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SUBMITTED ELECTRONICALLY

Paul Lewis, Ph.D.
Director, Standards Division
National Organic Program, USDA-AMS-NOP
1400 Independence Ave. SW., Room 2642-So.
Ag Stop 0268
Washington, DC 20250-0268

Re: Docket No. AMS-NOP-17-0031; NOP-15-06A, Proposed Rule: National Organic Program (NOP); Organic Livestock and Poultry Practices Second Proposed Rule

Dear Dr. Lewis,

The National Chicken Council (NCC) appreciates the Agricultural Marketing Service (AMS) and National Organic Program (NOP) publishing a second proposed rule requesting public comment on organic livestock and poultry practices. NCC represents vertically integrated companies that produce and process more than 95 percent of the chicken marketed in the United States. NCC supports the Organic program, and Organic chicken constitutes an important part of the products our members offer to consumers.

We appreciate the Agency's consideration of the thousands of comments received on the first National Organic Program Organic Livestock and Poultry Practices Proposed Rule, and the caution that AMS has taken towards implementation of the Final Rule with the release of this Second Proposed Rule. We remain concerned, however, that several of the provisions retained in the Final Rule have the potential to negatively impact bird health and welfare and farmer participation in the Organic marketplace.

AMS has requested comments regarding four potential actions to be taken on the National Organic Program Organic Livestock and Poultry Practices Final Rule¹:

- 1). Allow the rule to become effective on November 14, 2017.
- 2). Suspend the rule indefinitely, during which time the USDA would consider whether to implement, modify or withdraw the final rule.
- 3). Further delay the effective date of the rule beyond November 14, 2017.
- 4). Withdraw the rule and not pursue implementation of the final rule.

¹ United States Department of Agriculture, Agricultural Marketing Service (May 20, 2017) *Proposed Rule: National Organic Program (NOP); Organic Livestock and Poultry Practices Second Proposed Rule*. 82 FR 21742.

The National Chicken Council respectfully recommends that the Agency suspend the rule indefinitely to allow for the development, with the United States Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS), of a coordinated biosecurity framework for Organic poultry production. We further recommend that a robust cost analysis and risk assessment be conducted during the Final Rule suspension to evaluate the impact of providing outdoor space to poultry. Such a cost analysis should include the costs of increased feed consumption, lower feed efficiency, increased mortality, land acquisition and maintenance, and regulatory compliance (factors that were not accounted for in the Final Rule's cost projections).

NCC has previously submitted comments to AMS expressing concerns regarding the risks to poultry health that the Final Rule's outdoor requirements could create, and we remind the Agency of the importance of balancing poultry health, surface and groundwater integrity, and farmer burden.² NCC was disappointed to note that the requirement of outdoor spaces to be composed of at least 50% soil, with a stocking density of 5 pounds per square foot for broilers, was maintained in the Final Rule. Maintaining a stocking density of 5 pounds per square foot outside of a poultry house, while ensuring that 50% of that land is soil with maximal vegetative cover that does not pose a risk to bird health or groundwater contamination is a significant financial and time burden for farmers. These costs were not projected in either the Proposed or Final Rules for broiler chickens, yet their significance could mean the difference between a farmer choosing to enter Organic production or forgoing the expense. As such, we recommend that AMS conduct a cost analysis, as described previously, on maintaining outdoor access as mandated in the Final Rule.

In addition to burdening farmers, and risking soil and water integrity, the Final Rule has significant potential to impact the health of our national flock. The United States has continued to experience incidences of both highly-pathogenic and low-pathogenic avian influenza (HPAI and LPAI respectively) in commercial poultry establishments, backyard flocks, and wild migratory waterfowl. During 2016 and 2017, the U.S. has experienced HPAI detections in wild birds, commercial turkeys, and commercial broiler breeder birds.^{3,4,5,6} Unfortunately, this deadly disease remains a threat to the national poultry flock, and we reiterate that organic farmers must have the ability to bring flocks indoors to minimize exposure to disease risk. Organic poultry integrators should be allowed to make this decision without permission or being penalized for doing so. No one understands the health and welfare of our birds better than our integrators and farmers and as such, they should be allowed to make decisions that can protect their flocks.

NCC appreciates that the Agency clarified in the Final Rule that there are multiple reasons for which a farmer may bring birds inside, such as threats to the health and safety of the birds, inclement weather, and

² National Chicken Council (July 13, 2016) *Re: Docket No. AMS-NOP-15-0012; NOP-15-06PR, Proposed Rule: National Organic Program; Organic Livestock and Poultry Practices.* <https://www.regulations.gov/document?D=AMS-NOP-15-0012-5140>.

³ World Organization for Animal Health (January 15, 2016) Immediate Notification Report: REF OIE 19540. http://www.oie.int/wahis_2/temp/reports/en_imm_0000019540_20160118_143810.pdf.

⁴ World Organization for Animal Health (August 26, 2016) Immediate Notification Report: REF OIE 20837. http://www.oie.int/wahis_2/public%5C.%5Ctemp%5Creports/en_imm_0000020837_20160829_153450.pdf.

⁵ World Organization for Animal Health (January 9, 2017) Immediate Notification Report: REF OIE 22231. http://www.oie.int/wahis_2/temp/reports/en_imm_0000022231_20170111_173750.pdf.

⁶ World Organization for Animal Health (March 6, 2017) Immediate Notification Report: REF OIE 23139. http://www.oie.int/wahis_2/public%5C.%5Ctemp%5Creports/en_imm_0000023139_20170306_183245.pdf.

maintenance of soil and water quality in outdoor spaces. We believe that these parameters would benefit from scientific research and greater detail. During the suspension of the Final Rule, we recommend that APHIS conduct a risk assessment on the maintenance of poultry outdoors. This assessment may include risk data on predator, pest, and disease exposure, as well as environmental hazards such as weather and soil contaminants. In coordination with the risk assessment, we recommend that APHIS and AMS gather information on, and develop guidance for, the parameters under which organic flocks are brought inside to prevent risk of contracting or spreading the avian influenza virus or other contagious poultry diseases. Such parameters could include guidance from the World Organization for Animal Health (OIE), which defines an infection-free zone or compartment as one in which “it has been shown that infection with high pathogenicity avian influenza viruses in poultry has not been present in the country, zone or compartment for the past 12 months”.⁷ We additionally recommend that AMS work closely with APHIS to ensure that Organic producers have access to and familiarity with APHIS’ “Defend the Flock” campaign and resources. Organic production has unique challenges and must be accompanied by unique and specific guidance. In understanding the risks associated with this production method and developing a coordinated framework for protecting the health of flocks participating in the National Organic Program, the national flock at large will be better protected with science-based standards.

The National Chicken Council will continue to work with USDA, our members, fellow trade associations, and state animal health partners to educate all poultry owners on biosecurity practices; however, this commitment must be shared by the National Organic Program and Agricultural Marketing Service. Protecting our national flock is an investment; therefore, we emphasize that careful consideration must be paid to the impact of allowing and maintaining outside access as described in the Final Rule, and we encourage the development of an inter-agency biosecurity framework. As such, we recommend that USDA suspend the rule indefinitely due to the incomplete information included in the Final Rule, and conduct a thorough cost analysis and risk assessment of the rule. We appreciate the opportunity to provide comment on the National Organic Program Organic Livestock and Poultry Practices Second Proposed Rule, and hope that the above suggestions are received in the spirit of strengthening the National Organic Program. If you have questions regarding the submitted comments, please feel free to contact us. Thank you for your consideration.

Respectfully submitted,



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⁷ OIE. Terrestrial Animal Health Code. Chapter 10.4: Infection with Avian Influenza Viruses. Article 10.4.30.