preventive measures such as pasture management, fecal monitoring, and emergency measures in the event of a parasite outbreak. Parasite control plans shall be approved by the certification body. Parasiticides allowed under §205.603 may be used on:

(i) ~~(1)~~ Breeder stock, when used prior to the last third of gestation but not during lactation for progeny that are to be sold, labeled, or represented as organically produced; and

(ii) ~~(2)~~ Dairy stock, when used a minimum of 90 days prior to the production of milk or milk products that are to be sold, labeled, or represented as organic.

(c) The producer of an organic livestock operation must not:

(1) Sell, label, or represent as organic any animal or edible product derived from any animal treated with antibiotics, any substance that contains a synthetic substance not allowed under §205.603, or any substance that contains a nonsynthetic substance prohibited in §205.604. Milk and meat from sick animals or those undergoing treatment with prohibited substances cannot be sold as organic or fed to organic livestock.

(2) Administer any animal drug in the absence of illness; with the exception of vaccinations and other veterinary biologics, and anesthetics and sedatives used in surgical procedures;

(3) Administer hormones to for growth promotion or production;

(4) Administer synthetic parasiticides on a routine basis;

- (5) Administer synthetic parasiticides to slaughter stock;
- (6) Administer animal drugs in violation of the Federal Food, Drug, and Cosmetic Act; or
- (7) Withhold medical treatment from a sick animal in an effort to preserve its organic status. All appropriate medications must be used to restore an animal to health when methods acceptable to organic production fail. Livestock treated with a prohibited substance must be clearly identified and shall not be sold, labeled, or represented as organically produced.
- (8) Withhold individual treatment designed to minimize pain and suffering for injured, diseased or sick animals, which may include forms of euthanasia as recommended by the American Veterinary Medical Association.
- (9) Ship diseased livestock to slaughter for human consumption. Sick and injured animals must be identified and treatment recorded in animal health records.
- (10) Practice forced molting.

§ 205.239 Livestock living conditions.

- (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, rotational pasture, exercise areas, fresh air and natural daylight suitable to the species, its stage of production, the climate and the environment;
 - (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.
 - (4) ~~(2)~~ Access to pasture for ruminants. The outdoor stocking rate of pasture shall be low enough to prevent soil degradation and overgrazing of vegetation, with at least one half (0.5) acre of total available, accessible pasture per 1,000 lb. animal unit.
 - (5) Animals must be kept clean during all stages of life, with the use of clean, dry bedding when necessary;
 - (i) Buildings shall have areas for bedding and resting that are sufficiently large, solidly built, and comfortable so that animals are kept clean, dry, and free of lesions.
 - (ii) If the bedding is an agricultural product (straw, cornstalks, fodder, weeds, etc.), it must comply with the feed requirements of §205.237;
 - (6) Exercise areas for swine shall permit rooting.

(b) ~~(4)~~ Shelter designed to allow for:

(1) ~~(i)~~ Natural maintenance, comfort behaviors, and opportunity to exercise;

(i) Sufficient space and freedom to lie down in full lateral recumbence, stand up, stretch their limbs, and express normal patterns of behavior;

(ii) Production techniques that foster the long-term health of livestock, including the ability of all animals in a group to eat at the same time, and to have fresh water available at all times;

(iii) Livestock housing shall have non-slip floors, and the floor shall be primarily of non-slatted or non-grid construction.

(2) Housing, pens, runs, equipment and utensils shall be properly cleaned and disinfected with approved materials in accordance with 205.603 and 205.604 to prevent cross infection and build-up of disease-carrying organisms.

(3) For poultry and swine, buildings shall be emptied, cleaned and disinfected with approved materials in accordance with 205.603 and 205.604, and runs left empty to allow the vegetation to grow back between production runs.

(4) Calves may be housed in individual pens under the following conditions:

(i) Until six months of age, providing that they have enough room to turn around, lie down, stretch out when lying down, get up, rest and groom themselves; individual calf pens shall be designed and located so that each calf can see, smell and hear other calves.

(ii) Calves shall be group-housed after six months of age during the non-grazing season, and on pasture after six months of age during the grazing season.

(iii) Calves over six months of age shall have access to the outdoors at all times, except as allowed under 205.239(c).

(5) The mandatory group housing for swine, except:

(i) Sows may be housed individually at farrowing and during the suckling period;

(ii) Boars.

(6) Piglets shall not be kept on flat decks or in piglet cages.

(7) ~~(ii)~~ Temperature level, ventilation, and air circulation suitable to the species; and

(8) ~~(iii)~~ Reduction of potential for livestock injury.

(c) ~~(b)~~ The producer of an organic livestock operation may provide temporary confinement for an animal because of:

(1) Milking, shearing, breeding, hoof trimming, or health care procedures;

(2) ~~(1)~~ Inelement Dangerous weather;

(3) Conditions under which the health, safety, or well being of the animal could be jeopardized;

(4) Risk to soil, water, or plants.

(5) During the non-grazing season or during times of temporary confinement, the following stocking rates shall be provided:

(i) In loose housing (bedding packs, dry lots, cover-alls, etc.):

Livestock	Indoor Space	Outdoor Runs and Pens
Adult cows	70 sq. ft./head	100 sq. ft./head
Calves	Incremental increase of 16 sq.ft./head for young calves to 50 sq. ft./head for growing (1-year old) steers and heifers	55 sq. ft./head to 100 sq. ft./head, depending on the size of animals
Sheep and goats	18 sq.ft./head plus 4 sq. ft./head for each additional lamb/kid	30 sq. ft./head plus 5 sq. ft./head for each additional lamb/kid
Sows and piglets (up to 40 days' old)	85 sq. ft. for each sow and litter	28 sq.ft. for each sow and litter
Growing pigs	Incremental increase from 7 sq. ft./head at weaning to 14 sq. ft./head at finishing or breeding size	Incremental increase from 5 sq.ft./head at weaning to 12 sq. ft./head at finishing or breeding size
Sows in group pens	35 sq.ft./head	35 sq. ft./head
Boars in individual pens	88 sq. ft./head	88 sq. ft./head
Laying hens	6 birds/12 sq. ft.	4 birds/12 sq. ft.
Broilers	10 birds/12 sq. ft.	4 birds/12 sq. ft.
Turkeys, geese and large birds	22 sq. ft./bird	80 sq. ft./bird over 10 weeks old
Mobile poultry units (moved daily) Laying hens Broilers Turkeys Ducks Geese		LH: 6 birds/12 sq.ft. B:10 birds/12 sq. ft. T:3 birds/12 sq. ft. D: 10 birds/12 sq. ft. G:3 birds/12 sq. ft.
Young rabbits	4 sq. ft./head	22 sq. ft./head
Doe rabbits	6 sq. ft./head	22 sq. ft./head

(see Appendix 1 for Canadian standards in metric)

(ii) In confined housing (free stalls, tie stalls, etc.) at least one stall must be provided for each animal in the facility at any given time, except that:

(A) The confinement of animals in cages is not permitted under any circumstance.

(d) (e) The producer of an organic livestock operation must manage manure in a manner that does not contribute to contamination of crops, soil, or water by plant nutrients, heavy metals, or pathogenic organisms and optimizes recycling of nutrients.

VI. Committee Vote:

Motion: Jeff Moyer Second: Tina Ellor

Yes: 5 No: 1 Abstain: 0 Absent: 1

Minority Opinion

While the minority opinion agrees with the Livestock Committee's recommendation for 205.238 and 205.239 as written, the recommendation does not go far enough with regard to ensuring that the health and well being of animals on organic dairy farms exceeds that on conventional farms. Measurable numbers exist that can be used to monitor the progress that organic dairy farms make towards providing their animals a stress free and healthy life. These numbers are tied together and influenced by each other.

Organic dairies should provide their certifiers with a list of animals every year, and they should also provide a list of the animals that have left the farm, along with the reason why. The longer a farm remains organic, the fewer animals that should be culled from the farm, either voluntary or involuntary. If not, the animals are not being treated properly and their stress levels are unacceptable. An organic dairy should easily be able to maintain cow numbers without the use of sexed semen or the purchase of replacement animals.

The number of animals requiring treatment by a veterinarian should also decrease over time. As a farm's soils regain their health, so too will the farm's animals. Other factors must be considered as well, because even when animals are fed all organic feed, if they are too crowded, kept in feedlots or on concrete, or not provided enough pasture, they will continue to require routine veterinary care, including hoof trimming. The healthiest humans are those who visit a doctor the least often, and likewise, the healthiest cows are those that require veterinary care the least often.

Organic dairy animals should not be allowed to be milked more than two times in any twenty four hour period. Ruminants are not meant to consume seeds (grain), and when they are fed large amounts of grain they are put under unnecessary stress. A prerequisite for milking more than 2X per day is the feeding of high levels of grain, and high levels of grain keep cows in a constant state of acidosis. Disease thrives under acidic conditions and the constant stress that go along with an increased milking schedule and heavy grain feeding. Dairywomen have developed ways of helping their animals cope with high levels of grain feeding, such as feeding small amounts of grain many times per day, feeding grain in Total Mixed Rations, and by adding yeast and other buffers to the feed. But these techniques are not appropriate for organic dairies. Milking an animal more than 2X per day offers no benefit to the animals and shortens their life. While an animal must be healthy to give large amounts of milk while being milked more than 2X per day, her shortened life span and continual high stress level are too high a price for her to pay on an organic dairy.

Cows are also creatures that follow the sun. In other words, they like to lay down at dusk and arise at dawn. Forcing them to be milked more than 2X per day prevents them from following their natural instincts, adds significant stress to their lives, and makes them more susceptible to illness. If calves are left on their mothers for 6 months, they will nurse 10-12 times per day, but they do not take all the milk their mother produces at any one nursing. Their largest meals are the first one in the morning and the last one at night, which coincides with a 2X per day milking schedule. The argument that 3X per day milking more closely mimics what happens in nature is false. To more closely follow what calves do, cows would be milked many times per day, but not all of the milk would be harvested at any milking.

Providing proper veterinary care when required constitutes an important part of animal welfare, but an even more important indicator of the concern for animal welfare are management practices that lessen the need for veterinary care. As a safeguard that consumers may purchase organic dairy products knowing that organic dairy animals are indeed treated with respect and a true caring for their well being, the minority opinion suggests the following additions to the Livestock Committee's recommendation:

205.238. Livestock health care practice standard.

(c) The producer of an organic livestock operation must not:

(11) Milk dairy animals more than twice (2X) in any given twenty four (24) hour period.

(d) Organic livestock producers must provide their certifier with the following lists each year:

- (i) all animals on the operation during the current year, including a separate list of all purchased animals
- (ii) all animals that have left the operation during the past year, and the reason for their departure
- (iii) all animals that have had a health issue, including hoof care, and the treatment(s) the animal received.

Under a guidance document for certifiers, the minority opinion recommends the following:

The numbers provided to certifiers in the Minority Opinion's proposal to add 205.238(d)(i),(ii) and (iii) should be monitored determine the ongoing welfare status of the animals. If animals must be purchased to maintain overall numbers, if animals continue to leave an operation for the same reason(s), or if the same number of animals continue to require treatments / hoof trimming each year, then there is reason to believe that the care of those animals is not up to organic standards. Organic livestock operations that are following the letter and spirit of the law should show gradual improvement in these areas over time. Given the diverse nature of livestock operations, the differing health of their soils, and the different types and breeds of animals on individual farms, no set timeline can be established, but each operation should show yearly improvement.

APPENDIX 1: Livestock Stocking Rate (from the National Standard of Canada)

The table presented on page 11 is intended to match the table shown on this page. If for any reason conversions have not been made correctly, the intent of the NOSB Livestock Committee is to exactly match the Canadian standard for stocking rates as shown here.

Livestock	Indoor Space	Outdoor Runs and Pens
Adult cows	6 m ² /head	9 m ² /head
Calves	Incremental increase of 2.5 m ² /head for young calves to 5 m ² /head for growing (1-year old) steers and heifers	5 m ² /head to 9 m ² /head, depending on the size of animals
Sheep and goats	1.5 m ² /head plus 0.35 m ² /head for each additional lamb/kid	2.5 m ² /head plus 0.5 m ² /head for each additional lamb/kid
Sows and piglets (up to 40 days' old)	7.5 m ² for each sow and litter	2.5 m ² for each sow and litter
Growing pigs	Incremental increase from 0.6 m ² /head at weaning to 1.3 m ² /head at finishing or breeding size	Incremental increase from 0.4 m ² /head at weaning to 1 m ² /head at finishing or breeding size
Sows in group pens	3 m ² /head	3 m ² /head
Boars in individual pens	8 m ² /head	8 m ² /head
Laying hens	6 birds/m ²	4 birds/m ²
Broilers	10 birds/m ²	4 birds/m ²
Turkeys, geese and large birds	2 m ² /bird	7.4 m ² /bird over 10 weeks' old
Mobile poultry units (moved daily)		
Laying hens		6 birds/m ²
Broilers		10 birds/m ²
Turkeys		3 birds/m ²
Ducks		10 birds/m ²
Geese		3 birds/m ²
Young rabbits	0.3 m ² /head	2 m ² /head
Doe rabbits	0.5 m ² /head	2 m ² /head