

ConsumersUnion®

POLICY & ACTION FROM CONSUMER REPORTS

June 9, 2017

Paul Lewis, Ph.D.
Director, Standards Division
National Organic Program, USDA-AMS-NOP
Room 2646-So., Ag Stop 0268
1400 Independence Avenue S.W.
Washington, D.C. 20250-0268

Submitted via www.regulations.gov.

Comments of Consumers Union to the U.S. Department of Agriculture Agricultural Marketing Service on the National Organic Program (NOP) Organic Livestock and Poultry Practices Second Proposed Rule¹ Docket No. AMS-NOP-17-0031

Consumers Union, the policy and mobilization arm of Consumer Reports, urges the U.S. Department of Agriculture (USDA) to let the Organic Livestock and Poultry Practices (OLPP) rule, published in the Federal Register on January 19, 2017, become effective without further delay. Therefore, among the four options listed as “Actions Being Considered” by the USDA in the notice referenced above, the best would be Option 1, “Let the rule become effective. This means that the rule would become effective on November 14, 2017.”

The OLPP rule, which amends and improves existing organic production and handling requirements, is the result of over a decade of public engagement in the organic rulemaking process. Changes under the rule have wide support among organic industry stakeholders, including consumers.

Our most recent data show that the rule is supported by a vast majority of the Americans who support the organic industry by often or always buying organic foods. According to a Consumer Reports survey conducted in March 2017,² the vast majority (86%) of consumers who often or always buy organic food say it is highly important that

¹ 82 Fed. Reg. 21742 (May 10, 2017).

² Consumer Reports conducted the survey to assess the opinion of Americans regarding standards for the organic label. Opinion Research Corporation (ORC) of Princeton, New Jersey, administered the survey to a nationally representative sample of 1,018 adult U.S. residents through its CARAVAN Omnibus Survey. Respondents were selected by means of random-digit dialing and were interviewed via phone. The survey fielded from March 23-26, 2017. The margin of error is +/-3.1 percentage points at the 95% confidence level. The data were statistically weighted to be demographically and geographically representative of the U.S. population.

animals used to produce these foods are raised on farms with high standards for animal welfare, such as minimum space requirements or access to outdoor space. While the new rule is not perfect, it would be a step in the right direction toward providing consumers with assurance that producers of organic meat, poultry, dairy, and eggs meet standards for improved animal welfare.

The new rule also would create consistency on access to the outdoors for chickens, including laying hens, by setting a minimum outdoor space requirement. Our survey found that 83% of consumers who often or always buy organic food think it is highly important that organic eggs come from hens able to go outdoors and with enough space to move around freely.

Not only is there wide support for the OLPP standards from consumers, but there is also widespread support from the organic industry, as shown by a letter of support for the rule signed by more than 300 producers representing \$1.95 billion in annual sales.³

It is important to note that the new rule does not add a requirement for outdoor access for poultry; rather, it clarifies the existing requirement for outdoor access by setting a minimum space requirement. This change creates consistency in how the existing rule is interpreted by different certifiers. As a result, it will assure consumers who buy organic foods that animals actually were able to go outdoors.

Some organic poultry businesses do not want to let their birds outdoors, and oppose the OLPP rule. We urge the USDA to consider that organic certification is a choice, not a requirement for any farmer or business. Likewise, purchasing certified organic foods is a choice for consumers. To protect consumers who buy organic foods from being misled and ensure their expectations are met, farmers and businesses that cannot meet all the requirements for organic certification should not sell their products as certified organic. The new rule will require that producers sell their products with a label that accurately reflects their production practices and therefore no longer misleads consumers.

Since the existing standards have always required “access to the outdoors,” most organic farmers already meet this requirement. According to the Organic Trade Association, 76% of organic farmers currently allow their flocks to have “real outdoor access.”⁴

We are aware that some opponents of the new rule argue that outdoor access for chickens increases disease risk. This argument is contradicted by published research. We urge you to consider the following results of published research summarized by the National Organic Coalition:

³ Organic Trade Association, Letter from 334 organic beef, pork, dairy, and poultry producers to George Ervin "Sonny" Perdue III, Secretary, U.S. Department of Agriculture (Apr. 28, 2017) (online at ota.com/sites/default/files/indexed_files/Organic%20Livestock%20and%20Poultry%20Producer%20Letter.pdf).

⁴ Organic Trade Association, “Take action now on animal welfare rule” (May 2017) (online at www.ota.com/livestockpractices).

Avian flu viruses generally carried by wild birds are almost invariably harmless to poultry (low pathogenicity avian influenza, or LPAI). Some LPAI strains, however, have the potential to mutate into “highly pathogenic avian influenza” (HPAI) strains, which are deadly to poultry. Research shows that the mutation of LPAI to HPAI occurs almost exclusively in crowded indoor poultry houses. ... Lower stocking densities and outdoor access are part of the solution, not the problem. Preventing future outbreaks of HPAI should involve addressing the *root of the problem* by building a system of poultry farming with low densities, outdoor access, and healthy birds with strong immune systems.⁵

The OLPP rule creates consistency, sets an appropriately high bar for animal welfare, and meets consumer expectations in many areas. Certified organic farms should do more than simply substitute organic-approved inputs for conventional inputs; organic food should reflect a different production system and a different way of farming, which should include humane treatment and improved living conditions for animals.

We urge the USDA to make the OLPP rule effective without further delay. Thank you for considering our comments.

Respectfully submitted,



Charlotte Vallaey
Senior Policy Analyst

⁵ National Organic Coalition, “Avian Influenza and Outdoor Access for Organic Poultry Flocks” (July 13, 2015) (online at www.nationalorganiccoalition.org/literature_130075/Avian_Influenza_and_Outdoor_Access_for_Organic_Poultry).