



THE CENTER FOR FOOD SAFETY

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Executive Director
National Organic Standards Board
USDA-AMS-TMP-NOP
1400 Independence Ave. SW
Room 4008 - So., Ag Stop 1268
Washington, DC 20250-0268

RE: **Docket No. AMS-NOP-11-0014; NOP-11-05**

Center for Food Safety Comments to the National Organic Standards Board

The Center for Food Safety (CFS) is a non-profit membership organization that works to protect human health and the environment by curbing the proliferation of harmful food production technologies and by promoting organic and sustainable agriculture. Our list of True Food members has rapidly grown to include over two hundred thousand people across the country who support organic food and farming, grow organic food, and regularly purchase organic products.

Our comments will address the issues of NOSB conflict of interest, antibiotics in apple and pear growing, corn steep liquor, animal welfare and slaughter, and accessory nutrients.

CFS Urges the NOSB to Support NOC's Conflict of Interest Recommendation

One of the unique features of the NOSB is that it was created as a public/private partnership, inviting the participation of all those with organic expertise and a keen interest in maintaining and advancing organic integrity, across the supply chain. That is why it is so important that NOSB members who have a particular financial stake in an issue being discussed by the Board fully disclose their interest prior to it being discussed and, again, prior to it being voted upon by the full Board. That way, the NOSB continues to function in an open and publicly transparent manner, regardless of who is on the Board or what institution they represent. Moreover, those with financial interests in the outcome of a given NOSB decision remain accountable to the wider organic industry and public. It also ensures, to the greatest extent possible, that the Board makes decisions that benefit the organic industry as a whole rather than favor the interests of those who happen to sit on

the Board at any given moment. We urge you to enact the National Organic Coalition's conflict of interest recommendations submitted for your consideration at this meeting.

CFS Supports the Materials Committee's Recommendations to Sunset Streptomycin and to Deny the Petition to Remove Tetracycline's Sunset Date

Consumers view organic as the healthy alternative to the many highly processed foods on the market today, most of which contain synthetic additives, preservatives, hormones, and dyes. Once consumers consciously decide to seek out and purchase organic foods, they do not expect them to be grown with the use of antibiotics, much like they do not expect them to be irradiated, genetically engineered or fertilized with toxic sewage sludge. Given the fact that antibiotics are prohibited in meat and dairy production, it is hard to believe that the NOP has allowed the use of tetracycline and streptomycin for apple and pear production, and for so long. While the organic industry claims that the use of antibiotics is essential for their survival, the continued use of antibiotics in fruit production threatens to undermine not only the integrity of organic apples and pears, but also the integrity of the organic label. There needs to be a better solution developed to deal with fire blight, and that solution is long overdue.

As a strong advocate of organic integrity, CFS finds it discouraging to see the submission of another petition for the NOP to extend the use of antibiotics in organic apple and pear production, after being on the National List for more than ten years. As this situation so aptly illustrates, the sunset provision in the organic rule is clearly broken. Despite the intent of the sunset regulation to trigger the development of alternatives, and to cycle substances on and off the list every five years, that does not seem to be the case for many substances on the List, including antibiotics. As per the organic rules, antibiotics were slated to be removed from the National List five years after they were added in 1990, yet more than ten years have passed since then and no decisive industry or government action has been taken to seriously research and develop sorely needed alternatives. Instead, two new petitions have arrived on the desk of the NOSB, requesting another extension of the sunset deadline for antibiotic use and, again, these petitions lack a clear plan or strategy that explains how the organic apple and pear industry intends to systematically phase out antibiotic use.

Cultural practices to prevent and manage diseases, pest, and weeds are among the most important practices used in organic agri-culture. They are often what differentiate organic from conventional farming because cultural practices substitute for the routine use of the full range of synthetic toxic chemical inputs that are afforded conventional growers. Although organic apple and pear researchers have identified cultural practices that can help *prevent* fire blight, these cultural practices were barely touched upon in the petition submitted by the Washington State Horticultural Association. Moreover, research conducted by the scientists interviewed for the petition mostly focused on justifying continued antibiotic use rather than on searching for viable alternatives for addressing fire blight problems.

Cultural practices that can help prevent and manage fire blight have been identified by Washington State University apple researcher, Timothy Smith, and include the following:¹

- Cut fire blight out of the orchard during the winter season and remove it from the orchard
- Use a Blowtorch (150-160 degrees) to kill difficult-to-remove cankers from trees
- Routinely inspect trees during the summer season to find and remove blight
- Pay attention to immediate and extended weather forecasts because they should influence the actions you take
- Identify likely infection periods and closely scout orchards before and after infection period expected
- Do not irrigate in the warm spring when the trees are in bloom, particularly if there has been a lot of rain during the rainy season, because heat stimulates the infection process and moisture on the blossoms triggers infection
- Remove blossoms by hand if the trees blossom during warm weather, since most fire blight problems begin as blossom infections
- Plant on resistant rootstock
- Apply a biological spray, preventively, if trees are likely to bloom in a risk situation i.e., when there is the potential for high temperatures and blossom wetting

Other central strategies for fire blight elimination and management in orchards include: 1) the development of fire blight resistant rootstock, 2) breeding new apple and pear varieties that both resist fire blight and possess a similar taste profile to those favored by consumers and, 3) planting varieties that are not susceptible to fire blight in the regions where they are grown.

These and other cultural practices contribute to the overall sustainability of organic farming, human health and welfare, and the environment. They represent the best of what organic agriculture has to offer society. In contrast, antibiotic use is incompatible with organic because of the human health threats it poses — namely the creation of antibiotic resistant bacteria and the elimination of a valuable medical tool to fight infections. Moreover, farm workers who apply antibiotics in orchards have an even at greater risk of developing antibiotic resistance and other work-related diseases (e.g. allergies), further reinforcing the incompatibility of antibiotics in organic agricultural systems.²

¹ Environmental Defense Fund, “Antibiotic Resistance: Playing Chicken with Essential Drugs,” on the web: http://www.edf.org/documents/619_abr_general_factsheet_rev2.pdf, last visited (last visited April 8, 2011); Gilchrist, M. Greko, C., Wallinga, D., Beran, G., Riley, D., & Thorne, P.S. “The Potential Role of Concentrated Animal Feeding Operations in Infectious Disease Epidemics and Antibiotic Resistance,” *Environmental Health Perspectives*, 11/13/2006, on the web: <http://ehp03.niehs.nih.gov/article/fetchArticle.action?articleURI=info%3Adoi%2F10.1289%2Fehp.8837>, (last visited April 7, 2011; Smith, T. “Fire Blight, 7 Key Steps to Control,” Washington State University, on the web: <http://www.ncw.wsu.edu/treefruit/fireblight/control.htm> (last visited March 29, 2011).

² Levy, S., GitzGerald, G. & Macone, Ann. (1976) “Changes in Intestinal Flora of Farm Personnel after Introduction of Tetracycline in Feed on a Farm,” *New England Journal of Medicine*, 295:583-588.

A federal task force recently noted that antibiotic resistance is “a growing menace to all people,” and cautioned that if current trends continue, treatments for common infections “will become increasingly limited and expensive – and, in some cases, nonexistent.”³ The Centers for Disease Control (CDC) warns that: “People infected with antimicrobial-resistant organisms are more likely to have longer, more expensive hospital stays, and may be more likely to die as a result of the infection.”⁴ Since antibiotic use is known to promote the development of antibiotic-resistant bacteria, the use of antibiotics in apple and pear orchards is actually contributing to antibiotic resistance.⁵ Add to this the fact that antibiotics do not meet the standard that allows substances on the National List because they endanger human health, and it becomes abundantly clear that antibiotics should not be allowed in organic.

In conclusion, one of the main competitive advantages afforded organic growers, and the entire organic industry, is that organic food is grown and processed in a manner that sustains humans and the planet for current and future generations. Using antibiotics in apple and pear growing undermines that competitive advantage. Moreover, consumers consistently point to the lack of antibiotic use in organic meat and dairy as a primary reason for purchasing organic products; they expect no less from organic apples and pears. We urge you to vote against allowing the extension of antibiotic use in organic.

CFS Supports the Minority Position of the Crops Committee that Corn Steep Liquor Should be Considered a Synthetic Substance Under the Organic Rules

We agree with the Minority Opinion that the synthetic/non-synthetic determination on corn steep liquor (CSL) is of fundamental importance with respect to setting a precedent about what constitutes allowable materials in organic. This determination will set the stage for the NOSB and NOP to assess whether CSL, and substances produced in a similar manner, will automatically be allowed (as a non-synthetic) or whether they will be prohibited (as non-synthetic), unless petitioned and approved.

It is the addition of the *synthetic chemical*—sulfur dioxide—that stimulates the desired *chemical change* in the countercurrent wet milling process of CSL and renders the final product a synthetic. Sulfur dioxide breaks the corn’s chemical bonds and turns it into CSL. This chemical change in the CSL production process distinguishes it from practices that are considered “natural” under the organic rules.

³ Barlam, Tamar; Florini, Karen; Shea, Katherine. “When Wonder Drugs Don’t Work,” *Environmental Defense Fund* (2001) on the web: http://www.edf.org/documents/162_abrreport.pdf, (last visited April 8, 2011)

⁴ Centers for Disease Control. on the web: <http://www.cdc.gov/drugresistance/about.html> (last visited April 2, 2011).

⁵ Centers for Disease Control, et al., “A Public Health Action Plan to Combat Antimicrobial Resistance”, Mar. 2011, at 22, on the web: <http://www.cdc.gov/drugresistance/pdf/2010/Interagency-Action-Plan-PreClearance-03-2011.pdf> (last visited Apr. 8, 2011) (advising orchards be surveyed for antimicrobial resistance).

CSL clearly meets OFPA’s definition of “synthetic,” which states that a synthetic is: *a substance that is formulated or manufactured by a chemical process*. Moreover, since the synthetic chemical, sulfur dioxide, remains in the final CSL product, there is no doubt that it must be classified as synthetic and prohibited in organic production systems, in accordance with the organic rules. Anyone interested in using the substance in an organic must submit a petition for the NOP to consider it as an allowable substance on the National List (205.601).

We strongly urge the NOSB to support the classification of CSL as a synthetic.

CFS Does Not Support the Animal Welfare Recommendations — They Do Not Promote Animal Welfare

Consumers pay a premium for organic foods. This premium carries with it certain expectations about the quality of these foods. When consumers purchase organically raised animals, this expectation grows to include animal welfare concerns. In fact, a driving motivation for consumers to purchase organically raised animals is the perception that organically raised animals have drastically improved animal welfare. If organic is the gold standard, then these animals should be well fed, healthy, have access to the outdoors, and be raised in an environment that allows them to engage in natural behaviors.

The reality is tragically different than the perception. Organic animals are often times treated no better than their conventional counterparts, living in cramped, dirty factory farms with little or no access to the outdoors. NOSB’s proposed animal welfare recommendations do little to improve the current situation. If adopted as proposed, these recommendations will perpetuate diminishing animal welfare for organic animals and promote increasing consumer deception and undermining the integrity of the organic label. Therefore, CFS recommends that the NOSB, institute the following *minimum* changes to improve the animal welfare recommendations.

§ 205.238 Livestock Health Care Practice Standard

Many organic animal facilities house thousands of animals often managed by untrained and over-worked farm workers. They oversee livestock health care and perform physical alterations or “surgeries” on animals without having had formal training on pain and sensitivity management. This unnecessarily increases the likelihood of physical suffering for the animals. Section 6 of the animal welfare proposal recommends all physical alterations be performed by “competent persons” but neglects to define “competent persons.” Without a definition of “competent” this provision is meaningless. CFS believes that NOSB must require animal welfare training for all employees handling animals, especially those performing physical alterations.

It is possible to reduce animal suffering by instituting training programs. For example, in the European Union (EU), it is common for animal welfare regulations to recommend that

all employees handling animals attend animal welfare training courses.⁶ Even limited training can provide farm workers with information on the sensitivity of animals to negative handling and painful physical alterations. The practical benefits that result from minimizing animal pain and suffering and promoting proper handling include an increase in the ease of animal handling and increased productivity.⁷ Such training need not be cost prohibitive to small farmers, as local veterinarians, Land Grant Universities, and even veterinary students could be enlisted and costs potentially subsidized.

CFS also proposes three significant changes to the prohibited practices under Section 6. First, we recommend adding beak trimming to the list of prohibited practices. While CFS applauds NOSB for prohibiting beak removal under Section 6(i), this provision does not go far enough. Beak trimming—a painful procedure often causing pain throughout an animal’s life—is commonly performed as a way to reduce feather pecking.⁸ Yet, studies indicate that beak trimming does not reduce feather pecking and that other, more humane procedures do.⁹ Instead of routine beak trimming, CFS recommends providing sufficient litter and scratching materials, and ample access to vegetative outdoor areas, to reduce feather pecking and to allow poultry to engage in its natural behaviors.

Second, CFS disagrees with the exception in Section 6(ii) which states that tail docking of pigs and cattle is prohibited “except where necessary for treatment of injury.” CFS is concerned that unless this procedure is performed by a veterinarian, this exception will be abused and animal welfare violations will routinely occur. Tail docking is performed to curb an aggressive activity: tail biting. Yet, when provided the opportunity to engage in natural activities such as rooting and exploring pigs rarely engage in tail biting.¹⁰ CFS strongly recommends prohibiting preemptive tail docking and only condones the practice for treatment of actual injury. Further, this procedure should only be performed under the supervision of a veterinarian. Proper medical records must be kept by the facility as a part of the organic system plan (OSP) and made available for review by the organic inspector.

Third, Section 6(ii) neglects to prohibit tooth clipping and tooth grinding in pigs. These procedures are performed to protect tears to a sow’s udder. However, such damage often does not occur or causes minimal damage.¹¹ Conversely, “[t]ooth clipping and tooth grinding are likely to cause immediate pain and some prolonged pain to pigs ... Those practices are therefore detrimental to the welfare of pigs, especially when carried out by

⁶ See, e.g. Council Directive 2001/93, EC Laying Down the Minimum Standards for the Protection of Pigs, art. 5, 2001 O.J. (L 316) 36-38 (EU).

⁷ EU Scientific Veterinary Committee, *The Welfare of Intensively Kept Pigs*, (Sep. 30, 1997), on the web: http://ec.europa.eu/food/animal/welfare/farm/out17_en.pdf (last visited April 8, 2010).

⁸ MICHAEL C. APPLEBY ET AL., *POULTRY BEHAVIOR AND WELFARE* 88 (CABI Publishing 2004); ROLLIN, *FARM ANIMAL WELFARE: SOCIAL, BIOETHICAL, AND RESEARCH ISSUES* 119 (Iowa St. U. Press 1995).

⁹ MENKE ET AL., *ANIMAL HEALTH AND WELFARE IN ORGANIC AGRICULTURE, MUTILATIONS IN ORGANIC ANIMAL HUSBANDRY* 173 (M. Vaarst et al., eds. CABI Publishing 2004).

¹⁰ ROLLIN, *FARM ANIMAL WELFARE: SOCIAL, BIOETHICAL, AND RESEARCH ISSUES* 74 (Iowa St. U. Press 1995).

¹¹ EU Scientific Veterinary Committee, *The Welfare of Intensively Kept Pigs*, (Sep. 30, 1997), on the web: http://ec.europa.eu/food/animal/welfare/farm/out17_en.pdf (last visited April 8, 2011).

incompetent and inexperienced persons.”¹² In response, the EU has mandated that “reduction of corner teeth must [not] be carried out routinely but only where there is evidence that injuries to a sows’ teats or to other pigs’ ears or tails have occurred. Before carrying out these procedures, other measures shall be taken to prevent tail biting and other vices taking into account environment and stocking densities.”¹³ CFS recommends that US animal welfare standards for organically raised animals follow the EU’s lead and prohibit tooth clipping and tooth grinding unless there is evidence of injuries to sows. If necessary to prevent injury, the procedure should be performed under the supervision of a veterinarian, and proper medical records must be kept by the facility and made available for review by the organic inspector.

Adequate enforcement of these provisions is paramount to ensure that physical alternations are limited to animals that have suffered injury or infection. While regulations may require facilities to keep records and perform physical alterations under the supervision of a veterinarian, enforcement is the only way to ensure that abuse of these limited exceptions does not occur. CFS recommends that the NOSB improve enforcement of such requirements through the inspection of medical records, to promote transparency and accountability on these critical animal welfare issues.

§ 205.239 Livestock Living Conditions (Mammalian Section)

Comfortable, dry, and spacious livestock living conditions are crucial for appropriate livestock welfare. Livestock welfare cannot be realized by continuous confinement inside, in yards, or on feedlots. Although the proposed animal welfare recommendations realize this, CFS suggests that the following additional measures are adopted to further improve the welfare recommendations.

CFS believes that Section (a)(1)—providing that animals may be temporarily denied access to the outdoors for a variety of reasons—may be exploited to confine animals indefinitely. Section (a)(1) also fails to require adequate housing during temporary confinement. Therefore, we recommend that during times of temporary confinement, the NOSB adopt the Northeast Organic Dairy Producers Alliance’s proposal, submitted for your consideration at this meeting. Additionally, the NOSB should establish regional specific goals for a minimum number of days that animals have access to the outdoors to avoid exploitation of this section.

Pursuant to Section (a)(3), CFS recommends that the NOSB require adequate straw or rooting material to be provided for pigs to allow them to forage, explore, and otherwise prevent behavior problems associated with the lack of natural conditions. This would also decrease incidents of tail biting or other aggression as discussed above, and reduce the need for tail docking.

¹² Council Directive 2001/93, EC Laying Down the Minimum Standards for the Protection of Pigs, Preamble, 2001 O.J. (L 316) 36-38 (EU).

¹³ *Id.*

Section (a)(6) creates a situation whereby calves are individually housed for 6 months or more. The provision states that calves may be housed in individual pens “until weaning.” Yet, traditionally, calves are not weaned until six or seven months of age. Scientific evidence demonstrates that calves benefit from environments corresponding to their needs as a herd-living species and, pursuant to this evidence, the EU only allows housing calves individually for eight weeks.¹⁴ CFS recommends adopting an approach similar to the EU standard to ensure acceptable animal welfare standards and to support the natural herd-living behaviors of growing calves, while taking into consideration the extreme difference in different production areas. This recommendation should not encourage early weaning of calves, but rather prohibit such a practice.

§ 205.239 Livestock Living Conditions (Avian Section)

Poultry houses are traditionally abhorrent. Animals are crowded into barns by the tens of thousands, without room to stretch their wings. Confined in these factories, birds often succumb to disease, heat exhaustion, and death. In order to protect the integrity of organic poultry, NOSB must institute measures that will prevent these conditions on organic poultry farms. CFS offers the following suggestions in support of that effort.

Section 205.239 does not require producers to provide broilers with a daily period of darkness even though a daily period of darkness is critical to ensuring that chickens engage in their natural behaviors. The EU Directive for the protection of chickens kept for meat production requires that all broilers, conventional and organic, receive a minimum of six hours darkness each day.¹⁵ The Cooperative Regions of Organic Producer Pools (hereinafter “Organic Valley”) requires a minimum of eight hours darkness and recommends a gradual dimming of the lights before complete darkness.¹⁶ CFS supports this practice and recommends its adoption.

The proposed standards for access to the outdoors also fall short of promoting acceptable animal welfare for organic poultry. While CFS applauds NOSB for recommending poultry be given access to the outdoors, Section (c)(1)(iv) fails to supply sufficient details about the physical environment requirements in terms of specifying what constitutes adequate outdoor access. Outdoor access for organic poultry has typically been on concrete, wood, or gravel.¹⁷ This is simply unacceptable. Further, the outdoor space requirement of 2 square feet per bird is insufficient to allow poultry to move freely and engage in natural behaviors. Organic Valley requires that birds are given at least 5 square feet of outdoor space per bird, and at least 50% of this outdoor space must be covered in organic

¹⁴ Council Directive 2008/119, EC Laying Down Minimum Standards for the Protection of Calves, art. (3)(1)(A), 2009 O.J. (L 10) 7-13 (EU)

¹⁵ Council Directive 2007/43 EC Laying Down Minimum Standards for the Protection of Chickens Kept for Meat Production, Annex I,7, 2007 O.J. (L 182) 19-28 (EU).

¹⁶ See Cooperative Regions of Organic Producer Pools, Egg Pool Standards, <http://www.farmers.coop/resources/animal-care-program/egg-pool-standards/> (last visited Apr. 8, 2011).

¹⁷ Cornucopia Institute, Scrambled Eggs: Separating Factory Farm Egg Production from Authentic Organic Agriculture (2010), on the web: <http://www.cornucopia.org/egg-report/scrambledeggs.pdf> (last visited Apr. 8, 2011).

vegetation. CFS recommends that the minimum outdoor space per bird is 5 square feet, and that outdoor access for poultry include sufficient vegetative cover (at least 50%) to allow poultry to engage in their natural behaviors, such as pecking, scratching, and rooting.

Section (g) attempts to promote natural behavior in poultry. Yet, this provision is vague and effectively meaningless. Section (g) does not outline how much space is necessary for poultry to exhibit these natural behaviors, nor does it refer back to the stocking rate chart where certain space requirements—although inadequate—are listed. CFS believes that 5 square feet per bird is necessary for birds to be able to move freely, spread their wings, and engage in natural behavior. In the EU, conventional poultry standards provide 2-6 square feet per bird (see stocking rate section below). Moreover, while perch space is provided for in the stocking rate chart, it is not mentioned in this section, where space required for natural behaviors is discussed. Vertical space contributes to hen welfare and it is a necessary component of any provision on avian natural behavior.¹⁸ CFS recommends that NOSB not only provide 6 inches of perch space per bird (as discussed in the stocking rate chart) but also supply details about the height, location, and condition of such perch space.¹⁹

Stocking Rate Charts

In order to ascertain appropriate animal welfare standards for organically raised animals, producers must provide their animals with plenty of space to exhibit natural behaviors. NOSB's recommendations for this space are simply not enough to ensure animal welfare. CFS believes that the stocking rates for the following animals must be greatly increased.

The stocking rates for organically produced pigs are woefully inadequate. While the proposed stocking rate for a growing pig 225 to 255 pounds is 6.0 square feet in the NOSB's proposal, the EU's stocking rate for a growing pig in a similar weight class is 10.76 square feet.²⁰ That's nearly five additional square feet per pig in allowable space for *conventionally grown pigs*. American consumers expect that organic meat is produced with a higher standard of animal welfare protections than non-certified organic products. To maintain consumer confidence in the organic label, it is essential that certified organic animal welfare standards exceed those of conventional animal production in the U.S. and elsewhere. CFS recommends that the Livestock Committee adopt standards that exceed the strict conventional livestock standards in the EU and lead the way in animal welfare protections, internationally.

CFS previously recommended that avian stocking rates be instituted by weight and not by animal. During production an animal increases in size and weight quickly and, therefore, providing the same amount of space at all stages of growth forces increasingly cramped

¹⁸ ROLLIN, FARM ANIMAL WELFARE: SOCIAL, BIOETHICAL, AND RESEARCH ISSUES 124 (Iowa St. U. Press 1995).

¹⁹ Organic Valley recommends that perches be no more than 3.3 feet above the floor and installed in a staircase fashion. See Cooperative Regions of Organic Producer Pools, Egg Pool Standards, on the web: <http://www.farmers.coop/resources/animal-care-program/egg-pool-standards/> (last visited Apr. 8, 2011).

²⁰ Council Directive 2001/88 EC Laying Down the Minimum Standards for the Protection of Pigs, art. 1(1)(a), 2001 O.J. (L 316) 1-4 (EU).

conditions on animals as they reach their slaughter weight. In addition, since weight varies from animal to animal—a slaughter weight broiler chicken can weigh 3.5 to 6 pounds—calculating stocking densities by weight will ensure each animal receives the minimum amount of space necessary for that species.²¹ CFS reiterates this recommendation to calculate avian stocking densities by weight instead of bird.

In sum, organic is the gold standard for agriculture and, as such, it must promote sound animal welfare principals. US organic agriculture must surpass the conventional standards in the EU, providing adequate space for animals to engage in natural behavior and promoting healthy animals and a healthy environment. Consumers will lose faith in the organic program if they discover that meat bearing the organic label was raised in confined, unsanitary, and unnatural conditions. CFS, supported by our more than 200,000 True Food Network members, believes that organic also means the humane treatment of animals and the Livestock Committee’s proposal does not even come close to ensuring such treatment.

CFS urges the NOSB to reject the current animal welfare recommendations put forward by the Livestock Committee and calls for the immediate institution of an Animal Welfare Task Force (AWTF). The role of the Task Force will be to bring together farmers and the full range of other stakeholders to draft a new set of proposed recommendations. CFS will certainly make its staff available to contribute its expertise on the issue. We further urge the NOSB to circulate the AWTF draft for comment by the wider organic community with enough time to solicit and receive the thoughtful input from all stakeholders that this important issue deserves.

CFS Does Not Support NOSB’s Animal Handling, Slaughter, and Transport Recommendations

Animal welfare is not only restricted to an animal’s life on the farm, but it also includes transport and slaughter. For organically raised animals, consumers expect a heightened level of animal welfare protections, for transport and slaughter as well. CFS recommends that NOSB Livestock Committee go back to the drawing board and create a more comprehensive plan for transport and slaughter than the one it currently proposes. We offer the following suggestions for improvement.

First, *the Proposed Recommendation on Animal Handling, Transport, and Slaughter* does not include a provision on training animal handlers or veterinarians that oversee or audit slaughterhouses. “Recent years have seen remarkable advances in the understanding of

²¹ EU standards provide for approximately 16 to 20 lbs of broiler per 12 square feet. Broiler slaughter weight ranges from 3.5 to 6 lbs. Therefore, the EU standards allow anywhere from 2 to 6 full grown broilers per 12 square feet, depending on whether enhanced animal welfare measures are used. Council Directive 2007/43 EC Laying Down the Minimum Rules for the Protection of Chickens Kept for Meat Production, art.3(2), (2007) O.J. (L 182) 19-28 (EU). The proposed broiler stocking density is much weaker than EU standards, allowing 1 bird per square foot. European *Id.*

animals' capacity to experience fear and pain.”²² As discussed in the previous section, often times even limited training can make an enormous difference. This is especially true when it comes to slaughter. Therefore, CFS recommends that the NOSB promote comprehensive training for animal transporters and veterinarians overseeing slaughter.

Second, in order to promote optimum animal welfare, downed animals must be treated humanely and not allowed to be shocked by electric prods three times before the animal is removed from the killing line, and if it shows the slightest bit of movement or attempt to rise. This is not a humane way to treat an animal. CFS believes that such a practice is incompatible with acceptable animal welfare practices. Any animal incapable of walking to slaughter should not be shocked but, instead, be immediately removed from the slaughter line and humanely euthanized.

§ 205.241 Humane Handling, Transport and Slaughter: General Conditions of Animal Welfare in Handling and Slaughter

CFS notes that several provisions in the “general conditions of animal welfare” significantly lack detail and therefore lack meaning. First, Section (a)(2) is unduly vague and must take into account more than merely ventilation to protect animals against cold and heat stresses. CFS recommends that sufficient space shall be provided inside the animals' compartment, and at each of the levels within the compartment, to ensure that there is adequate ventilation above animals when they are in a naturally standing position. Their natural movement should not be hindered.²³

Second, Section (a)(4) does not contain sufficient detail to make the provision meaningful. For instance, it fails to consider the individual needs of different species of animals. EU Regulation requires “water, feed and the opportunity to rest as *appropriate to their species and age* [emphasis added], in suitable intervals.” If not specified, mammals and birds are lumped together as though they have the same needs, which they do not, and the default rule reads: “mammals and birds shall be fed at least every 24 hours and watered at least every 12 hours.” CFS recommends that NOSB adopt species-specific provisions for feeding and watering as well as detailed requirements for the allowable length of journey time, and access to food and water for different species of animals.²⁴

Third, Section 10 needs additional details to become a meaningful recommendation. Instead of simply setting up reporting data and percentage requirements, EU regulations specify: that “ramps shall not be steeper than an angle of 20 degrees, that is 36.4 % to the

²² *EU Provides Training in Human Animal Slaughter Standards*, on the web:

http://ec.europa.eu/food/training/news_slaughtersandards_en.pdf (last visited Apr. 8, 2011).

²³ The EU also recommends: Ventilation system must be capable of maintaining a range of temperatures from 5 to 30 degrees Celsius within the means of transport, for all animals, with a +/- 5 degrees Celsius tolerance, depending on the outside temperature. Ventilation system must be capable of ensuring even distribution throughout and capable of operating for at least 4 hours, independent of the vehicle engine. There should be a temperature monitoring system, with the data recorded from such system be made available to the competent authority upon request. Council Regulation 1/2005, Annex, 2005 O.J. (L 3/1) (EC).

²⁴ Council Regulation 1/2005, Annex, 2005 O.J. (L 3/1) (EC).

horizontal for pigs, calves and horses and an angle of 26 degrees 34 minutes, that is 50% to the horizontal for sheep and cattle other than calves. Where the slope is steeper than 10 degrees, that is 17.6% to the horizontal, ramps shall be fitted with a system, such as provided by foot battens, which ensure that the animals climb or go down without risks or difficulties.” Lifting platforms and upper floors need to have safety barriers to prevent animals from falling or escaping. EU Regulation states that: “the gas stunner shall be designed in a manner that, even at the maximum permitted throughput, the animals are able to lie down without being stacked on each other (vs. the recommendation of “lie down or stand.”) In stark contrast to a “percent error” requirement that is being recommended by the Livestock Committee, EU regulations focus on requirements regarding the functionality and designs of the equipment/personnel used related to slaughter.²⁵

In order to ensure a high standard of animal welfare at the time of transport and slaughter, CFS recommends NOSB redraft the recommendation with greater specificity, solicit input from people in the field who have the expertise and experience to inform the development of meaningful regulations.

CFS Does Not Support NOSB’s Proposal to Allow Synthetic Nutrients in Organic Production

NOSB’s proposal to supports the blanket use of FDA approved nutrients fails to assess FDA’s approved vitamins and minerals through an organic lens (§205.605.). Just as NOSB would not allow all EPA approved pesticides in organic agriculture, it should not allow all FDA approved nutrients without an appropriate organic assessment.

NOSB must evaluate nutrients and vitamins using the criteria established in the Organic Foods Production Act (OFPA) 7 U.S.C. § 6517 and 6518 when determining whether to allow a synthetic ingredient in organic production. In this proposal, no such review is required. Further, it is unclear what is meant by a “material supported by the FDA.” FDA has not published a list of approved synthetic nutrients. Likewise, there is no list of materials “supported by the Institute of Medicine of the National Academies.”

The proposal is in direct violation of OFPA and the National Organic Program (NOP), as it is not accompanied by a technical review or a completed evaluation matrix, and does not follow NOSB materials review procedures. Further, when NOP evaluates synthetic nutrients under Section 205.600, it must determine whether the primary use is to add nutritive value during processing. The NOP materials review criteria states that a “substance’s primary [cannot be as] a preservative or to recreate or improve flavors, colors, textures, or nutritive value lost during processing, except when the replacement of nutrients is required by law.” Without an independent evaluation of each nutrient, this section may be violated.

²⁵Council Regulation 1099/2009, Annex, 2009 O.J (L303/1) (EC).

One example of a synthetic nutrient demanding independent evaluation is docosahexaenoic acid (DHA). DHA poses great concern, “because it is frequently made using hexane, a petrochemical solvent as well as a potential neurotoxin that can cause nerve damage by breathing air containing high concentrations of hexane or by ingesting the substance in large doses.”²⁶ Additionally, Freedom of Information Act documents indicate that “synthetic DHA oil, when added to infant formula, caused adverse reactions in infants including excessive gas, diarrhea, and vomiting.”²⁷ In light of this example, it is crucial that the technical review of synthetic ingredients required by OFPA and the NOP is instituted for these synthetic nutrients.

The lack of NOP oversight directly threatens the integrity of the organic label and will destroy consumer confidence in NOP. With no checks and balances on synthetic nutrients, consumers will have no way of knowing whether or not a product is trustworthy, CFS recommends that the NOSB reject this proposal in its entirety.

Respectfully submitted,

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²⁶ Claire Mitchell, *Challenge to Horizon Organic’s DHA Fortified Milk*, Food Safety News (Mar. 3, 2011) available at <http://www.foodsafetynews.com/2011/03/challenge-to-horizon-organics-new-dha-fortified-milk/> (last viewed Apr. 10, 2011).

²⁷ *Id.*