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Submitted electronically via regulations.gov

Erin Healy, MPH
Director Standards Division
National Organic Program
USDA-AMS-NOP
Room 2646-So., Ag Stop 0268
1400 Independence Ave. SW
Washington, DC 20250-0268

Re: AMS-NOP-21-0073 – National Organic Program; Organic Livestock and Poultry Standards

Dear Ms. Healy -

The National Chicken Council (NCC) appreciates the opportunity to provide comments at the United States Department of Agriculture (USDA), Agriculture Marketing Service (AMS or the Agency) proposed rule – National Organic Program; Organic Livestock and Poultry Standards. NCC is the national, non-profit trade association that represents vertically integrated companies that produce and process more than 95 percent of the chicken marketed in the United States. NCC supports the National Organic Program (NOP) as organic chicken production allows our members to provide a variety of products to consumers of chicken.

NCC appreciates the Agency’s approach proposing separate standards for mammalian and avian livestock living conditions “to better reflect the needs and behaviors of the different species.” While we welcome the economic analysis performed by the Agency, some of the concerns highlighted in NCC’s comments filed to the docket (AMS-NOP-17-0031) in 2017 have largely been ignored. As a result, we offer the following suggestions and comments regarding several broiler-specific topics raised in the proposed rule.

Regarding the year-round access requirement to the outdoors, while we appreciate this requirement, we would ask for additional guidance to include clarity on the Agency’s expectations in the event of a foreign animal disease (FAD) threat. For example, the poultry industry continues to face ongoing challenges associated with the 2022 highly pathogenic avian influenza (HPAI) outbreak. In the NOP standards, there are references to keeping birds indoors for health and safety reasons and, in many cases, organic broiler producers are allowed to keep

birds indoors if a disease threat exists. However, there remains a lack of consistency between recommendations by USDA's Animal and Plant Health Inspection Service (APHIS) in times of HPAI or low pathogenic avian influenza (LPAI) events, state veterinarians, and what organic certifiers may or may not agree to. There will also likely be inconsistencies in interpretations of what is deemed a disease threat between states and among certifiers. We believe that recommendations made by USDA-APHIS should be followed and adhered to.

The broiler industry as a whole maintains and implements ammonia monitoring programs to include corrective actions should ammonia levels in the atmosphere rise above 25 ppm at bird height. However, NCC does not support the proposed 10 ppm standard for ammonia monitoring in organic chickens. For reference, the human permissible exposure limit (PEL) established by the Occupational Safety and Health Administration (OSHA) is 50 ppm and, at the low end, 25 ppm by the National Institute for Occupational Safety and Health (NIOSH). To that end, no concrete reasoning or data has been provided to support the 10 ppm standard and therefore we question its relevance. The study referenced in the proposed rule states that ammonia levels above 25 ppm are harmful to birds but does not mention nor recommend a level of 10 ppm. NCC's position is that ammonia in the atmosphere must not exceed 25 parts per million at bird head height.

According to the proposed rule, organic broiler producers must provide at least one square foot of outdoor space for every five pounds of bird in the flock. For some organic broiler producers, this may require expanding a farm's footprint. The proposed rule will also require the need for significant maintenance of the outdoor areas, in particular, the "maximal vegetative cover" to minimize potential runoff and/or land erosion. We ask the NOP provide the scientific references necessary to support the need for one square foot of outdoor space. We also request that the Agency define what is meant by "maximal vegetative cover." The type of vegetation and the growth of that vegetation differs across the country and across seasons. We maintain that the health and welfare of our birds is a top priority across the broiler industry as is minimizing the environmental footprint of broiler production. Some of the proposed parameters, however, have the potential to negatively impact not only our birds but the environments in which they are raised.

It is important to note that the industry is not structured to feed birds after they are enroute to a processing facility. Returning birds to the farm and unloading those birds to provide access to feed and water would result in more significant welfare issues than birds being off feed. As a result, we do not support this proposed parameter as written.

We would also like to provide comment regarding review of Food Safety and Inspection Service (FSIS) noncompliance records and corrective action records related to the use of good manufacturing practices in handling and slaughter of poultry. Industry complies with Good Commercial Practices (GCPs) and FSIS ensures compliance with said GCPs (see [FSIS Directive 6110.1](#)). We believe that industry commitment to bird welfare coupled with existing FSIS regulations will ensure that birds are properly handled at the establishment and do not support inclusion of this parameter in organic broiler requirements. Moreover, as proposed, this has

the potential to create jurisdictional issues between FSIS and AMS which must be avoided. There are existing regulatory mechanisms to ensure establishments are in “good standing with FSIS.”

Finally, it is important to note that the industry already considers whether a bird is or is not fit for transport. Birds not fit for transport are humanely euthanized on the farm and do not go to the processing facility. Moreover, it is impossible to evaluate mobility and leg health of birds at the processing facility. NCC believes this proposed parameter should be removed in its entirety as evaluation of bird mobility and leg health is routinely evaluated at the farm and is already included earlier in the NOP proposal making it redundant.

In conclusion, NCC supports science-based and data-driven policy decisions that will result in measurable improvements in the health and welfare of our flocks. NCC also supports policy that bolsters the viability of the organic broiler industry. We appreciate the opportunity to provide comments on the proposed rule and hope that the Agency considers only parameters that will truly result in improved broiler welfare.

Thank you in advance for your consideration, and please do not hesitate to contact us with any questions.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ashley B. Peterson".

Ashley B. Peterson, PhD
Senior Vice President, Scientific and Regulatory Affairs
National Chicken Council