

## USDA publishes Organic Livestock and Poultry Standards Proposed Rule

By Jade Archer, Certification Specialist

**O**n August 5, 2022, the USDA published the Organic Livestock and Poultry Standards (OLPS) proposed rule. The OLPS proposes requirements that would strengthen animal welfare standards in organic production. Changes to the organic regulations would be seen in organic poultry and livestock living conditions, health care, transport and slaughter.

The rule would clarify standards for the following:

**Livestock health care** — The proposed rule would specify which physical alteration procedures are prohibited or restricted for use on organic livestock. The proposed livestock standards include requirements for euthanasia to reduce suffering of sick or disabled livestock.

**Living conditions** — The proposed rule would set separate standards for mammalian and avian livestock living conditions to better reflect the needs and behaviors of the different species. The proposed avian livestock living standards would set maximum indoor and outdoor stocking densities to ensure the birds have sufficient space to engage in natural behaviors. Additionally, within poultry indoor housing, ammonia levels would need to be monitored monthly.

**Transport of animals** — The proposed rule would add new requirements on the transport of organic livestock to sale or slaughter. Provisions would include prohibition of the transport of non-ambulatory animals to buyers, auction facilities or slaughter facilities. The rule would also set minimum standards for ventilation and bedding during transportation to protect livestock against cold, heat stress and injury. The proposed rule would require that all livestock be

provided with organic feed and water if transport time exceeds 12 hours. In cases such as poultry slaughter in which requirements do not allow feed 24 hours before slaughter, producers and slaughter facilities would need to ensure that transport time does not exceed 12 hours.

**Slaughter** — This proposed rule would add a new section to clarify how organic slaughter facility practices and USDA Food Safety and Inspection Service (FSIS) regulations work together to support animal welfare.

The current USDA National Organic Program (NOP) regulations require that all certified organic operations give their animals “access to the outdoors, shade, shelter, exercise areas, fresh air, clean water for drinking, and direct sunlight.” Inconsistent interpretation to the rule has led to an unlevel playing field in the organic livestock industry. For example, under the current livestock standards all animals must have year-round access to the outdoors. There have been discrepancies between certifiers and how they define outdoor space, including some certifiers allowing enclosed above-ground porches to serve as year-round outdoor access.

**T**he proposed rule would define “outdoors or outdoor space” as any area outside of a building or enclosed housing structure, but would include roofed areas that are not enclosed. For example, a screened poultry “porch,” enclosed by wire on the sides, would no longer be considered outdoors. “Outdoors or outdoor space” would include soil-based areas such as pastures, pens or sacrifice lots; areas such as feedlots, walkways or loafing sheds; and areas providing outdoor shelter such as windbreaks and shade structures. For avian species, the proposed definition includes pasture pens, which are floorless pens that are moved regularly and provide direct access to soil and vegetation. These pens (also referred to as “chicken tractors”)

may consist of solid roofing over all or part of the pen.

Outdoor space requirements, unlike before, will be quantified and species-specific. For example, the proposed rule requires a minimum of 50% of the outdoor space for avian species be soil-based and the soil be maximally covered with vegetation appropriate to the local conditions.

The proposed rule would define “stocking density” as the live weight of animals on a given area or unit of land. This term is used to delineate the indoor and outdoor space requirements for organic livestock. Each class of poultry (laying hens, pullets, broilers, etc.) would have a maximum stocking density based on the particular housing system used.

### Poultry indoor space requirements

For laying hens:

- Mobile housing: 4.5 pounds per square foot.
- Aviary housing: 4.5 pounds per square foot.
- Slatted/mesh floor housing: 3.75 pounds per square foot.
- Floor litter housing: 3 pounds per square foot.
- Other housing: 2.25 pounds per square foot.

For pullets, indoor stocking density must not exceed 3 pounds of bird per square foot.

For broilers, indoor stocking density must not exceed 5 pounds of bird per square foot.

### Poultry outdoor space requirements

- For layers, outdoor space must be provided at a rate of no less than 1 square foot for every 2.25 pounds of bird in the flock.
- For pullets, outdoor space must be provided at a rate of no less than 1 square foot for every 3 pounds of bird in the flock.



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- For broilers, outdoor space must be provided at a rate of no less than 1 square foot for every 5 pounds of bird in the flock.

Stakeholders in the organic livestock and poultry industry have been promoting stronger animal welfare standards for many years. In 2017, the USDA published the Organic Livestock and Poultry Practices (OLPP), but it was withdrawn in 2018. The proposed OLPS and the OLPP are similar in how animal welfare standards would be regulated.

The proposed OLPS rule would change the USDA organic regulations to promote a fairer and more competitive market for organic livestock producers by ensuring that certified organic livestock products are produced to the same consistent standard.

As with any statutory change, MOFGA's role is to consider the new language and its intent. MOFGA tries to determine whether the regulations seem feasible and fair across the full range of organic production systems, and also determine whether it seems evenly enforceable as a standard across not just the state of Maine, but through other certifiers and across entire industries. MOFGA has sought farmer/producer input to gain perspective on the real world implications of the proposed rule.

The USDA has requested comments from stakeholders to ensure the final rule is enforceable and provides clarity to producers and organic certifiers. MOFGA participated in the oral comments session on August 19, 2022. Additionally, MOFGA submitted written comments before the deadline of November 10, 2022.

Written comments from MOFGA touched on a range of topics, including:

- Supporting a swifter implementation timeframe of 3 years (as opposed to 5-15 years).
- Requesting that "soil" and "maximal vegetative cover" be defined.
- Promoting the requirement that swine have access to soil and advocating for the exclusion of nose rings.
- Setting requirements that poultry indoor housing stocking density be less dense.
- Requesting clarification on methods for ammonia monitoring in poultry housing.
- Supporting requirements that bedding in livestock trailers be of compactable density.
- Requesting clarification on temporary confinement in livestock tie-stall barns.
- Clarifying that continuous confinement of poultry is prohibited.

Various implementation periods for OLPS were proposed by USDA:

- One year for all proposed changes, except for the indoor space requirements for broiler operations and the outdoor space requirements for layer operations.
- Three years for the indoor space requirements for broilers.
- Outdoor space requirements for layers (three options):

**Option 1:** Layer operations certified at the time of the rule's effective date or within three years of the effective date will have five years to comply with the rule's outdoor space requirements concerning stocking density, exit doors, soil and vegetation. Operations certified more than three years after the rule's effective date will need to comply with all of the rule's outdoor access requirements immediately.

**Option 2:** Layer operations certified at the time of the rule's effective date will have 15 years to comply with the rule's outdoor space requirements concerning stocking density, exit doors, soil and vegetation. New producers certified within three years of the rule being effective must comply with the outdoor space

requirements within five years of the effective date. Operations certified more than three years after the rule's effective date will need to comply with all of the rule's outdoor access requirements immediately.

**Option 3:** Possible alternative timeframes for outdoor space requirements of layer operations, provided by comments from stakeholders, including justification and data on the costs/benefits.

Once finalized, NOP will oversee the rule's implementation and certifiers will work with producers to verify compliance. To read the full proposed OLPS rule, visit [www.ams.usda.gov/rules-regulations/organic-livestock-and-poultry-standards](http://www.ams.usda.gov/rules-regulations/organic-livestock-and-poultry-standards) or contact your certification

