

Comparison – Animal Welfare Standards

May, 2016

The CURRENT RULE compared to the NOSB’s 2011 RECCOMENDATIONS and the NEW ANIMAL WELFARE STANDARDS

The NOSB recommendation was finished in 2011 provides detail for animal welfare and stocking rates that was not delineated in OFPA or by the NOP to date.

The NOSB made recommendations on these areas:

Outdoor access

Dairy cattle housing

Physical alterations

Ammonia levels in poultry

Market considerations (consumers want animals treated with respect)

Outcome-based standards. Scorecards and documents will be designed for each species to address hygiene, locomotion, body condition, lesions and injury, and anything else pertinent to a particular species.

Species specific recommendations for: Bison, swine, and poultry. They specified that because bison are not domesticated they cannot be kept indoors at all.

The NOSB recommended language changes to existing sections:

- §205.2: Terms defined
- §205.238: Livestock health care practice standard
- §205.239: Livestock living conditions

While the NOSB made some recommendations to avian living conditions, the new draft animal welfare standards create an entirely new section for these issues. In general the new draft goes into more detail – especially with respect to avian living conditions – and also makes many changes that were not recommended by the NOSB. This includes tweaking the language of the currently existing language (usually to make the regulations stricter or cure ambiguity).

Terms Defined Section	NOSB Recommendations	NOP Draft Standards	Specific commentary/differences and comparison
§205.2: (AMS is proposing to add fifteen new terms)	<i>Caponization.</i> Castration of chickens, turkeys, pheasants, etc.	<i>Caponization.</i> Castration of chickens, turkeys, pheasants and other avian species.	Removal of “etc.” to replace it with “ <u>other avian species.</u> ” This should cover everything needed. Caponization would be prohibited in the NOP proposal at § 205.238(a)(5)(ii).
	<i>De-snooding.</i> The removal of the turkey snood.	<i>De-snooding.</i> The removal of the turkey snood (a fleshy protuberance on the forehead of male turkeys).	More descriptive in AMS proposal, defining “snood”. De-snooding would be prohibited in the NOP proposal at § 205.238(a)(5)(ii).

<p><i>Toeclipping.</i> The removal of the nail and distal joint of the back two toes of a male bird.</p>	<p>Toe clipping. The removal of the nail and distal joint of the back two toes of a male bird.</p>	<p>Same as the NOSB recommendation.</p> <p>Toe <i>trimming</i> of chickens would be prohibited and “toe trimming of turkeys unless with infra-red at hatchery” would be prohibited in the NOP proposal at § 205.238(a)(5)(ii). The term toe clipping does not occur elsewhere in the proposed rules. This may be an error within the proposed regulations.</p>
<p><i>Dubbing.</i> The removal of poultry combs and wattles.</p>	<p><i>Dubbing.</i> The removal of poultry combs and wattles.</p>	<p>Same language as the NOSB recommendation.</p> <p>Dubbing would be prohibited in the NOP proposal at § 205.238(a)(5)(ii).</p>
<p><i>De-beaking.</i> Removal of more than the beak tip.</p>	<p><i>De-beaking.</i> The removal of more than the beak tip.</p>	<p>Same language as the NOSB recommendation.</p> <p>De-beaking would be prohibited in the NOP proposal at § 205.238(a)(5)(ii).</p>
<p><i>Cattle wattles.</i> Created for ownership identification, wattles are made by surgically separating both layers of skin from the connective tissue for 2 to 4 inches on the dewlap, neck or shoulder.</p>	<p><i>Cattle wattling.</i> The surgical separation of two layers of the skin from the connective tissue along a 2 to 4 inch path on the dewlap, neck or shoulders used for ownership identification.</p>	<p>Rewording, somewhat less descriptive.</p> <p>Cattle wattling would be prohibited in the NOP proposal at § 205.238(a)(5)(ii).</p>
<p><i>Outdoor access.</i> Animals have contact with soil when seasonally appropriate and the sky overhead and without a solid roof or walls. Fencing that does not block sunlight may be used as necessary</p>	<p><i>Outdoors.</i> Any area in the open air with at least 50 percent soil, outside a building or shelter where there are no solid walls or solid roof attached to the indoor living space structure. Fencing or netting that does not block sunlight or rain may be used as necessary.</p>	<p>Proposed definition not about access, but about defining “outdoors”.</p> <p>The NOP this back to one of the fundamental impacts that the NOSB was hoping to achieve, by defining outdoors in such a way that would eliminate porches.</p>
<p><i>Perches.</i> A rod or branch type structure that serves as a roost and allows birds to utilize vertical space in the house.</p>	<p><i>Perch.</i> A rod or branch type structure that serves as a roost and allows birds to utilize vertical space in the house.</p>	<p>Same language as the NOSB recommendation.</p>
<p><i>Roost.</i> A flat structure over a manure pit that allows birds to grip with their toes as they would on a perch.</p>	<p><i>Roost.</i> A flat structure over a manure pit that allows birds to grip with their toes as they would on a perch.</p>	<p>Same as the NOSB recommendation.</p>
<p><i>Soil.</i> The outermost layer of the earth comprised of minerals, water, air, and organic matter, fungi, and bacteria in which plants may grow roots.</p>	<p><i>Soil.</i> The outermost layer of the earth comprised of minerals, water, air, organic matter, fungi and bacteria in which plants may grow roots.</p>	<p>Same as the NOSB recommendation.</p>

	<i>Mulesing.</i> Removal of skin from the buttocks of wool sheep, approximately 5 - 7cm wide and running half way from the anus to the hock to prevent flystrike.	Mulesing. The removal of skin from the buttocks of sheep, approximately 2 to 4 inches wide and running away from the anus to the hock to prevent fly strike.	The NOP proposal changes the NOSB recommendation by removing the text “wool sheep” specificity and less specificity of where the skin can be removed. Mulesing would be prohibited in the NOP proposal at § 205.238(a)(5)(ii).
	N/A	<i>Beak trimming.</i> The removal of the curved tip of the beak.	Not recommended by NOSB. Added as new in the draft standards. Beak trimming after 10 days of age would be prohibited in the NOP proposal at § 205.238(a)(5)(ii).
	N/A	<i>Indoors.</i> The flat space or platform area which is under a solid roof. On each level the animals have access to food and water and can be confined if necessary. Indoor space for avian species includes, but is not limited to: Pasture housing. A mobile structure for avian species with 70 percent perforated flooring. Aviary housing. A fixed structure for avian species which has multiple tiers/levels with feed and water on each level. Slatted/mesh floor housing. A fixed structure for avian species which has both: (1) a slatted floor where perches, feed and water are provided over a pit or belt for manure collection; and (2) litter covering the remaining solid floor. Floor litter housing. A fixed structure for avian species which has absorbent litter covering the entire floor.	Not recommended by NOSB. Added as new in the draft standards.
	N/A	<i>Pullet.</i> A female chicken or other avian species being raised for egg production that has not yet started to lay eggs.	Not recommended by NOSB. Added as new in the draft standards.
	N/A	<i>Stocking density.</i> The weight of animals on a given unit of land at any one time.	Not recommended by NOSB. Added as new in the draft standards. Stocking density <u>does not need to be determined on a per-weight basis.</u>

Livestock health care practice standard

Livestock health care practice standard	Current Rule	NOSB Recommendations	NOP Draft Standards	Specific commentary/differences and comparison
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<p>§ 205.238(a)</p>	<p>(a) The producer must establish and maintain preventive livestock health care practices, including:</p>	<p>(a) The producer must establish, maintain and describe in the organic system plan practices or procedures designed to improve health care of the livestock operation, including:</p>	<p>No proposed change.</p>	<p>The NOSB recommended that OSPs include written practices and procedures on animal welfare. This is a good recommendation.</p>
	<p>(1) Selection of species and types of livestock with regard to suitability for site-specific conditions and resistance to prevalent diseases and parasites;</p>		<p>No proposed change.</p>	
	<p>(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);</p>	<p>No recommendation.</p>	<p>(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), resulting in appropriate body condition.</p>	<p>AMS recommends a revision from the old language, adding the phrase “resulting in appropriate body condition.”</p> <p>Adding amino acids is a very specific language – this addition was probably made in deference to industry that wants to feed synthetic aminos. Realistically, a rounded diet provides for all the amino acids needed.</p>
	<p>(3) Establishment of appropriate housing, pasture conditions, and sanitation practices to minimize the occurrence and spread of diseases and parasites;</p>	<p>No recommendation.</p>		
	<p>(4) Provision of conditions which allow for exercise, freedom of movement, and reduction of stress appropriate to the species;</p>	<p>No recommendation.</p>		
	<p>(5) Performance of physical alterations as needed to promote the animal's welfare and in a manner that minimizes pain and stress; and</p>	<p>(5) Performance of physical alterations as needed to promote the health, welfare or hygiene of animals; identify animals; or provide increased safety to farm personnel. Allowed physical alterations</p>	<p>(5) Physical alterations may be performed to benefit the welfare or hygiene of the animals, or for identification purposes or safety. Physical alterations must be performed on livestock at a reasonably young age,</p>	<p>This section is very changed from the recommendation (including the subpoints). There is less detail in § 205.238(5)(a), but more detail in the sub-bullets. The proposal is a significant material change. The current</p>

		<p>must be performed at the youngest possible age by trained persons in a manner that minimizes pain and stress and <i>shall be recorded in individual (or flock) animal health records with dates, reason needed, and methods used.</i> The following practices are <u>prohibited</u>:</p>	<p>with minimal stress and pain and by a competent person.</p>	<p>language says that physical alterations can only be made to promote the animal’s welfare.</p> <ul style="list-style-type: none"> • The NOP proposal requires no pain relief required for dehorning and/or debudding. The NOSB recommendation at § 205.238(a)(6) required pain relief for these alterations. • Changing the wording on de-beaking is material. • The NOSB recommendation outright prohibited tail docking of pigs. • The proposed rule adds in language about needle-teeth trimming. • “Competent person” is not defined. The NOSB recommendation was for a “trained person” (also not defined).
<p>N/A</p>		<p>(i) De-beaking, de-snooding, caponization, dubbing, and toe trimming (ii) Toe trimming turkeys unless performed with infra-red at the hatchery (iii) Beak trimming unless performed within 10 days of age (iv) Tail docking of pigs and cattle. (v) Wattling of cattle. (vi) Face branding cattle. (vii) Tail docking of sheep shorter than the distal end of the caudal fold. (viii) Mulesing of sheep. (ix) Routine tooth clipping of piglets.</p>	<p>(i) The following practices may not be routinely used and must be used only with documentation that alternatives methods to prevent harm failed: needle teeth trimming (no more than top 1/3rd of the tooth) in pigs and tail docking in pigs. (ii) The following practices must not be performed on a certified operation: de-beaking, de-snooding, caponization, dubbing, toe trimming of chickens, toe trimming of turkeys unless with infra-red at hatchery, beak trimming after 10 days of age, tail docking of cattle, wattling of cattle, face branding of cattle, tail docking of sheep shorter than the distal end of the caudal fold, and mulesing of sheep.</p>	<p>The AMS recommendations prohibited (where the NOSB did not): Toe trimming in chickens (possibly other avian species besides chickens and turkeys could be trimmer, however).</p>

	(6) Administration of vaccines and other veterinary biologics.	(6) Effective pain relief must be provided when dehorning or disbudding livestock	N/A	No AMS-recommended change.
	N/A	(7) Ammonia levels should be less than 10 ppm and must be less than 25 ppm indoors.	(7) All surgical procedures necessary to treat an illness shall be undertaken in a manner that employs best management practices in order to minimize pain, stress, and suffering, with the use of appropriate and allowed anesthetics, analgesics, and sedatives.	New section and completely different than the NOSB recommendation. This is a new section in both cases. Ammonia levels are addressed in the AMS draft recommendations at § 205.238(5)(a)(9).
	N/A	No recommendation.	8) Monitoring of lameness and keeping records of the percent of the herd or flock suffering from lameness and the causes.	New section.
	N/A	No recommendation.	(9) Ammonia levels in poultry houses must be less than 25 parts per million indoors. When ammonia levels in poultry houses exceed 10 parts per million, an operation must implement additional practices to reduce the ammonia levels below 10 parts per million.	Ammonia levels allowed are much greater than the NOSB recommendation and response to ammonia levels is changed. The NOSB recommendation was “Ammonia levels should be less than 10 ppm and must be less than 25 ppm indoors.”
§ 205.238(b)	(b) When preventive practices and veterinary biologics are inadequate to prevent sickness, a <u>producer</u> may administer synthetic medications: <i>Provided</i> , That, such medications are allowed under § 205.603. Parasiticides allowed under § 205.603 may be used on:	No change recommended.	No change recommended.	
	(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	No change recommended.	No revisions	
	(2) Dairy stock, when used a minimum of 90 days prior to the production of milk or milk products that are to be sold,	No change recommended.	No revisions	

	labeled, or represented as organic.			
	N/A	No recommendation	(3) Synthetic medications may be administered in the presence of illness or to alleviate pain and suffering: Provided, that such medications are allowed under § 205.603	New section. This relates to animal welfare and was not explicit before.
§ 205.238(c)	(c) The producer of an organic livestock operation must not:	No recommendation	No revisions	
	(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.	No recommendation	(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. <u>Milk from animals undergoing treatment with synthetic substances allowed under § 205.603 having withholding time, cannot be sold as organic but may be fed to their own offspring. Milk from animals undergoing treatment with prohibited substances cannot be sold as organic or fed to organic livestock.</u>	Revised section. The underline text was added in the proposed draft.
	(2) Administer any animal drug, other than vaccinations, in the absence of illness;	No recommendation	(2) Administer any animal drug in the absence of illness or to alleviate pain or suffering, with the exception of vaccinations and other veterinary biologics.	Revised section. The old language for this section is: “(2) Administer any animal drug, other than vaccinations, in the absence of illness;”
	(3) Administer hormones for growth promotion;	No recommendation	(3) Administer hormones for growth promotion, production or reproduction.	Revised section. The old language for this section is: “(3) Administer hormones for growth promotion;”
	(4) Administer synthetic parasitocides on a routine basis;	No recommendation	No revisions	
	(5) Administer synthetic parasitocides to slaughter stock;	No recommendation	No revisions	
(6) Administer animal drugs in violation of the Federal Food, Drug, and Cosmetic Act; or	No recommendation	No revisions		

	(7) Withhold medical treatment from a sick animal in an effort to preserve its <u>organic</u> 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.	No recommendation	No revisions	
	No section	No recommendation	(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.	New section. This is another animal welfare concern the NOSB recommendation did not touch on.
	No section	No recommendation	(8) Withhold individual treatment designed to minimize pain and suffering for injured, diseased, or sick	Appears to be an error in the rule proposal numbering or in the text itself. This is otherwise labeled as bullet "(9)".
	No section	No recommendation	(10) Practice forced molting or withdrawal of feed to induce molting.	New section.
§ 205.238(d)	No section	(d) Organic livestock producers must provide their certifier with the following lists each year: (2) All animals that have left the operation during the past	(d) Organic livestock operations must have comprehensive plans 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	Section deals with different subjects. This is a new section. Comprehensive plans are required in the new rule, but the new rule did not accept the NOSB

		year due to sale or mortality, and the reason for their departure	outbreak. Parasite control plans shall be approved by the certifying agent.	recommendation to include livestock welfare plans in a producers OSP.
§ 205.238(e)	No section	No recommendation	(1) Organic livestock producers must have written plans for prompt, humane euthanasia for sick or injured livestock.	New section.
	No section		(2) The following methods of euthanasia are not permitted: suffocation; blow to the head by blunt instrument; and the use of equipment that crushes the neck, including killing pliers or burdizzo clamps.	New section. Disallowing certain methods of euthanasia was not discussed by the NOSB.
	No section		(3) Following a euthanasia procedure, livestock must be carefully examined to ensure that they are dead.	New section.

Livestock living conditions.	Current Rule	NOSB Recommendations	NOP Draft Standards	Difference? Notes?
§ 205.239(a) (Mammal section)	(a) The producer of an organic livestock operation must establish and maintain year-round livestock living conditions which accommodate the health and natural behavior of animals, including:	(a) The producer of an organic livestock operation must establish and maintain year-round livestock living conditions, which accommodate the health and natural behavior of animals, including:	No change from current regulations.	The AMS did not recommend any changes and the NOSB did not recommend any changes.
	(1) Year-round access for all animals to the outdoors, shade, shelter, exercise areas, fresh air, clean water for drinking, and direct sunlight, suitable to the species, its stage of life, the climate, and the environment: Except, that, animals may be temporarily denied access to the outdoors in accordance with §§ 205.239(b) and (c). Yards, feeding pads, and feedlots may be used to provide ruminants with access to the outdoors during the non-grazing season and supplemental feeding during	(1) Year-round access for all animals to the outdoors, shade, shelter, exercise areas, fresh air, clean water for drinking, and direct sunlight, suitable to the species, its stage of life, the climate, and the environment: Except, that, animals may be temporarily denied access to the outdoors in accordance with §§ 205.239(b) and (c). (i) Livestock must be bedded or kept clean and dry per the hygiene outcome score when	(1) Year-round access for all animals to the outdoors, soil, shade, shelter, exercise areas, fresh air, clean water for drinking, and direct sunlight, suitable to the species, its stage of life, the climate, and the environment: Except, that, animals may be temporarily denied access to the outdoors in accordance with §§ 205.239(b) and (c). <u>Yards, feeding pads, and feedlots may be used to provide ruminants with access to the outdoors during the non-grazing season and supplemental feeding during the grazing season. Yards, feeding pads, and feedlots shall be large enough to allow all ruminant livestock occupying the yard,</u>	Underlined section is added in the proposed rule. This language revises the language currently in effect but is more similar to that language than the NOSB recommendation. <ul style="list-style-type: none"> The NOSB recommended prohibiting continuous total confinement <i>indoors</i>, but the new rule proposes adding “Continuous total confinement of ruminants in yards, feeding pads, and feedlots is prohibited”. This addition is confusing because all of the above are, or could be, outdoor areas according to the proposed rule’s definition of the

	<p>the grazing season. Yards, feeding pads, and feedlots shall be large enough to allow all ruminant livestock occupying the yard, feeding pad, or feedlot to feed simultaneously without crowding and without competition for food. Continuous total confinement of any animal indoors is prohibited. Continuous total confinement of ruminants in yards, feeding pads, and feedlots is prohibited.</p>	<p>animals are temporarily denied access to the outdoors. (ii) Yards, feeding pads, and feedlots may be used to provide ruminants with access to the outdoors during the non-grazing season and supplemental feeding during the grazing season, but shall be large enough to allow all ruminant livestock occupying these spaces to feed in a manner that maintains all animals in good body condition. (iii) Continuous total confinement of any animal indoors is prohibited.</p>	<p><u>feeding pad, or feedlot to feed without competition for food in a manner that maintains all animals in a good body condition. Continuous total confinement of any animal indoors is prohibited. Continuous total confinement of ruminants in yards, feeding pads, and feedlots is prohibited</u></p>	<p>outdoors (or the part of this section preceding this statement).</p>
	<p>(2) For all ruminants, management on pasture and daily grazing throughout the grazing season(s) to meet the requirements of § 205.237, except as provided for in paragraphs (b), (c), and (d) of this section.</p>	<p>No recommendation</p>	<p>No proposal</p>	
	<p>(3) Appropriate clean, dry bedding. When roughages are used as bedding, they shall have been organically produced in accordance with this part by an operation certified under this part, except as provided in § 205.236(a)(2)(i), and, if applicable, organically handled by operations certified to the NOP.</p>	<p>No recommendation</p>	<p>(3) Animals must be kept clean during all stages of life with the use of appropriate, clean, dry bedding, as appropriate for the species. When roughages are used as bedding, they must be organically produced and handled in accordance with this part by an operation certified under this part, except as provided in § 205.236(a)(2)(i), and, if applicable, organically handled by operations certified to the NOP</p>	<p>Revision. Currently language in effect at §205.239(a)(3) is as follows: “Appropriate clean, dry bedding. When roughages are used as bedding, they shall have been organically produced in accordance with this part by an operation certified under this part, except as provided in § 205.236(a)(2)(i), and, if applicable, organically handled by operations certified to the NOP”</p>
	<p>(4) Shelter designed to allow for: (i) Natural maintenance, comfort behaviors, and opportunity to exercise; (ii) Temperature level, ventilation, and air circulation suitable to the species; and</p>	<p>(4) Shelter designed to allow for: (iv) At least one feeding space per animal in loose housing. (v) Individual grain feeding stalls encouraged for swine breeding herd. Swine must be fed on</p>	<p>(i) Sufficient space and freedom to lie down in full lateral recumbence, turn around, stand up, fully stretch their limbs without touching other animals or the sides of the enclosure, and express normal patterns of behavior; (iv) Areas for bedding and resting that are sufficiently large, solidly built, and</p>	<p>Bullet (i) is a revision from the regulations currently in effect, bullet (iv) is new. The AMS draft did not have a bullet (v) draft recommendation.</p>

	(iii) Reduction of potential for livestock injury;	entry and released when the last animal has finished eating.	comfortable so that animals are kept clean, dry, and free of lesions.	The NOSB recommendations deal with feeding space for animals which is not reflected in the draft standards. The ability to turn around etc. is not recommended by the NOSB and contrary to current industrial practice.
	(5) The use of yards, feeding pads, feedlots and laneways that shall be well-drained, kept in good condition (including frequent removal of wastes), and managed to prevent runoff of wastes and contaminated waters to adjoining or nearby surface water and across property boundaries.	(5) During the non-grazing season or during times of temporary confinement, the following will be provided. (i) 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.	No change from current regulation.	The NOSB recommendation explicitly allows tie stalls, which the new rule would prohibit by requiring that all animals be able to turn around and exhibit natural behaviors.
	No section	(6) Mature swine must be maintained on pasture with minimum 25% vegetative cover during the grazing season. Vegetation may include but is not limited to woodland area, shrubs, and pasture. Deep bedded straw or rooting materials must be provided for all swine to allow them to forage, explore, and otherwise prevent behavior problems associated with the lack of natural conditions during temporary confinement.	(6) Housing, pens, runs, equipment, and utensils shall be properly cleaned and disinfected as needed to prevent cross infection and build-up of disease-carrying organisms.	AMS recommendation has to do with <u>disease and infection</u> , and cleaning procedure, while the NOSB recommendation has to do with vegetative cover and other living condition considerations for swine. This is a significant change for swine and the NOSB recommendation is more protective of swine because it requires pasture access.
	No section	No recommendation	(7) Dairy young stock may be housed in individual pens under the following conditions: (i) Until weaning, providing that they have enough room to turn around, lie down, stretch out when lying down, get up, rest, and groom themselves; individual animal pens shall be designed and located so that each animal can see, smell, and hear other calves.	New section. This deals with young dairy stock – many sections to potentially help their stress levels as social beings. It would not disallow common practices like calf hutches.

			(ii) Dairy young stock shall be group-housed after weaning. (iii) Dairy young stock over six months of age shall have access to the outdoors at all times, including access to pasture during the grazing season, except as allowed under 205.239(c).	
	No section	No recommendation	(8) Swine must be housed in a group, except: (i) Sows may be housed individually at farrowing and during the suckling period; (ii) Boars. (iii) Swine with documented instances of aggression or recovery from an illness.	New section. The draft recommendation may expand the need for documentation whenever an animal is confined when they normally would not be.
	No section	No recommendation	(9) Piglets shall not be kept on flat decks or in piglet cages.	New section
	No section	No recommendation	(10) Exercise areas for swine, whether indoors or outdoors, must permit rooting, including during temporary confinement events.	New section
	No section	No recommendation	(11) In confined housing with stalls, at least one stall must be provided for each animal in the facility at any given time. A cage must not be called a stall. For group-housed swine, the number of individual feeding stalls may be less than the number of animals, as long as all animals are fed routinely over a 24-hour period.	New section
	No section	No recommendation	(12) At least 50 percent of outdoor access space must be soil, except for temporary conditions which would threaten the soil or water quality when outdoor access must be provided without contact to the soil.	New section. This 205.239(a)(12) may negatively impact the dairy industry in particular.
§205.239(b) (confinement)	(b) The producer of an organic livestock operation may provide temporary			

confinement or shelter for an animal because of:			
(1) Inclement weather;			
(2) The animal's stage of life: Except, that lactation is not a stage of life that would exempt ruminants from any of the mandates set forth in this regulation;			
(3) Conditions under which the health, safety, or well-being of the animal could be jeopardized;			
(4) Risk to soil or water quality;			
(5) Preventive healthcare procedures or for the treatment of illness or injury (neither the various life stages nor lactation is an illness or injury);			
(6) Sorting or shipping animals and livestock sales: <i>Provided</i> , that, the animals shall be maintained under continuous organic management, including organic feed, throughout the extent of their allowed confinement;			
(7) Breeding: Except, that, bred animals shall not be denied access to the outdoors and, once bred, ruminants shall not be denied access to pasture during the grazing season; or	No recommendation	(7) Breeding: Except, that, animals shall not be confined any longer than necessary to perform the natural or artificial insemination. <u>Animals may not be confined to observe estrus</u> ; and	Revision on current regulation at §205.239(b)(7).
(8) 4-H, Future Farmers of America and other youth projects, for no more than one week prior to a fair or other demonstration, through the event and up to 24 hours after the animals have	No recommendation	(8) 4-H, National FFA Organization, and other youth projects, for no more than one week prior to a fair or other demonstration, through the event, and up to 24 hours after the animals have arrived home at the conclusion of the	Revision on current regulation.

	<p>arrived home at the conclusion of the event. These animals must have been maintained under continuous organic management, including organic feed, during the extent of their allowed confinement for the event.</p>		<p>event. These animals must have been maintained under continuous organic management, including organic feed, during the extent of their allowed confinement for the event. Notwithstanding the requirements in § 205.239 (b)(6), facilities where 4-H, National FFA Organization, and other youth events are held are not required to be certified organic for the participating animals to be sold as organic, provided all other organic management practices are followed.</p>	
<p>§205.239(c) (exceptions to the pasture rule)</p>	<p>(c) The producer of an organic livestock operation may, in addition to the times permitted under § 205.239(b), temporarily deny a ruminant animal pasture or outdoor access under the following conditions:</p> <p>(1) One week at the end of a lactation for dry off (for denial of access to pasture only), three weeks prior to parturition (birthing), parturition, and up to one week after parturition;</p> <p>(2) In the case of newborn dairy cattle for up to six months, after which they must be on pasture during the grazing season and may no longer be individually housed: <i>Provided</i>, That, an animal shall not be confined or tethered in a way that prevents the animal from lying down, standing up, fully extending its limbs, and moving about freely;</p> <p>(3) In the case of fiber bearing animals, for short periods for shearing; and</p> <p>(4) In the case of dairy animals, for short periods daily for milking. Milking must be scheduled in a</p>			

	<p>manner to ensure sufficient grazing time to provide each animal with an average of at least 30 percent DMI from grazing throughout the grazing season. Milking frequencies or duration practices cannot be used to deny dairy animals pasture.</p>			
<p>§205.239(d) (pasture rule and finishing)</p>	<p>(d) Ruminant slaughter stock, typically grain finished, shall be maintained on pasture for each day that the finishing period corresponds with the grazing season for the geographical location: Except, that, yards, feeding pads, or feedlots may be used to provide finish feeding rations. During the finishing period, ruminant slaughter stock shall be exempt from the minimum 30 percent DMI requirement from grazing. Yards, feeding pads, or feedlots used to provide finish feeding rations shall be large enough to allow all ruminant slaughter stock occupying the yard, feeding pad, or feed lot to feed simultaneously without crowding and without competition for food. The finishing period shall not exceed one-fifth (1/5) of the animal's total life or 120 days, whichever is shorter.</p>	<p>No recommendation</p>	<p>(d) Ruminant slaughter stock, typically grain finished, shall be maintained on pasture for each day that the finishing period corresponds with the grazing season for the geographical location: Except, that, yards, feeding pads, or feedlots may be used to provide finish feeding rations. During the finishing period, ruminant slaughter stock shall be exempt from the minimum 30 percent DMI requirement from grazing. Yards, feeding pads, or feedlots used to provide finish feeding rations shall be large enough to allow all ruminant slaughter stock occupying the yard, feeding pad, or feedlot to feed without competition for food. The finishing period shall not exceed one-fifth (1/5) of the animal's total life or 120 days, whichever is shorter.</p>	<p>Revision on current regulation.</p>
<p>§205.239(e)</p>	<p>(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</p>	<p>No recommendation</p>	<p>No revision</p>	

	nutrients and must manage pastures and other outdoor access areas in a manner that does not put soil or water quality at risk.			
§205.239(f) (avian living conditions)	No section	See section below for comparison. The NOSB recommended that §205.239(f) Contain regulations on avian living conditions but the AMS decided to create an entirely new section to deal specifically with avian living conditions.	Changes elsewhere, found in §205.241.	The AMS states that avian living conditions would be addressed in the entirely-new §205.241. That's where this language is compared (BELOW).

AVIAN LIVING CONDITIONS

The NOSB's 2011 recommendations	How the 2016 draft animal standards compare (found in chart and to be listed under §205.241)
<p>§205.239 (f) The operator of an organic poultry operation shall establish and maintain poultry living conditions that accommodate health and natural behavior including:</p> <p>(1) Access to the outdoors.</p> <p>(i) Laying hens must be provided with no less than 2 square feet of outdoor access per bird. This space is dependent upon the producers ability to manage vegetation and provide cover, shelter, and blinds; manage erosion and bird boredom / aggression; minimize mortality, lameness, and disease; maintain good feather cover, hygiene, body condition, and low levels of mortality.</p> <p>(ii) Enclosed spaces that have solid roofs overhead do not meet the definition of outdoor access and cannot be included in the space calculation of outdoor access.</p> <p>(iii) Pullets must be provided outdoor access by 16 weeks of age when weather permits.</p> <p>(iv) Broilers must be provided outdoor access by 4 weeks of age, provided that they are fully feathered and weather permits.</p> <p>(v) Once layers are accustomed to going outdoors, a brief confinement period of no more than 5 weeks to allow for nest box training is permitted.</p> <p>(vi) Outdoor access must provide birds with the opportunity to scratch and dust bathe in soil, turn around, and perform their natural behaviors.</p> <p>(vii) Access to outdoor areas with direct sunlight must be provided during daylight hours when temperatures exceed 50°F</p> <p>(viii) Outdoor area must have 50% vegetative cover which may include but is not limited to pasture, bushes, shrubs, and trees.</p>	<ul style="list-style-type: none"> • No minimum requirement of 2 sqft per laying hen outdoors. Instead, the AMS determined stocking density based on avian poundage – for layers it is “no more than 2.25 pounds of hen per square foot of outdoor space may be allowed at any time.” <u>The new draft goes into more detail regarding the stocking requirements.</u> • Agrees with NOSB recommendation that covered spaces do not count towards “outdoor access”. Outdoor space requirements found in §205.241(c). • Timing for outdoor access is slightly modified. • 50% of the outdoor access must be soil instead of the NOSB-recommended “vegetative cover” • Birds can be confined: <ul style="list-style-type: none"> i. First 4 weeks for broilers (same as NOSB recommendation) ii. And the first 16 weeks of life for pullets (same as NOSB recommendation) iii. Nest Box training: Except, that, birds shall not be confined any longer than two weeks to teach the proper behavior. 205.241(d)(7). This is a shorter time period than the NOSB recommendation of 5 weeks for nest box training. iv. Birds can also be confined for youth projects. • The AMS draft discussed “shade” rather than “shelter” being provided outdoors. • The NOSB recommendations that birds have enticements to get them outside should be included. <u>But vegetation is not required.</u>

<p>(ix) Shelter may be provided by trees or other objects in the environment</p> <p>(xi) All housing systems must outline in the Organic System Plan how ventilation will be managed and how birds will be encouraged to access the outdoors.</p>	
<p>(3) Suitable Flooring</p> <p>(ii) Houses with slatted floors must have enough solid floor area available that birds may freely dust bathe without crowding</p>	<p>§205.241(b)(4) in the draft welfare standards deals with the types of flooring allowed in shelter provided to avian species. There is no discussion of dust bathing allowance.</p>
<p>(4) Birds must have sufficient exit areas to ensure that all birds have ready outdoor access. Exit areas must allow the passage of more than one bird at a time.</p>	<p>The language in the draft is: §205.241(c)(2) Exit areas for birds to get outside must be designed so that more than one bird at a time can get through the opening and that all birds within the house can go through the exit areas within one hour.</p>
<p>(5) Space Allowance. Poultry housing must allow:</p> <p>(i) All birds to move freely, and engage in natural behaviors.</p> <p>(ii) All birds to perch at one time whether on a flat roost surface or perch.</p> <p>(iii) Flat roosting areas where birds may grip with their feet</p> <p>(iv) A combination of flat roost and perches must be provided to allow submissive birds to escape aggressors.</p> <p>(v) The indoor space requirement must be met by the buildings interior ground floor perimeter. Perching areas and nest boxes will not be used in the calculation of floor space.</p> <p>(vi) Indoor space allowance of 2.0 square feet per laying hen is dependent on the ability of birds to access feed, perch, roost, nest box, scratch area, open area, and ability to self-isolate. This density may be adjusted during winter months in climates where freezing weather is an issue.</p> <p>(vii). All birds must have access to scratch areas in the house.</p>	<ul style="list-style-type: none"> • The draft animal welfare standards did NOT agree with the NOSB recommendation to only count the interior ground floor perimeter in calculations of “indoor space.” This was supposedly done to still allow aviary housing. • The NOSB recommendations for spacing are listed below, with layers being expressed in a set amount of space per bird and pullets and broilers a set amount of space per pound of bird. The new draft recommends stocking density for all types (broilers and layers) both indoors and outdoors (with specificity for housing type). The draft gives <u>more specificity</u> to the stocking requirements. • The new draft goes into more detail regarding: <ul style="list-style-type: none"> i. Soil & water quality (including manure management). 205.241(d)(4) & 205.241(e). ii. Biosecurity iii. Confinement (can confine due to weather and temperature – but the potential for disease outbreak is not sufficient cause [205.241(d)(3)])

Avian Minimum Space Requirements Chart (taken from 2011 NOSB recommendation)

For some species, minimum densities are expressed as a range of values, reflective of the diversity of practices among producers and beliefs within the committee.

Livestock Species	Indoor Space	Outdoor Runs and Pens
Chickens		
Laying hens and breeders	2.0 sqft / bird	2.0-5.0 sqft / bird
Pullets	2.0 to 3.0 lbs / sqft	2.0-3.0 lbs / sqft
Broilers	1.0 to 5.0 lbs / sqft	2.0 to 5.0 lbs / sqft
Other poultry		
Turkeys and Geese—breeding, laying, or meat birds (pounds)		
Ducks-meat		
Ducks-laying hen		
Ducks—breeder		

Reserved for additional species