After a long process beginning in 2011, the USDA National Organic Program (NOP), on January 19, 2017, released the Organic Livestock and Poultry Products Standard. The new rule, published in the Federal Register, may take effect November 14, 2017. With support from the National Organic Standards Board and over 6,700 comments from industry stakeholders, the new guidelines create a framework and guidance for certifying agencies to interpret and verify specific animal welfare standards. The intent of the new rule is to assure consumers that organically produced products meet a consistent standard and that organic farms and businesses are consistently applying organic regulations for livestock and poultry operations. Due to some inconsistencies and “gray areas” within the rule, varying interpretations of acceptable organic production were eroding consumer confidence and creating disparity amongst organic producers. This rule aims to clarify these areas and define more specific areas of animal welfare.

MCS will continue to monitor the rollout of the new rule, as we will need to make several adjustments to the Livestock OSP forms to comply with the many changes in this rule. While there are many provisions that have a grace period of 1-5 years, much of this new standard will need to be implemented for the 2018 certification year. MOFGA Agricultural Services staff, as well as MCS, will be available to answer any compliance questions and ensure that everyone understands the changes.

The accompanying information graphic (on page 2) shows some of the general highlights, as well as implementation timelines. We have provided additional detail here:

- **New rule breaks apart 205.239 (Livestock Living Conditions) into two parts:** 205.239 – Mammalian Living Conditions and 205.241 – Avian Living Conditions
- **Additional Section 205.242 detailing Transport and Slaughter**
- **17 new terms defined**, including Physical Alterations (8 new terms), Indoors and Outdoors (space), Types of Housing (Avian only), Stocking Density, Soil, and Vegetation.
- **205.238 - the Livestock Care section**, includes extensive additions of requirements for physical alterations, including 205.238(a)(5), which states: Physical alterations may be performed to benefit the welfare of the animals, for identification purposes, or for safety purposes. Physical alterations must be performed on livestock at a reasonably young age, with minimal stress and pain and by a competent person.
- **205.238(a)(5)(i) - describes needle teeth trimming and tail docking for Swine** that can only be performed where other methods to prevent injury have failed: The following practice may not be routinely (continued on page 3)
YOUR INPUT MATTERS. The comment period for the Organic Livestock and Poultry Practices Final Rule is now open, and ends on June 9th. USDA is asking the public to comment on the possible actions they should take in regards to the disposition of the Final Rule (FR).

Submit comment online: https://www.regulations.gov/document?D=AMS_FRDOC_0001-1590 - click the Comment Now! button in the top right.

Submit comments by postal mail: Paul Lewis, PhD., Director, Standards Division, National Organic Program, USDA-AMS-NOP, Room 2646-S.0k Ag Stop 0268, 1400 Independence Avenue SW, Washington, DC 20250-0268.

Make your voice heard!
Happy Spring to you! It is an honor to get the chance to write to you from my perspective as Director of MOFGA Certification Services. I do hope this publication finds you well and dusting off from the seemingly endless winter. There is nothing quite like the first few times the spring sun shines on our faces!

As a relative newcomer to MOFGA, I have enjoyed my first few months getting to know the certification process, our producers, and many members of the larger MOFGA community. It is truly a partnership of many stakeholders: producers, certifiers, distributors, consumers, advocates, regulators and legislators among others. Within this, and in order for certified organic food and products to continue to succeed in the marketplace, we will need to foster the idea of win-win partnerships at all levels.

As we consider what a win-win partnership looks like, we must consider all of the stakeholders, but most of all we need to consider the concept of “value”. What is the value of the Organic label? What does “value” mean for all the stakeholders at the table? These questions are not new. Many discussions at all levels have happened and will continue to happen. It is what drives markets, consumer confidence, and growth.

We are often asked the question “Why Certify”? This is, after all, a voluntary label. One answer to this can be found in the marketplace, and more specifically the relationship with the end user. The reason why any operation would certify is largely due to market demand, or at the very least market potential. The value of certifying can include premium pricing for the producer and nutritional excellence, environmental concern and the health of the planet for the consumer. Win-Win! This is what we all are looking for when we choose to sell, barter, or trade anything. We look for value. We look for fairness. We look for trust.

By choosing to certify your operation as organic, you are making a proclamation that you stand wholeheartedly behind your practices. You are making the investment and are proudly contracting with a third party verification service to back up your stated claim. You are willing to go the extra mile to prove to the world that your operation and organic system or handling plan complies with what our country currently considers to be the Organic Standard. This is the value proposition at its core and what drives the integrity of the sector. The partnership between you and MOFGA relies on trust and expectation. You expect us to provide a positive certification experience. You expect MOFGA to help our sector to stay vibrant and viable. We expect you to uphold your Organic System Plan and we trust that you are doing what you say you are. Our Certified Organic Label is symbolic of this partnership, and it is a symbol to the marketplace that both parties have done what they said they would. At the point of product transfer there is then a level of confidence in the stated value.

As we know, now more than ever, anyone can say anything. False claims come at us all the time, every day. Certified Organic as a marketing tool, backed by a rigorous verification, cuts through a lot of that. Certified Organic by MOFGA says to consumers that you are a trustworthy, honest and hardworking operation and are committed and dedicated to the philosophical approaches of organic agriculture.

Being a certified organic operation is hard work. It is not for the faint of heart. The requirements are challenging. Sometimes in our marketplace we find false claims or cheating. Often we feel we are waging an uphill battle. Within all of this however, we continue to find value. Whether it is a stellar sales day at the farmers’ market, the excitement of seeing a bumper crop in the field or a herd of happy cows on open pasture, we gain the affirmation to keep going. We feel a sense of value in the partnership.

So when the question of “Why Certify” comes up, to my mind it is simple: because you and your operation deserve to be. This is where I find value and I hope you do as well.

Chris Grigsby
MCS Director

Animal Welfare Rule (continued from page 1)

- 205.238(a)(5)(ii) - The following practices are prohibited: de-barking, de-snooding, caponization, docking, toe clipping of chickens, toe clipping of turkeys unless with infrared at hatchery, beak trimming after 10 days of age, tail docking of cattle, wattle clipping of cattle, face branding of cattle, tail docking of sheep shorter than the distal end of the caudal fold, and mulesing of sheep.

- 205.238(a)(8) - introduces a monitoring component for lameness: Monitoring of lameness and keeping records of the percent of the herd or flock suffering from lameness and the causes. Certified operations may monitor lameness in a manner prescribed by the NOP.

- 205.238(c)(8) - re-enforces the need to manage pain and suffering and reads: 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. 205.238(c)(9) goes on to say the operation must not “Neglect to identify and record treatment of sick and injured animals in animal health records. 205.238(c)(10) also tells the operation they must not “Practice forced molting or withdrawal of feed to induce molting”.

- 205.238(d) - details the need for minimizing internal parasite issues, and states “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 outbreak. Parasite control plans shall be approved by the certifying agent”.

(continued on page 4)
Animal Welfare Rule  
(continued from page 3)

- 205.238(e) - goes on to outline approved methods of Euthanasia in written plans, including detail as to methods that are not approved and the assurance through examination that the animal is dead. (2) “The following methods of euthanasia are not permitted: suffocation; manual blow to the head by blunt instrument or manual blunt force trauma; and the use of equipment that crushes the neck, including killing pliers or Burdizzo clamps”.

Mammalian Living Conditions

Section 205.239, now re-named Mammalian Living Conditions, though not as extensive as the poultry section, does address several factors. While it does not specify stocking density, the new rule does prohibit cages, and further specifies that all animals must be able to lie down full, turn around and fully stretch without touching their enclosure or other animals. Housing stalls are one per animal, and the animals are no longer required to feed all at once provided that there isn’t competition and sufficient body condition is maintained. The following are several changes and additions for consideration:

- 205.239(a)(1) – revision removes the words in bold - “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 or competition for food”.

- 205.239 (a)(4)(l) – revision of shelter requirements – old statement: Shelter designed to allow for: Natural maintenance, comfort behaviors, and opportunity to exercise. New statement: Over a 24-hour period, sufficient space and freedom to lie down, turn around, stand up, fully stretch their limbs, and express normal patterns of behavior.

- 205.239(a)(4)(lv) - is a new statement: If indoor housing is provided, areas for bedding and resting that are sufficiently large, solidly built, and comfortable so that animals are kept clean, dry, and free of lesions.

- 205.239(a)(6) - describes proper sanitation practices: 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.

- 205.239(a)(7-10) - goes on to describe various livestock living conditions and parameters: (7) Dairy young stock may be housed in individual pens until completion of the weaning process but no later than 6 months of age, provided 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. (8) Swine must be housed in a group, except: (i) Sows may be housed individually at farrowing and during the suckling period; (ii) Boars; and (iii) Swine with documented instance of aggression or recovery from an illness. (9) Piglets shall not be kept on flat decks or in piglet cages. (10) For swine, rooting materials must be provided, except during the farrowing and suckling period.

- 205.239(a)(11) - details approved confined housing options that are acceptable: In confined housing with stalls for mammalian livestock, enough stalls must be present to provide for the natural behaviors of the animals. 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. For group-housed cattle, bedded packs, compost packs, tie-stalls, free-stalls, and stanchion barns are all acceptable housing as part of an overall organic system plan.

- 205.239(a)(12) - includes definitions of outdoor space including requirement of presence of soil: Outdoor space must be provided year-round. When the outdoor space includes soil, maximal vegetative cover must be maintained as appropriate for the season, climate, geography, species of livestock, and stage of production.

- 205.239(b)(7 & 8) - have slight revisions to the confinement section, specifically around breeding and demonstration. The new version provides clearer guidance for amount of time confined for (7) Breeding: Except, that, animals shall not be confined any longer than necessary to perform the natural or artificial insemination. Animals may not be confined to observe estrus; and for (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 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 paragraph (b) (6) of this section, 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.

Avian Living Conditions

Section 205.241, a completely new section, is named Avian Living Conditions. It describes stocking densities for layers and broilers (pounds of bird per square foot, both indoor and outdoor). The new rule also describes housing, natural light, ammonia monitoring, flooring, spacing for perches, outdoor space, vegetation, and shade requirements among other specifications. The following is a full listing of the new section:

- 205.241(a) The producer of an organic poultry operation must establish and maintain year-round poultry living conditions that accommodate the health and natural behavior of poultry, including: year-round access to outdoors; shade; shelter; exercise areas; fresh air; direct sunlight; clean water for drinking; materials for dust bathing; and adequate outdoor space to escape aggressive behaviors suitable to the species, its stage of life, the climate, and environment. Poultry may be temporarily denied access to the outdoors in accordance with paragraph (d) of this section.

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205.241(b)(7) Houses with slatted/mesh floors must have 30 percent minimum of solid floor area available with sufficient litter available for dust baths so that birds may freely dust bathe without crowding.

205.241(b)(8) For layers (Gallus gallus), indoor stocking density must not exceed (live bird weight): (i) Mobile housing: 4.5 pounds per square foot. (ii) Aviary housing: 4.5 pounds per square foot. (iii) Slatted/mesh floor housing: 3.75 pounds per square foot. (iv) Floor litter housing: 3.0 pounds per square foot. (v) Other housing: 2.25 pounds per square foot.

205.241(b)(9) For pullets (Gallus gallus), indoor stocking density must not exceed 3.0 pounds of bird per square foot.

205.241(b)(10) For broilers (Gallus gallus), indoor stocking density must not exceed 5.0 pounds of bird per square foot.

205.241(b)(11) Indoor space includes flat areas available to birds, excluding nest boxes.

205.241(b)(12) Indoor space may include enclosed porches and lean-to type structures (e.g. screened in, roofed) as long as the birds always have access to the space, including during temporary confinement events. If birds do not have continuous access to the porch during temporary confinement events, this space must not be considered indoors.

Avian Outdoor Space Requirements

205.241(c) Outdoor space requirements:

205.241(c)(1) Access to outdoor space and door spacing must be designed to promote and encourage outside access for all birds on a daily basis. Producers must provide access to the outdoors at an early age to encourage (i.e., train) birds to go outdoors. Birds may be temporarily denied access to the outdoors in accordance with §205.241(d).

205.241(c)(2) At least 50 percent of outdoor space must be soil. Outdoor space with soil must include

maximal vegetative cover appropriate for the season, climate, geography, species of livestock, and stage of production. Vegetative cover must be maintained in a manner that does not provide harborage for rodents and other pests.

205.241(c)(3) Shade may be provided by structures, trees, or other objects in the outdoor area.

205.241(c)(4) For layers (Gallus gallus), outdoor space must be provided at a rate of no less than one square foot for every 2.25 pounds of bird in the flock.

205.241(c)(5) For pullets (Gallus gallus), outdoor space must be provided at a rate of no less than one square foot for every 3.0 pounds of bird in the flock.

205.241(c)(6) For broilers (Gallus gallus), outdoor space must be provided at a rate of no less than one square foot for every 5.0 pounds of bird in the flock.

205.241(c)(7) Outdoor space may include porches and lean-to type structures that are not enclosed (e.g. with roof, but with screens removed) and allow birds to freely access other outdoor space.

205.241(d) The producer of an organic poultry operation may temporarily confine birds. Confinement must be recorded. Operations may temporarily confine birds when one of the following circumstances exists:

205.241(d)(1) Inclement weather, including when air temperatures are under 40 degrees F or above 90 degrees F.

205.241(d)(2) The animal’s stage of life, including: (i) The first 4 weeks of life for broilers (Gallus gallus); (ii) The first 16 weeks of life for pullets (Gallus gallus); and (iii) Until fully feathered for bird species other than Gallus gallus.

205.241(d)(3) Conditions under which the health, safety, or wellbeing of the animal could be jeopardized.
Animal Welfare Rule
(continued from page 5)

- 205.241(d)(4) Risk to soil or water quality, including to establish vegetation by reseeding the outdoor space.

- 205.241(d)(5) Preventive healthcare procedures or for the treatment of illness or injury (neither various life stages nor egg laying is an illness or injury).

- 205.241(d)(6) Sorting or shipping birds and poultry sales, provided that the birds are maintained under continuous organic management, throughout the extent of their allowed confinement.

- 205.241(d)(7) For nest box training, provided that birds shall not be confined any longer than required to establish the proper behavior. Confinement must not exceed five weeks.

- 205.241(d)(8) For 4-H, National FFA Organization, and other youth projects, provided that temporary confinement for no more than one week prior to a fair or other demonstration, through the event, and up to 24 hours after the birds have arrived home at the conclusion of the event. During temporary confinement, birds must be under continuous organic management, including organic feed, for the duration of confinement. Notwithstanding the requirements in paragraph (d)(6) of this section, facilities where 4-H, National FFA Organization, and other youth events are held are not required to be certified organic for the participating birds to be sold as organic, provided all other organic management practices are followed.

- 205.241(e) The producer of an organic poultry 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. The producer must also optimize recycling of nutrients and must manage outdoor access in a manner that does not put soil or water quality at risk.

Transport and Slaughter

Section 205.242 is also a new section, named Transport and Slaughter, defines eligibility requirements for animals to be fit for transport, including being clearly identified as organic (full traceability), season appropriate transport (protection against cold and heat), transport times, access to organic feed and water after 12 hours, emergency plans in case of issues during transport, and bedding requirements among others. Additionally, the slaughter requirements align with federal regulation, including the Federal Meat Inspection Act and the Poultry Products Inspection Act. Emphasis is placed on recordkeeping availability and transparency of any noncompliance activity associated with slaughter at time of inspection or upon request. For avian slaughter, all birds must be irreversibly insensible before scalding. The following is a full listing of this section:

**Transport**

- 205.242(a)(1) Certified organic livestock must be clearly identified as organic, and this identity must be traceable for the duration of transport.

- 205.242(a)(2) All livestock must be fit for transport to buyers, auction or slaughter facilities. (i) Calves must have a dry naval cord and be able to stand and walk without human assistance. (ii) Non-ambulatory animals must not be transported for sale or slaughter. Such animals may be medically treated or euthanized.

- 205.242(a)(3) Adequate and season-appropriate ventilation is required for all livestock trailers, shipping containers, and any other mode of transportation used to protect animals against cold and heat stresses.

- 205.242(a)(4) Bedding must be provided on trailer floors and in holding pens as needed to keep livestock clean, dry, and comfortable during transport and prior to slaughter. Bedding is not required in poultry crates. When roughages are used for bedding, they must be certified organic.

- 205.242(a)(5) Arrangements for water and organic feed must be made if transport time, including all time on the mode of transportation, exceeds 12 hours. (i) The producer or handler of an organic livestock operation, who is responsible for overseeing the transport of organic livestock, must provide records to certifying agents during inspections or upon request that demonstrate that transport times for organic livestock are not detrimental to the welfare of the animals and meet the requirements of paragraph (a)(5) of this section.

- 205.242(a)(6) Organic producers and handlers, who are responsible for overseeing the transport of organic livestock, must have emergency plans in place that adequately address possible animal welfare problems that might occur during transport.

Mammalian Slaughter

- 205.242(b)(1) Producers and handlers who slaughter organic livestock must be in compliance, as determined by FSIS, with the Federal Meat Inspection Act (21 U.S.C. 603(b) and 21 U.S.C. 610(b)), the regulations at 9 CFR part 313 regarding humane handling and slaughter of livestock, and the regulations of 9 CFR part 309 regarding ante-mortem inspection.

- 205.242(b)(2) Producers and handlers who slaughter organic exotic animals must be in compliance with the Agricultural Marketing Act of 1946 (7 U.S.C. 1621, et seq.), the regulations at 9 CFR parts 313 and 352 regarding the humane handling and slaughter of exotic animals, and the regulations of 9 CFR part 309 regarding ante-mortem inspection.

- 205.242(b)(3) Producers and handlers who slaughter organic livestock or exotic animals must provide all noncompliance records related to humane handling and slaughter issued by the controlling national, federal, or state authority and all records of subsequent corrective actions to certifying agents during inspections or upon request.

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MOFGA Marketing Materials and Resources for Certified Producers

by Heather Omand, Organic Marketing Coordinator

In 2016 MOFGA staff developed a variety of new marketing materials and resources for organic producers, as well as redesigned several preexisting ones. These resources include:

- My Maine, Organic Plate – based on the concept of the “Healthy Eating Plate”
- The Maine Organic 20 – 20 foods consumers can find local AND organic year round in Maine
- Why Buy Certified Organic – poster in multiple sizes
- Seasonal Eating Guides – recipes and tips for local AND organic eating all year
- Local & Organic: Better Together – postcards and posters in multiple sizes
- Tips for Eating Organic on a Budget – postcards and small poster available
- Marketing toolkits for buyers – a packet of information on the demand for organic products, organic FAQ’s, services MOFGA can provide to businesses that buy local food, and more! Designed to convince Maine local-food buyers that they should be sourcing more local organic products. Share this great resource with existing or potential markets!
- New web page – mofga.org/buyorganic – all about WHY consumers should buy local AND organic!
- Online map of certified producers – new searchable, interactive map of MOFGA certified producers

All of these graphics can be found on (and downloaded from) our mofga.org/buyorganic web page, and can be freely used by MOFGA certified producers. Printed materials can be ordered (for shipping costs only) from http://www.mofgastore.org/, by calling Heather Omand at 207-568-6024, or by emailing Heather at homand@mofga.org.

Meanwhile, in 2017, Heather is actively developing an “organic farmer toolkit” of resources on evaluating appropriate scale, setting prices, articulating the organic message, other practical considerations like risk management and label/package design, and services that MOFGA can provide to our certified businesses. This resource will be available as a new page on our website and a separate mailing will go out to announce it when it’s done.

Finally, if you do not currently receive our emailed Ag Services Newsletter, where this kind of information is shared on a regular basis; call Heather at 207-568-6024 to get on the list!

Animal Welfare Rule

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Avian Slaughter

- 205.242(c)(1) Producers and handlers who slaughter organic poultry must be in compliance, as determined by FSIS, with the Poultry Products Inspection Act requirements (21 U.S.C. 453(g)(5)); the regulations at paragraph (v) of the definition of “Adulterated” in 9 CFR 381.1(b), and 9 CFR 381.90, and 381.65(b)); and FSIS Directives 6100.3 and 6910.1.
- 205.242(c)(2) Producers and handlers who slaughter organic poultry must provide all noncompliance records related to the use of good manufacturing practices in connection with slaughter issued by the controlling national, federal, or state authority and all records of subsequent corrective actions to the certifying agent at inspection or upon request.
- 205.242(c)(3) Producers and handlers who slaughter organic poultry, but are exempt from or not covered by the requirements of the Poultry Products Inspection Act, must ensure that: (i) No lame birds may be shackled, hung, or carried by their legs; (ii) All birds shackled on a chain or automated system must be stunned prior to exsanguination, with the exception of ritual slaughter; and (iii) All birds must be irreversibly insensible prior to being placed in the scalding tank.

At the April 2017 meeting of the National Organic Standards Board (NOSB) in Denver, the NOSB unanimously passed a recommendation that the NOP implement the rule, as is, and allow it to be put into effect on May 19, 2017:

The rule is supported by organic producers, consumers, the industry, and the NOSB. The NOSB stands ready to answer any additional questions the Secretary may have on the Organic Livestock and Poultry Practices Rule. Therefore be it resolved by unanimous vote, the National Organic Standards Board—as USDA’s Federal Advisory Board on organic issues and representing organic farmers, ranchers, processors, retailers and consumers—urges the Secretary to allow the Organic Livestock and Poultry Practices rule to become effective on May 19th 2017 without further delay.

For more information, please visit: https://www.ams.usda.gov/rules-regulations/organic-livestock-and-poultry-practices

To see the full rule including comments and responses, go to: Full Rule With Comments, https://www.federalregister.gov/documents/2017/01/19/2017-00888/national-organic-program-nop-organic-livestock-and-poultry-practices