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FOOD Farmers
Federation Of Organic Dairy Farmers

Dr. Paul Lewis, PH.D
Director, Standards Division
National Organic Program
USDA-AMS-NOP
Room 2646-So., Ag Stop 0268
1400 Independence Ave., SW
Washington, D.C. 20250-0268
RE: AMS-NOP-15-0012; NOP-15-06PR, and Regulatory Information
Number (RIN) 0581-AD44

Dear Dr. Lewis:

The Federation of Organic Dairy Farmers (FOOD Farmers) submits its comments on AMS-NOP-15-0012; NOP-15-06PR: Proposed Rule; National Organic Program; Organic Livestock and Poultry Practices.

FOOD Farmers is the umbrella organization of the Northeast Organic Dairy Producers Alliance (NODPA), Midwest Organic Dairy Producers Alliance (MODPA) and Western Organic Dairy Producers Alliance (WODPA). NODPA, MODPA and WODPA are nonprofit 501(c)(5) corporations. Our purpose is to enable organic dairy farmers, across the United States, to maintain the sustainability of organic dairy farming, including sustainable pay price and product integrity. FOOD Farmers represents over 1,200 or two thirds of organic dairy farmers across the country. The organic dairy farmers have many different production methods including seasonal grass based dairies and more traditional production methods that combine pasture, conserved forage and grain. We are the ONLY organic dairy organizations working, within our respective regions, specifically for organic dairymen in the United States on issues such as animal welfare.

In any consideration of Animal Welfare Standards we remind the NOP and organic consumers that organic certification is already the gold standard for animal welfare. It is not just a scorecard of the health and well-being of the livestock but is a third-party certified federal program with a holistic system approach that also considers the impact of the production system on the environment, the quality and content of animal feed, and ensures that livestock are not treated with any antibiotic, artificial hormones or growth stimulants.

We also remind the NOP that the organic standards are not devised to suit the demands of consumers, but rather organic are a production system, and certification validates that the production and handling systems comply with Federal regulations, following a process-based verification of the system. To quote from the USDA website: “Organic operations must demonstrate that they are protecting natural resources, conserving biodiversity, and using only approved substances.”

We agree with the goals of the proposed regulation, *Qualitative: (1) Establishes a clear standard protecting the value of the USDA organic seal to consumers. (2) Facilitates level enforcement of organic livestock and poultry standards.* However, we do not agree that this Proposed Rule achieves that goal. Many organic livestock producers, their representative organization, the National Organic Standards Board (NOSB) and certifiers have been asking for clarity and consistency in the application of existing regulations to livestock health care and living standards for many years. Consistency in interpretation and application of NOP regulations is increasingly difficult, faced with an expanding importation and increasing demand for organic products. Examples of that are the doubling of porch-style accommodation for organic poultry over the last five years with some certifiers approving of the practice and some not, and the scandals in Eastern Europe over the co-mingling of organic and non-organic (in fact GMO) corn.

The Organic industry is lagging behind the conventional livestock groups that have published Animal Welfare Standards for different ruminants, non-ruminants and poultry. The Humane Society, Animal Welfare Approved and other organizations have been critical of the lack of livestock welfare standards mandated by organic regulations, plus the lack of consistency in application of existing regulation, especially with poultry. The lack of clear standards for poultry has threatened to weaken the integrity of the organic label with consumers, as did the emergence of organic mega dairies did to organic milk in 2008. Without the publication and implementation of credible standards, organic livestock will lose market share to other certifications that are not so rigorous in their accountability but more clear in their requirements that meet consumer expectations. There is also an increasing need to clarify regulations for the worldwide market as imports of meat and dairy have increased substantially over the last decade and we need a level playing field for all participants.

We take issue with the implication within the proposed rule that terminally ill organic livestock are not treated humanely and suffer because of the lack of specific regulation. NOP states that “*The proposed livestock health care practice standards include requirements for euthanasia to **reduce** suffering of any sick or disabled livestock.*” Organically certified dairy producers care for their livestock as their life’s work. An organic producer would treat their sick or disabled animals appropriately to minimize pain and suffering if there was no regulation or a library full of regulatory books. In fact, within the organic regulations there is one specific section that deals with that: 205.238 (c)(7) - *Withhold medical treatment from a sick animal in an effort to preserve its organic status. All appropriate medications must be used to restore an animal to health when methods acceptable to organic production fail. Livestock treated with a prohibited*

substance must be clearly identified and shall not be sold, labeled, or represented as organically produced.

FOOD Farmers is concerned about relying on heavily prescriptive or quantifiable measures to define the limits of animal welfare standards. Standards written in this way don't allow either the producer or certifier any room for considering individualized solutions that are suitable for the wide range of production systems used by organic livestock producers of differing scales and located in different parts of the country and internationally. The NOSB Livestock Committee's concerns about individual solutions was evident in many statements that were made in the guidance documents, for example the tethering of calves which can be done in many ways, some of which fit into an organic system plan and others that don't. In addition, diverse livestock systems may rely on multiple species in one area (pasture or paddock), which makes space calculations extraordinarily complex. We have learned from the implementation of the pasture regulation, which contains many quantitative limits, that while it does increase consistency to a numerical standard, it also burdens producers and certifiers with paperwork, lessening the time producers can devote to innovating and perfecting their organic production systems unique to their operation. These quantitative requirements have also not necessarily increased consistency in interpretation of regulations by certifiers. We have seen that prescriptive regulation encourages inspectors/certifiers to keep their eyes to the paperwork and not lift their eyes to an assessment of the whole livestock system.

We are also concerned about increasing duplication in reporting requirements being imposed on organic livestock operations. These are particularly time consuming and onerous for the small to mid-size operations that have limited time available to fulfill an already challenging task of completing the paperwork necessary for organic certification. As we proceed with our comments, we will be highlighting areas where we can reduce the paperwork burden on small businesses without impacting organic integrity. We will also be providing answers to the questions raised by AMS on the clarity of the proposed requirements, the accuracy of the assumptions and estimates in the Regulatory Impact Analysis and Regulatory Flexibility Analysis and the implementation approach and timeframe.

As organic dairy producers across the country with many years of organic farming experience, whose families have invested large amounts of capital, who rely on the income that is generated by our organic farms, and who respect and value our livestock, we urge you to consider our comments on the Proposed Rule.

We welcome the publication of the Proposed Rule and support the intent to provide very specific standards that can level the playing field for all organic producers, domestically and internationally. We produce a high quality product to standards that are supported by consumers and their advocates, and we, as organic dairy producers, will do everything within our power to ensure that the organic rule continues to separate and distinguish organic dairy products as the result of thoughtfully written and fairly enforced organic standards and practices.

Should you have questions, please contact Ed Maltby, Executive Director, NODPA at emaltby@comcast.net, 413-772-0444, or Richard H. Mathews, Executive Director, WODPA at rhmathews51@comcast.net, 717-457-0100.

Sincerely,



NODPA Board Chair



Darlene Coehoorn, MODPA
President



Andrew Dykstra, WODPA President

New Regulation for Mammalian Living and Livestock Health Care Standards is unnecessary.

Understanding and quantifying the individual Animal Welfare needs of the wide range of domesticated species possible is a daunting task. FOOD Farmers have a long history of being proactive in this area with applying Organic and Animal Welfare regulation to organic ruminant operations. Organic dairy producers identified the problem of many different interpretations of access to the outside for organic livestock in 2005 and worked with the NOP, the organic community, consumer groups and organic advocates to make the necessary changes in production methods to ensure that there could be practical standards that could be interpreted and implemented consistently and hold up in a law court. This approach won the support of consumers, improved the integrity of the standards and allowed producers to farm organically no matter what their size or geographic location.

The Access to Pasture Regulation of 2010 incorporated many aspects of Animal Welfare that are seen as important by consumers and producers alike. FOOD Farmers spent many hours and made many recommendations to improve Animal Welfare for organic livestock.¹ There is no doubt in consumers' minds that to achieve the very prescriptive, self-imposed conditions for grazing that organic dairy and beef livestock spend a large portion of their time outside, feeding themselves on quality pasture. We strongly contend that new Mammalian Livestock Health Care Standards are unnecessary, will duplicate existing regulation and not have any effect on consumers' attitude to organic production.

Where there is a difference, we have responded to the actual regulatory text (PART 205 text), not the preamble proposed text.

Proposed Regulations: Definitions

§ 205.2 Terms Defined

AMS Proposal

AMS proposes adding a definition for “Indoors” to read:

“*Indoors*. The flat space or platform area which is under a solid roof. On each level the animals have access to food and water and can be confined if necessary. Indoor space for avian species includes, but is not limited to:....”

FOOD Farmers Recommendation

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¹ Food Farmers Recommendations and Detailed Comments 12/23/2008 : <http://www.nodpa.com/Food%20Farmers%20Recomendations%20and%20detailed%20Comments%2012.23.2008.pdf>

For the term “*Indoors*”, add “*for Avian species*” after “*Indoors*” to read:

“Indoors for Avian species. The flat space or platform area which is under a solid roof. On each level the animals have access to food and water and can be confined if necessary. Indoor space for avian species includes, but is not limited to:....”

FOOD Farmers Rationale

In the explanation for their regulation AMS only addresses conditions for poultry. All of the subsequent parts of the regulation deal with the various types of housing that poultry might use under different production systems. Indoor housing for other species is rarely a platform and is not usually on different levels. The space used to house ruminants is usually sloped in some areas to allow for run-off of manure, urine, and wash water. Considering the increasingly detail that this regulation attaches to the definition of outdoors, our recommendation for this regulation is to be very specific in the definition by adding the “**for Avian species**” after “**Indoors.**”

AMS Proposal

AMS proposes adding a definition for “*Outdoors*” to read:

“Outdoors. Any area in the open air with at least 50 percent soil, outside a building or shelter where there are no solid walls or solid roof attached to the indoor living space structure. Fencing or netting that does not block sunlight or rain may be used as necessary.”

FOOD Farmers Recommendation

For the term “*Outdoors*”, remove “with at least 50 percent soil” to read:

“Outdoors. Any area in the open air outside a building or shelter where there are no solid walls or solid roof attached to the indoor living space structure. Fencing or netting that does not block sunlight or rain may be used as necessary.”

FOOD Farmers Rationale

The words “*with at least 50 percent soil*” are not needed because proposed avian § 205.241(c)(8) provides that “*At least 50 percent of outdoor access space must be soil.*”

Requiring that mammalian outdoor access areas provide at least 50 percent soil would create permanent conditions rather than “temporary conditions” that threaten soil and water quality. This in turn would create a permanent, seasonal, exemption to providing outdoor access. Cattle can be devastating to soil and water quality at any time of year but more dramatically during the non-grazing season. Problems include, but are not limited to:

- Nitrogen, phosphorus, and potassium loading on a small area.
- Not being able to capture manure to use on ground that needs nitrogen, phosphorus, and potassium.
- Animals placed on pastures in the non-grazing season severely damage them for use as pasture the following grazing season.
- Animals moving in mud all during the non-grazing season will cause lameness and health problems, especially heavier dairy and beef animals.
- Having cattle on soil in the non-grazing season directly contradicts NRCS recommendations, and what they will fund in grant cycles.
- Contradicts many state and watershed requirements that dairy cattle be off soil in the non-grazing season so that all nutrients can be captured and not escape into the watershed.

This requirement would force producers to expand existing outside access areas or to add soil to portions of improved outdoor access areas where access to soil is not already provided, bringing with it all the problems listed above.

AMS is reminded that the organic livestock provisions underwent significant amendment via the Access to Pasture proposed rule (October 24, 2008) and final rule (February 17, 2010). This action included numerous provisions designed to enhance the welfare of organic mammalian livestock.

During that rulemaking process commenters made it clear that, for ruminants, there are times when access to pasture are inappropriate. The same would be true of access to bare soil. In fact, commenters recommended that AMS define the term “Yard/feeding pad.” Commenters recommended three variations of a definition for “Yard/feeding pad.” AMS agreed that the regulations needed to provide for yards/feeding pads. AMS went on to say that the comments “received provided sound justification for the introduction of a definition of yards/feeding pads—particularly in light of removing the provision for sacrificial pasture” which was included in the proposed rule. AMS further stated: “Yards/feeding pads are integral to grazing systems as they can serve as an area where lactating animals are gathered and dispersed between pastures and the milking facility. These areas minimize damage to fields that can occur during wet conditions and high impact activities such as feeding.” Minus the word “improved,” AMS incorporated the following commenter definition: “An improved area for feeding, exercising, and outdoor access for livestock during the non grazing season and a high traffic area where animals may receive supplemental feeding during the grazing season.” The word “improved” was removed because AMS stated that its meaning was unclear. See 75 FR 7160.

An improved area is one where various materials are used to stabilize a ground surface that is frequently and intensively used by animals. An improved area provides a stable, non-eroding surface and protects or improves water quality. According to NRCS such areas “provide a protected surface from the animal’s hoof action, reducing excessive erosion, sediment movement or nutrient transport to surface or subsurface water.”

According to NRCS, Conservation Practice Standard, Heavy Use Area Protection , Code 561, “Installation of heavy use area protection on muddy sites can improve animal health. Mud transmits bacterial and fungal diseases and provides a breeding ground for flies. Hoof suction makes it difficult for cattle to move around in muddy areas. In addition, mud negates the insulation value of hair coat and the animals must use more energy to keep warm. As temperatures fall, animal bunching may occur, which can reduce or eliminate vegetative cover and lead to erosion and water quality concerns.”

Requiring access to soil in heavy use areas would likely place producers in violation of nutrient and runoff management requirements of Federal, state and local regulatory agencies.

Bottom line, access to soil is not good for animal welfare of cattle or the environment in high use areas such as yards/feeding pads. Accordingly, the words “*with at least 50 percent soil*” must be removed from the definition of “*Outdoors.*”

See also our recommendations and rationale for § 205.239(a)(12) [to be (13)] for mammals other than cattle, which can be found on page 29.

AMS Proposal

The AMS proposal also includes definitions for Beak trimming, Caponization, Cattle wattling, De-beaking, De-snooding, Dubbing, Mulesing, Perch, Pullet, Roost, Soil, Stocking density, and Toe clipping.

FOOD Farmers Recommendation

Food Farmers has no recommendations regarding the above listed definitions.

Proposed Regulations: Livestock Health Care Practice Standard

AMS Proposal - § 205.238(a)(2)

AMS proposes to amend § 205.238(a)(2) by adding “resulting in appropriate body condition” to the end thereof, to read:

2) Provision of a feed ration sufficient to meet nutritional requirements, including vitamins, minerals, protein and/or amino acids, fatty acids, energy sources, and fiber (ruminants), resulting in appropriate body condition.

FOOD Farmers Recommendation

Leave § 205.238(a)(2) as currently published in the Code of Federal Regulations, which reads:

“2) Provision of a feed ration sufficient to meet nutritional requirements, including vitamins, minerals, protein and/or amino acids, fatty acids, energy sources, and fiber (ruminants);”

FOOD Farmers Rationale

The addition of “*resulting in appropriate body condition*” is unnecessary. Section 201.237(d) requires documentation of the animal’s total feed ration, the amount of each type of feed actually fed, and all changes made to all rations throughout the year. Further, § 205.238(a)(2) already requires a feed ration sufficient to meet the animal’s nutritional needs. Failure to do either is an enforceable event. Finally, “appropriate body condition” is a subjective determination influenced by species, breed, stage of life, age, gender, and time of year; not to mention, inspector qualification and experience.

We strongly contend that organic animal welfare guidance and standards must be sensible and based on reasonable standards that are determined by the realities of farming, good husbandry, grazing, natural animal behavior, and natural healing.

Body scoring is a quantitative measure that does not fit particularly well in organic systems. Inspectors need to be trained to recognize conditions that are adverse to the animals exhibiting their “natural behavior” and to recognize this during the times they are temporarily confined. Dairy livestock are managed in a variety of different geographic locations and under many different constraints to preserve soil and water quality. It is unrealistic to expect that all organic inspectors can be trained to conduct even the most basic condition scoring of dairy cattle, especially of those animals that are grazing rather than continuously housed.

The use of a score sheet using a limited number of photographs from a limited number of breeds in a limited number of production situations increases the likelihood of personal interpretation of individual farm situations. If anybody scoring is used to assess herd health, we recommend that the producer and inspector use a scorecard of the general health of the individual cow as a percent of the whole herd, which allows for many different criteria to be used including breed, time of lactation, age, and time of year. That way, if a producer is excelling in most areas, but weak in one area, they should not be penalized. Any animal welfare problems that become apparent during the inspection should be assessed by management and certifier holistically within general herd management.

AMS Proposal - § 205.238(a)(5)

AMS proposes amending § 205.238(a)(5) to read:

(5) Physical alterations may be performed to benefit the welfare or hygiene of the animals, or for identification purposes or safety. Physical alterations must be performed on livestock at a reasonably young age, with minimal stress and pain by a competent person.

FOOD Farmers Recommendation

Amend proposed § 205.238(a)(5) to read:

*(5) Physical alterations may be performed to benefit the welfare or **safety** of the animals, or for identification purposes, **except when prohibited by § 205.238(a)(5)(ii)**. Physical alterations must be performed on livestock at a reasonably young age, with minimal stress and **effective pain relief**.*

FOOD Farmers Rationale

Our proposal removes the references to “hygiene” and “by a competent person.” Our proposal also adds “except when prohibited by § 205.238(a)(5)(ii).”

AMS states that it proposes to revise § 205.238(a)(5) “to clarify the conditions under which physical alterations may be performed on livestock.” The proposal adds hygiene, identification and safety as justification for physical alterations.

AMS states no justification for the addition of hygiene. We believe the addition of hygiene serves no purpose and creates conflict among regulatory provisions. Adding hygiene would seemingly create a loophole where farmers could try to justify physical alterations even when prohibited under proposed § 205.238(a)(5)(ii). For example, tail docking of cattle. Hygiene is the main reasons cows’ tails are docked on dairy farms. Hygiene should not be a justification for physical alterations.

FOOD Farmers have no problem with the addition of “safety” to § 205.238(a)(5). Safety goes hand-in-hand with welfare which addresses the well-being of the animals and by extension, safety. Safety is the main justification for dehorning cattle – safety both for the cattle and for people working with the cattle.

We also have no problem with the addition of “identification” since the practice of tattoos and ear tags equate to physical alterations. Use of the term “identification” creates conflict between § 205.238(a)(5) and § 205.238(a)(5)(ii). To prevent potential conflict between § 205.238(a)(5) and § 205.238(a)(5)(ii) we recommend adding “except when prohibited by § 205.238(a)(5)(ii)” to § 205.238(a)(5).

FOOD Farmers recommends removing “by a competent person.” Requiring physical alterations to be performed by a “competent person” is too subjective. AMS states that “Competency may be demonstrated by training or experience of the person performing the alterations or may be demonstrated by the training or experience of the person training the person performing the alterations.” This competency will be verified by the inspector at the annual inspection. Other wording could be used, for example, “a person skilled in the procedure,” or “a person who has demonstrated competency in the procedure” but these are also very subjective assessments. The inspector may verify the competency of the person by assessing the results but most inspectors would not be trained for the assessment of a procedure that might have been completed months earlier.

Amended § 205.238(a)(5) requirement for minimal stress and effective pain relief when combined with new § 205.238(a)(7) should provide consumers with confidence that management practices exercised on organic livestock operations ensure minimal pain and suffering with effective pain relief.

AMS Proposal - § 205.238(a)(5)(i)

AMS proposes adding § 205.238(a)(5)(i) to read:

(i)The following practices must not be routinely used on pigs and must be used only with documentation that alternatives methods to prevent harm failed: needle teeth trimming (no more than top 1/3rd of the tooth) and tail docking.

FOOD Farmers Recommendation

We have no recommendation or comments on § 205.238(a)(5)(i).

AMS Proposal - § 205.238(a)(5)(ii)

AMS proposes amending § 205.238(a)(5)(ii) to read:

(ii)The following practices must not be performed on a certified operation: de-beaking, de-snooding, caponization, dubbing, toe trimming of chickens, toe trimming of turkeys unless with infra-red at hatchery, beak trimming after 10 days of age, tail docking of cattle, wattling of cattle, face branding of cattle, tail docking of sheep shorter than the distal end of the caudal fold, and mulesing of sheep.

FOOD Farmers Recommendation

Amend proposed § 205.238(a)(5)(ii) to read:

*(ii)The following practices are **prohibited**: de-beaking, de-snooding, caponization, dubbing, toe trimming of chickens, toe trimming of turkeys unless with infra-red at hatchery, beak trimming after 10 days of age, tail docking of cattle, wattling of cattle, face branding of cattle, tail docking of sheep shorter than the distal end of the caudal fold, and mulesing of sheep.*

FOOD Farmers Rationale

We recommend that “must not be performed on a certified operation” be removed from the proposal and be replaced with “are prohibited”.

The phrase “must not be performed on a certified operation” works for all but dairy because only dairy animals can be transitioned to organic production. Producers

transitioning to organic dairy production could be misled into believing that prohibited physical alterations are allowed prior to certification as an organic livestock production operation. Organic dairy producers transitioning conventional animals to organic could be misled into believing that prohibited physical alterations are allowed prior to the animals' arrival on the organic farm.

AMS Proposal - § 205.238(a)(7)

AMS proposes adding § 205.238(a)(7) to read:

(7) All surgical procedures necessary to treat an illness must employ best management practices to minimize pain, stress, and suffering, with the use of appropriate and allowed anesthetics, analgesics, and sedatives.

FOOD Farmers Recommendation

We agree with and have no recommendation or comments on § 205.238(a)(7).

AMS Proposal - § 205.238(a)(8)

AMS proposes adding new § 205.238(a)(8) to read:

(8) Monitoring of lameness and keeping records of the percent of the herd or flock suffering from lameness and the causes.

FOOD Farmers Recommendation

We recommend deleting proposed new § 205.238(a)(8).

FOOD Farmers Rationale

We recommend deleting proposed new § 205.238(a)(8) because it is a redundant requirement. Producers are already required under § 205.103 to maintain records, including records that fully disclose all activities (§ 205.103 (b)(2)). Additionally, producers are already monitoring animal health and including their health care practices and substances in their Organic System Plan. Additionally, new § 205.238(c)(9) further clarifies the requirement to keep records of sick and treated livestock. Finally, the inspector can assess the health of the herd or flock and refer to the producer records to verify appropriate treatment either individually or on a group basis.

Organic producers already are subjected to a high volume of paperwork and we recommend that where it doesn't affect the welfare of the animal or the integrity of the certification, the burden of paperwork be reduced.

AMS Proposal - § 205.238(b)

AMS proposes no change to § 205.238(b) to read:

(b) When preventive practices and veterinary biologics are inadequate to prevent sickness, an operation may administer synthetic medications: Provided, that, such medications are allowed under § 205.603. Parasiticides allowed under §205.603 may be used on:

FOOD Farmers Recommendation

Amend existing § 205.238(b) by removing “sickness” and inserting, in its place, “illness or to alleviate pain and suffering,” to read:

(b) When preventive practices and veterinary biologics are inadequate to prevent illness or to alleviate pain and suffering, an operation may administer synthetic medications: Provided, that, such medications are allowed under § 205.603. Parasiticides allowed under §205.603 may be used on:

FOOD Farmers Rationale

Food Farmers recommends removing “sickness” and inserting, in its place, “illness or to alleviate pain and suffering.” This will reflect consistency with the rest of the regulation, avoid duplication of wording, and ensure that the consumer is aware that all producers are concerned about the pain and suffering of their livestock as well as curing an illness.

With this change, we recommend removal of proposed new § 205.238(b)(3), which is redundant with § 205.238(b), with or without our proposed amendment to § 205.238(b).

AMS Proposal - § 205.238(b)(3)

AMS proposes adding new § 205.238(b)(3) to read:

(3) Synthetic medications may be administered in the presence of illness or to alleviate pain and suffering: Provided, that such medications are allowed under § 205.603.

FOOD Farmers Recommendation

We recommend deleting proposed new § 205.238(b)(3).

FOOD Farmers Rationale

In the above discussion of § 205.238(b) we recommended removing “sickness” and inserting, in its place, “illness or to alleviate pain and suffering.” This action merges the

intent of proposed new § 205.238(b)(3) into existing § 205.238(b). This eliminates the redundancy between proposed new § 205.238(b)(3) and existing § 205.238(b).

AMS Proposal - § 205.238(c)(1)

AMS proposes amending § 205.238(c)(1) to read:

(1) Sell, label, or represent as organic any animal or edible product derived from any animal treated with antibiotics, any substance that contains a synthetic substance not allowed under § 205.603, or any substance that contains a nonsynthetic substance prohibited in § 205.604. Milk from animals undergoing treatment with synthetic substances allowed under § 205.603 having withholding time, cannot be sold as organic but may be fed to their own offspring. Milk from animals undergoing treatment with prohibited substances cannot be sold as organic or fed to organic livestock.

FOOD Farmers Recommendation

We recommend amending § 205.238(c)(1) to read:

*(1) Sell, label, or represent as organic any animal or edible product derived from any animal treated with antibiotics, any substance that contains a synthetic substance not allowed under § 205.603, or any substance that contains a nonsynthetic substance prohibited in § 205.604. Milk from animals undergoing treatment with synthetic substances allowed under § 205.603 having withholding time, **cannot be sold as organic, fed to their own offspring, or fed to other organic animals.** Milk from animals undergoing treatment with prohibited substances cannot be sold as organic or fed to organic livestock.*

FOOD Farmers Rationale

AMS has proposed adding two sentences to the end of the existing text of § 205.238(c)(1). We have no issues with the text of the second sentence which reads: Milk from animals undergoing treatment with prohibited substances cannot be sold as organic or fed to organic livestock.

We have recommended changes to the text of the first added sentence. Specifically, we recommend insertion of a comma after “organic,” removal of “but may be”, and the addition of “or fed to other organic animals.” The sentence now reads: **Milk from animals undergoing treatment with synthetic substances allowed under § 205.603 having withholding time, cannot be sold as organic, fed to their own offspring, or fed to other organic animals.**

We recommend these changes to AMS’s proposed addition to remove conflict with other sections of the regulations and to remove language that undermines organic integrity. Milk from animals undergoing treatment with synthetic substances allowed under §

205.603 having a withhold time must not be allowed to be fed to organic young stock. Such an allowance is in direct conflict with § 205.237(a), which requires agricultural products used as feed to be produced and handled organically.

When milk from animals can't be sold as organic, due to withhold times, it must not be fed to organic young stock. The way AMS's proposal is written, it allows such milk to be fed to the animal's own offspring. This is not workable on dairy farms, where cows produce much more milk than their calf needs, and generally do not suckle their own offspring. In some production systems, calves are allowed to stay with the milking herd and inevitably suckle from many cows. There is no way to guarantee that the calf will only be fed or suckle just its mother's milk. Even if suckling could be limited to the cow's own calf, consumption of the milk by the calf would be a violation of § 205.237(a).

AMS Proposal - § 205.238(c)(2)

AMS proposes amending § 205.238(c)(2) addressing the administration of animal drugs.

FOOD Farmers Recommendation

We agree with the additions and have no recommendation or comments on § 205.238(c)(2).

AMS Proposal - § 205.238(c)(3)

AMS proposes amending § 205.238(c)(3) addressing the administration of hormones.

FOOD Farmers Recommendation

We agree with addition and have no recommendation or comments on §205.238(c)(3).

AMS Proposal - § 205.238(c)(7)

AMS proposes amending § 205.238(c)(7) to now read:

*(7) Withhold medical treatment from a sick animal in an effort to preserve its organic status. All appropriate medications must be used to restore an animal to health when methods acceptable to organic production fail. Livestock treated with a prohibited substance must be clearly identified and **neither the animal nor its products** shall be sold, labeled, or represented as organically produced.*

FOOD Farmers Recommendation

§ 205.238(c)(7) be amended to read:

*(7) Withhold medical treatment **designed to minimize pain and suffering and restore health to injured, diseased, or ill animals** in an effort to preserve its*

*organic status. All appropriate medications, approved or unapproved, must be used to restore an animal to health when methods acceptable to organic production fail. **Such treatment may include euthanasia as detailed in the producer’s written plan for prompt, humane euthanasia. This plan may include forms of euthanasia as recommended by the American Veterinary Medical Association.** Livestock **and their products** treated with a prohibited substance must be clearly identified and shall not be sold, labeled, or represented as organically produced.*

FOOD Farmers Rationale

The following recommendations for amendment to § 205.238(c)(7) render proposed new § 205.238(c)(8) unnecessary since the proposed § 205.238(c)(8) provisions are incorporated into § 205.238(c)(7). For clarity the provisions of both sections should be combined.

The existing § 205.238(c)(7) consists of three sentences. We are recommending amendment as follows:

The first sentence currently reads:

Withhold medical treatment from a sick animal in an effort to preserve its organic status.

We recommend removing “from a sick animal” and replacing it with “**designed to minimize pain and suffering and restore health to injured, diseased, or ill animals**”.

The amended first sentence would read:

*Withhold medical treatment **designed to minimize pain and suffering and restore health to injured, diseased, or ill animals** in an effort to preserve its organic status.*

We previously commented about the need to remind consumers that we care for the health of our livestock and always strive to minimize pain and suffering.

Regarding “pain and suffering”, our recommendation creates consistency with § 205.238(a)(5), § 205.238(a)(7), § 205.238(b) and § 205.238(c)(2). Our recommendation makes it clear that the requirement for medical treatment includes injured and diseased animals, as well as ill animals.

The second sentence currently reads:

All appropriate medications must be used to restore an animal to health when methods acceptable to organic production fail.

We recommend inserting “**approved or unapproved,**”.

The amended second sentence would read:

*All appropriate medications, **approved or unapproved,** must be used to restore an animal to health when methods acceptable to organic production fail.*

Our recommendation makes it clear that producers must use all medications necessary to restore the animal to health.

Next we recommend the addition of a new third and fourth sentence which would read:

Such treatment may include euthanasia as detailed in the producer’s written plan for prompt, humane euthanasia. This plan may include forms of euthanasia as recommended by the American Veterinary Medical Association.

Adding these sentences makes it clear that minimizing pain and suffering for incurably ill or injured animals includes consideration of euthanasia.

Our recommendation is consistent with proposed § 205.238(e)(1) and § 205.238(c)(8). Section 205.238(e)(1) allows producers to use their own plan developed to suit their operation, their species of livestock and their operational infrastructure. In proposed new § 205.238(c)(8) AMS has proposed that the forms of euthanasia recommended by the American Veterinary Medical Association (AVMA) may be used by producers. The AVMA Guidelines for the Euthanasia of Animals: 2013 Edition is 102 pages long and is primarily intended for use by veterinarians. The producer’s plan will undoubtedly use a form of euthanasia recommended by the AVMA as they have a detailed list of recommendations. They might also use the guidelines of the National Dairy FARM Program Animal Care Manual.

The existing third sentence reads:

Livestock treated with a prohibited substance must be clearly identified and shall not be sold, labeled, or represented as organically produced.

We recommend inserting “**and their products**”.

The amended existing third sentence would read:

Livestock **and their products** treated with a prohibited substance must be clearly identified and shall not be sold, labeled, or represented as organically produced.

This insertion clarifies that the animal and its products must be clearly identified, and shall not be sold, labeled, or represented as organically produced.

AMS Proposal - § 205.238(c)(8)

AMS proposes adding a new § 205.238(c)(8) to read:

(8) Withhold individual treatment designed to minimize pain and suffering for injured, diseased, or sick animals, which may include forms of euthanasia as recommended by the American Veterinary Medical Association.

FOOD Farmers Recommendation

We recommend deleting proposed new § 205.238(c)(8).

FOOD Farmers Rationale

For clarity, we combined the provisions of this proposed section with the provisions of § 205.238(c)(7). This action has rendered proposed new § 205.238(c)(8) unnecessary.

AMS Proposal - § 205.238(d)

AMS proposes adding a new § 205.238(d) to read:

(d) Organic livestock operations must have comprehensive plans to minimize internal parasite problems in livestock. The plan will include preventive measures such as pasture management, fecal monitoring, and emergency measures in the event of a parasite outbreak. Parasite control plans shall be approved by the certifying agent.

FOOD Farmers Recommendation

We recommend deleting proposed new § 205.238(d).

FOOD Farmers Rationale

This section is a redundant regulation. Section 205.238(a)(3) of the livestock health care practice standard already requires that the producer establish "...appropriate housing, pasture conditions, and sanitation practices to minimize the occurrence and spread of diseases and parasites." This information is already subject to the organic system plan and the plan is subject to certifier approval. If livestock producers are not including a parasite mitigation plan on their Organic System Plan, they are in violation of § 205.201(a)(1), (2) and (3). It is incumbent on certifiers to ensure that the livestock producer's Organic System Plan has a parasite mitigation plan.

AMS Proposal - § 205.238(e)

AMS proposes adding new § 205.238(e) with three subsections addressing euthanasia.

FOOD Farmers Recommendation

We agree with and have no recommendation or comments on § 205.238(e), (e)(2) and (e)(3).

We have one recommendation for § 205.238(e)(1)

AMS Proposal - § 205.238(e)(1)

Organic livestock operations must have written plans for prompt, humane euthanasia for sick or injured livestock.

FOOD Farmers Recommendation

*Organic livestock operations must have written plans for prompt, humane euthanasia for **animals suffering from irreversible disease or injury.***

FOOD Farmers Rationale

This wording, if taken literally, would seem to mean that sick and injured animals must be euthanized. That is not the current practice of organic dairy farmers. Only animals that demonstrate to be irreversibly ill or irreversibly injured would be considered for euthanasia. Farmers take measures to help the animal recover from illness and injury, including sometimes just the passage of time to allow an animal's immune system to work its magic and their body's mechanisms to repair injury. We are sure that euthanasia of all ill and injured animals was not the intent. We propose using “animals suffering from irreversible disease or injury” as more descriptive and this language is already being used in the National Dairy FARM Program Animal Care Manual.

Proposed Regulations: Mammalian Living Conditions (Formerly Livestock Living Conditions)

AMS Proposal - § 205.239(a)(1)

AMS proposes amending § 205.239(a)(1) by adding soil to the conditions for year-round access; removing “simultaneously without crowding and” from the third sentence and adding “in a manner that maintains all animals in a good body condition” to the end of the third sentence, to read:

*(1) Year-round access for all animals to the outdoors, **soil**, shade, shelter, exercise areas, fresh air, clean water for drinking, and direct sunlight, suitable to the species, its stage of life, the climate, and the environment: Except, that, animals may be temporarily denied access to the outdoors in accordance with paragraphs (b) and (c) of this section. Yards, feeding pads, and feedlots may be used to provide ruminants with access to the outdoors during the non-grazing season and supplemental feeding during the grazing season. Yards, feeding pads, and feedlots shall be large enough to allow all ruminant livestock occupying the yard, feeding pad, or feedlot to feed without competition for food **in a manner that maintains all animals in a good body condition**. Continuous total confinement of any animal indoors is prohibited. Continuous total confinement of ruminants in yards, feeding pads, and feedlots is prohibited.*

FOOD Farmers Recommendation

Food Farmers recommend two amendments to this section.

1. Add “during the grazing season” to the end of the last sentence.
2. Remove proposed text “in a manner that maintains all animals in a good body condition.”

We concur with removal of “simultaneously without crowding and,”.

Food Farmers recommends an amendment to § 205.239(a)(12) if “soil” is added to this section, § 205.239(a)(1). The amendment would read:

(ii) cattle which may obtain outdoor access on improved yards, feeding pads, and feedlots without access to soil in accordance with section 205.239(a)(1).

FOOD Farmers Rationale

We recommend adding “during the grazing season” to the end of the last sentence to make it clear that livestock can be confined to yards, feeding pads and feedlots to maintain outdoor access year round without damaging soil and water quality. Confinement during the grazing season is dealt with in other sections of the regulation.

The addition of “resulting in appropriate body condition” is unnecessary. Section 201.237(d) requires documentation of the animal’s total feed ration, the amount of each type of feed actually fed, and all changes made to all rations throughout the year. Further, § 205.238(a)(2) already requires a feed ration sufficient to meet the animal’s nutritional needs. Failure to do either is an enforceable event. Finally, “appropriate body condition” is a subjective determination influenced by species, breed, stage of life, age, gender, and time of year; not to mention, inspector qualification and experience.

We strongly contend that organic animal welfare guidance and standards must be sensible and based on reasonable standards that are determined by the realities of farming, good husbandry, grazing, natural animal behavior, and natural healing.

Body scoring is a quantitative measure that does not fit particularly well in organic systems. Inspectors need to be trained to recognize conditions that are adverse to the animals exhibiting their “natural behavior” and to recognize this during the times they are temporarily confined. Dairy livestock are managed in a variety of different geographic locations and under many different constraints to preserve soil and water quality. It is unrealistic to expect that all organic inspectors can be trained to conduct even the most basic condition scoring of dairy cattle, especially of those animals that are grazing rather than continuously housed.

The use of a score sheet using a limited number of photographs from a limited number of breeds in a limited number of production situations increases the likelihood of personal interpretation of individual farm situations. If anybody scoring is used to assess herd health, we recommend that the producer and inspector use a scorecard of the general health of the individual cow as a percent of the whole herd, which allows for many different criteria to be used including breed, time of lactation, age, and time of year. That way, if a producer is excelling in most areas, but weak in one area, they should not be penalized. Any animal welfare problems that become apparent during the inspection should be assessed by management and certifier holistically within general herd management.

We concur with removal of “simultaneously without crowding and,” because it takes into account the many different, labor saving feeding methods now being employed for all species.

We appreciate the attempt to clarify that mammals must have year-round outdoor access, but are concerned about cattle being required to have at least 50% of their outdoor access area to be soil during the non-grazing season. As this is not a definition for all livestock, we believe AMS’s addition of “soil” is acceptable provided a provision for cattle, is added to proposed new § 205.239(a)(12) to ensure it is clear and unambiguous that cattle can be on improved yards, feeding pads, and feedlots during the non-grazing season. The amendment would read:

(ii) cattle which may obtain outdoor access on improved yards, feeding pads, and feedlots without access to soil in accordance with section 205.239(a)(1).

Note: in our comments we redesignate § 205.239(a)(12) as § 205.239(a)(13).

AMS Proposal - § 205.239(a)(3)

AMS proposes amending § 205.239(a)(3) by:

1. Removing the first sentence “Appropriate clean, dry bedding.”
2. Replacing the first sentence with “Animals must be kept clean during all stages of life with the use of appropriate, clean, dry bedding, as appropriate for the species.”
3. Removing “shall have been” from the second sentence and adding “must be” in its place.
4. Adding “and handled” immediately after “produced” in the second sentence.

AMS’s proposal reads:

(3) Animals must be kept clean during all stages of life with the use of appropriate, clean, dry bedding, as appropriate for the species. When roughages are used as bedding, they must be organically produced and handled in accordance with this part by certified operations, except as provided in § 205.236(a)(2)(i).

FOOD Farmers Recommendation

We recommend retaining the first sentence as it currently exists in the Code of Federal regulations. Food Farmers finds the changes to the second sentence to be acceptable.

FOOD Farmers proposal reads:

*(3) **Appropriate, clean, dry bedding.** When roughages are used as bedding, they must be organically produced and handled in accordance with this part by certified operations, except as provided in § 205.236(a)(2)(i).*

FOOD Farmers Rationale

Changing the first sentence is not needed. Producers are currently required to provide “Appropriate clean, dry bedding.” as one means to establish and maintain year-round livestock living conditions which accommodate the health and natural behavior of animals. Whether an animal is clean or not is very subjective and can vary with stage of life or production conditions. For example, a dairy cow on fresh pasture will have very liquid manure and the natural swinging of her tail will spread the manure over her back end. The proposed AMS language could create a situation where bedding might be

required unnecessarily, for example, on pasture. The issue is covered more directly in AMS's proposed new section 205.239 (a)(4)(iv).

FOOD Farmers agree with the changes to the second sentence as they are consistent and clearly define regulatory compliance.

AMS Proposal - § 205.239(a)(4)(i)

AMS proposes amending § 205.239(a)(4)(i) by:

1. Deleting the full text which reads:

(i) Natural maintenance, comfort behaviors, and opportunity to exercise;

2. Inserting new text to read:

(i) Sufficient space and freedom to lie down in full lateral recumbence, turn around, stand up, fully stretch their limbs without touching other animals or the sides of the enclosure, and express normal patterns of behavior;

FOOD Farmers Recommendation

Leave § 205.239(a)(4)(i) as currently published in the Code of Federal Regulations, which reads:

(i) Natural maintenance, comfort behaviors, and opportunity to exercise;

FOOD Farmers Rationale

FOOD Farmers recommends the retention of the original language as the new language is too prescriptive for ruminants. While the wording may be a perfect fit for swine, it is an absolute non-fit for dairy cow stall based barns, which the vast majority of organic dairy producers use for housing during the non-grazing season and inclement weather. Dairy cows and their youngstock are very different from pigs. While pigs have an inborn habit to defecate and urinate away from their laying areas when provided with free range housing, dairy cattle defecate wherever and whenever the urge arises. They may defecate and urinate when they are lying in their stall, when they arise from laying, when they are on pasture, etc.

In order to keep housed dairy cows and youngstock as clean and sanitary as possible, stalls need to be sized properly to ensure that the animal's hind end is positioned so that manure and urine is deposited in the gutter or alley rather than in the stall where the animal can lay on it. A dairy cow normally rests in an upright sitting position and stalls are sized to fit this upright sitting position. Very occasionally, a cow or heifer will be seen out on pasture laying flat out on their side or "in full lateral recumbence" with the limbs fully stretched out. It looks like the animal is dead. If this 205.239(a)(4)(i) provision is

kept as is, and requires that all stalls are sized large enough to fit this “dead cow” position, it will mean stalls would have to be approximately twice the width they currently are. This will mean that cows will lie sideways or backwards in their stalls and manure and urine will end up on neighboring cows, at the front of their stalls, in their feed bunk, and underneath themselves. Not only will this make keeping clean cows an impossible job, but it will lead to unsanitary conditions and increased incidence of mastitis from environmental pathogens found in manure.

This new regulation would also impose an astronomical economic burden on the organic dairy farmer. It will mean that all the organic dairy farms that have stalls will have to retrofit their barns to double the size of the stalls. This would mean they will only have room for half as many cows as they currently do, or they will have to build new facilities and build them much larger than current best practices would require. This requirement could be met by no longer using stalls and instead using bedpacks and compost pack barns, or in the right climatic condition, dry packs. One of the reasons that bedpack barns have been limited in number is that they consume extremely large volumes of bedding, and availability of appropriate bedding has been a serious issue. A number of barns that were originally designed as compost bedpacks have been converted to freestall barns because of the difficulty of securing adequate amounts of sawdust or shavings needed to make these barns function properly. The cost to renovate and/or build new facilities countrywide to meet this requirement would be in the billions of dollars. Alternatively a large percentage of organic dairy farms may instead go out of business or stop being organically certified.

AMS Proposal - § 205.239(a)(4)(iv)

AMS proposes adding new § 205.239(a)(4)(iv) to read:

(iv) Areas for bedding and resting that are sufficiently large, solidly built, and comfortable so that animals are kept clean, dry, and free of lesions.

FOOD Farmers Recommendation

We concur with the addition of proposed new § 205.239(a)(4)(iv)

FOOD Farmers Rationale

Proposed new § 205.239(a)(4)(iv) is appropriate and covers the intent of § 205.239(a)(3) and (a)(4)(i).

AMS Proposal - § 205.239(a)(6)

AMS proposes adding new § 205.239(a)(6) to read:

(6) Housing, pens, runs, equipment, and utensils shall be properly cleaned and disinfected as needed to prevent cross infection and build-up of disease-carrying organisms.

FOOD Farmers Recommendation

We agree with and have no recommendation or comments on proposed new § 205.239(a)(6).

AMS Proposal - § 205.239(a)(7)

AMS proposes adding new § 205.239(a)(7) to read:

(7) Dairy young stock may be housed in individual pens under the following conditions:

FOOD Farmers Recommendation

We agree with and have no recommendation or comments on proposed new § 205.239(a)(7).

AMS Proposal - § 205.239(a)(7)(i)

AMS proposes adding new § 205.239(a)(7)(i) to read:

(i) Until weaning, providing that they have enough room to turn around, lie down, stretch out when lying down, get up, rest, and groom themselves; individual animal pens shall be designed and located so that each animal can see, smell, and hear other calves.

FOOD Farmers Recommendation

We recommend amending proposed new § 205.239(a)(7)(i) by removing “Until weaning” and replacing it with “Up to 6 months of age” to read:

*(i) **Up to 6 months of age**, providing that they have enough room to turn around, lie down, stretch out when lying down, get up, rest, and groom themselves; individual animal pens shall be designed and located so that each animal can see, smell, and hear other calves.*

FOOD Farmers Rationale

FOOD Farmers recommends removing “Until weaning” and replacing it with “Up to 6 months of age”. This would make the regulation more precise and consistent with other sections that require animals over 6 months of age to be on pasture. The proposed wording referring to weaning in this section contradicts §205.239(c)(2), which allows

newborn dairy calves up to six months of age to be individually housed and denied outdoor access or pasture. The § 205.239(c)(2) regulatory text reads:

(c) The **producer** of an organic livestock operation **may**, in addition to the times permitted under § 205.239(b), temporarily **deny a ruminant animal pasture or outdoor access** under the following conditions:

(2) In the case of **newborn dairy cattle for up to six months**, after which they must be on pasture during the grazing season and may no longer be individually housed: Provided, That, an animal shall not be confined or tethered in a way that prevents the animal from lying down, standing up, fully extending its limbs, and moving about freely; (Emphasis added)

Dairy calves are typically weaned between two and three months of age, but still possess a strong sucking instinct. Group housing young calves too early can result in their sucking the undeveloped udders of other calves, which will ruin the suckled animal(s) for future dairy production. The weaning process is extremely stressful to calves, and requiring them to immediately be moved to group housing may result in health issues. Additionally, some producers wean calves much later than two to three months. If the regulation is tied to a variable management decision rather than to a specific age, that will result in an unlevel playing field between producers who wean calves at 6 months versus those who wean earlier.

AMS Proposal - § 205.239(a)(7)(ii)

AMS proposes adding new § 205.239(a)(7)(ii) to read:

(ii) Dairy young stock shall be group-housed after weaning.

FOOD Farmers Recommendation

We recommend deleting proposed new § 205.239(a)(7)(ii). See above for rationale.

FOOD Farmers Rationale

Proposed new § 205.239(a)(7)(ii) contradicts § 205.239(c)(2).

AMS Proposal - § 205.239(a)(7)(iii)

AMS proposes adding new § 205.239(a)(7)(iii) to read:

(iii) Dairy young stock over six months of age shall have access to the outdoors at all times, including access to pasture during the grazing season, except as allowed under paragraph (c) of this section.

FOOD Farmers Recommendation

FOOD Farmers finds proposed new § 205.239(a)(7)(iii) to be redundant of § 205.239(c)(2).

We do not oppose the addition of proposed new § 205.239(a)(7)(iii) but suggest the issue is best handled by guidance issued to producers and certifying agents.

FOOD Farmers Rationale

Proposed new § 205.239(a)(7)(iii) is redundant of § 205.239(c)(2).

The regulatory text for § 205.239(c)(2) reads:

(c) The **producer** of an organic livestock operation **may**, in addition to the times permitted under § 205.239(b), temporarily **deny a ruminant animal pasture or outdoor access** under the following conditions:

(2) In the case of **newborn dairy cattle for up to six months, after which they must be on pasture during the grazing season and may no longer be individually housed**: Provided, That, an animal shall not be confined or tethered in a way that prevents the animal from lying down, standing up, fully extending its limbs, and moving about freely; (Emphasis added)

Accordingly, § 205.239(a)(7)(iii) is a restatement of existing regulation best handled by guidance issued to producers and certifying agents.

AMS Proposal - § 205.239(a)(8), (i), (ii) and (iii); § 205.239(a)(9); and § 205.239(a)(10)

AMS proposes new § 205.239(a)(8) and 3 subsections; § 205.239(a)(9); and § 205.239(a)(10) all addressing swine.

FOOD Farmers Recommendation

We have no recommendation or comments on § 205.239(a)(8), (i), (ii) and (iii); § 205.239(a)(9); and § 205.239(a)(10) addressing swine.

AMS Proposal - § 205.239(a)(11)

AMS proposes adding new § 205.239(a)(11) to read:

(11) In confined housing with stalls, at least one stall must be provided for each animal in the facility at any given time. A cage must not be used as a stall. For group-housed swine, the number of individual feeding stalls may be less than the number of animals, as long as all animals are fed routinely over a 24-hour period.

FOOD Farmers Recommendation

Based on our reading of the preamble, FOOD Farmers notes that the first sentence, of proposed new §205.239(a)(11), would not apply to dairy cattle. We have no objection to that understanding. Because intent should always be clearly spelled out in the regulation, FOOD Farmers recommends inserting the words “For non-ruminant animals” immediately before the text of proposed new § 205.239(a)(11) to read:

(11) For non-ruminant animals in confined housing with stalls, at least one stall must be provided for each animal in the facility at any given time. A cage must not be used as a stall. For group-housed swine, the number of individual feeding stalls may be less than the number of animals, as long as all animals are fed routinely over a 24-hour period.

FOOD Farmers Rationale

As noted under “FOOD Farmers Recommendation”, immediately above, our reading of the preamble tells us that the first sentence would not apply to dairy cattle. Without the preamble, which itself is not clear, the proposal’s first sentence appears to reference swine and non-ruminants. However, it could be interpreted as applying to dairy cows as well because of the reference to “stall.” Accordingly, we recommend clarification via the addition of the words “For non-ruminant animals”. Alternatively, the first sentence of this proposed new section could be amended to read: For swine in confined housing with stalls, at least one stall must be provided for each animal in the facility at any given time.

FOOD Farmers Proposal for a New § 205.239(a)(12)

FOOD Farmers Recommendation

FOOD Farmers proposes adding a new § 205.239(a)(12) to read:

(12) Dairy cattle housing: Bedded packs, compost packs, tie-stalls, free-stalls and stanchion barns are all acceptable as housing systems. These different types of facilities must be managed properly and outcome based standards will be used to monitor the general health, cleanliness, and well-being of livestock. Cattle require a clean dry place to lie down. There must be adequate space for all animals to lie down whether it is a bedded pack area or a stall.

FOOD Farmers Rationale

FOOD Farmers recommends that a new section be introduced, possibly titled **205.239(a)(12)** to clearly allow the use of traditional dairy housing. The NOSB and the NOP have very clearly stated in presentations and discussion documents that organic certification allows for traditional forms of dairy housing. FOOD Farmers recommends that this allowance be written into regulation to take any doubt away for:

1. Organic dairies that have invested heavily in their facilities,
 2. Transitioning dairies that need to know existing facilities will be in compliance,
- and

3. Dairies planning to invest in new housing to benefit the health and welfare of the animals.

AMS Proposal - § 205.239(a)(12)

AMS proposes adding new § 205.239(a)(12) to read:

(12) At least 50 percent of outdoor access space must be soil, except when conditions threaten the soil or water quality, outdoor access without soil must be provided temporarily.

FOOD Farmers Recommendation

FOOD Farmers proposes designating proposed new § 205.239(a)(12) as § 205.239(a)(13).

We recommend amending this proposed new section to read:

(13) At least 50 percent of outdoor access space must be soil, except for:

(i) When conditions threaten the soil or water quality, outdoor access without soil must be provided temporarily.

(ii) Cattle which may obtain outdoor access on improved yards, feeding pads, and feedlots without access to soil in accordance with section 205.239(a)(1).

FOOD Farmers Rationale

FOOD Farmers recommends designating proposed new §205.239(a)(12) as §205.239(a)(13) to accommodate our proposed new section, immediately above, on dairy cattle housing.

Requiring that 50 percent of outdoor access be on soil for all livestock poses many problems and is not appropriate for dairy cattle during much of the non-grazing season. We acknowledge that there are times during the non-grazing season, when environmental conditions are right, that it is possible to put dairy cattle out on pasture. But even if the environmental conditions are right, putting cattle on pasture when the vegetation is not yet at the proper grazing stage will be detrimental to the grazing capacity, health, and longevity of that pasture vegetation. Sections 205.239(a) and (b) already adequately address the issue.

Requiring that mammalian outdoor access areas provide at least 50 percent soil would create permanent conditions rather than “temporary conditions” that threaten soil and water quality. This in turn would create a permanent exemption to providing outdoor access. Dairy and beef animals can be devastating to soil and water quality during the non grazing season. Problems include, but are not limited to:

- Nitrogen, phosphorus, and potassium loading on a small area.

- Not being able to capture manure to use on ground that needs nitrogen, phosphorus, and potassium.
- Animals placed on pastures in the non-grazing season can severely damage them for use as pasture the following grazing season. Animals moving in mud all during the non-grazing season will cause lameness and health problems, especially heavier dairy and beef animals.
- Having cows on soil in the non-grazing season directly contradicts NRCS recommendations, and what they will fund in grant cycles. It also contradicts many state and watershed requirements that dairy cattle be off soil in the non-grazing season so that all nutrients can be captured and not escape into the watershed.

The amount of time poultry spend outside and the conditions of the outside is of great significance for avian species. It is an issue that organic dairy spent over seven years working to resolve. We strongly contend that the Access to Pasture Regulation solved the problem with a clear definition of what outside access is tied to with very prescriptive deliverables.

AMS is reminded that the organic livestock provisions underwent significant amendment via proposed rule (October 24, 2008) and final rule (February 17, 2010). This action included numerous provisions designed to enhance the welfare of organic mammalian livestock.

During that rulemaking process commenters made it clear that, for ruminants, there are times when access to pasture are inappropriate. The same would be true of access to bare soil. In fact, commenters recommended that AMS define the term “Yard/feeding pad.” Commenters recommended three variations of a definition for “Yard/feeding pad.” AMS agreed that the regulations needed to provide for yards/feeding pads. AMS went on to say that the comments “received provided sound justification for the introduction of a definition of yards/feeding pads—particularly in light of removing the provision for sacrificial pasture” which was included in the proposed rule. AMS further stated: “Yards/feeding pads are integral to grazing systems as they can serve as an area where lactating animals are gathered and dispersed between pastures and the milking facility. These areas minimize damage to fields that can occur during wet conditions and high impact activities such as feeding.” Minus the word “improved,” AMS incorporated the following commenter definition: “An improved area for feeding, exercising, and outdoor access for livestock during the non grazing season and a high traffic area where animals may receive supplemental feeding during the grazing season.” The word “improved” was removed because AMS stated that its meaning was unclear. See 75 FR 7160.

An improved area is one where various materials are used to stabilize a ground surface that is frequently and intensively used by animals. An improved area provides a stable, non-eroding surface and protects or improves water quality. According to NRCS, such areas “provide a protected surface from the animal’s hoof action, reducing excessive erosion, sediment movement or nutrient transport to surface or subsurface water.”

As written in NRCS's Conservation Practice Standard, Heavy Use Area Protection, Code 561, "Installation of heavy use area protection on muddy sites can improve animal health. Mud transmits bacterial and fungal diseases and provides a breeding ground for flies. Hoof suction makes it difficult for cattle to move around in muddy areas. In addition, mud negates the insulation value of hair coat and the animals must use more energy to keep warm. As temperatures fall, animal bunching may occur, which can reduce or eliminate vegetative cover and lead to erosion and water quality concerns."

It should also be pointed out that requiring access to soil in heavy use areas may place producers in violation of nutrient and runoff management requirements of Federal, state and local regulatory agencies.

Bottom line, access to soil is not good for the welfare of cattle or the environment in high use areas such as yards/feeding pads. Accordingly, the words "*with at least 50 percent soil*" must be removed from the definition of "*Outdoors*."

Therefore, FOOD Farmers recommends that the section be amended by adding a provision clarifying that cattle do not require soil in their outside access on improved yards, feeding pads, and feed lots.

AMS Proposal - § 205.239(b)(7)

AMS proposes removing "...bred animals shall not be denied access to the outdoors and, once bred, ruminants shall not be denied access to pasture during the grazing season; or".

AMS proposes replacing the removed text with "animals shall not be confined any longer than necessary to perform the natural or artificial insemination. Animals may not be confined to observe estrus; and".

AMS proposes § 205.239(b)(7) read:

(7) Breeding. Animals shall not be confined any longer than necessary to perform the natural or artificial insemination. Animals may not be confined to observe estrus; and

FOOD Farmers Recommendation

FOOD Farmers recommends:

1. Reformatting the section,
2. Amending proposed paragraph (i) to provide a specific time limit, and
3. Adding a provision stating that once bred, ruminants shall not be denied access to pasture during the grazing season.

We recommend amending this proposed new section to read:

*(7) **Breeding:** (i) Animals shall not be confined for more than 24 hours to perform natural or artificial insemination, (ii) Animals may not be confined to observe estrus, (iii) **Once bred, ruminants shall not be denied access to pasture during the grazing season; and***

FOOD Farmers Rationale

“Any longer than necessary” is ambiguous language easy to abuse. FOOD Farmers recommends replacing “any longer than necessary” with “for more than 24 hours” to provide a specific time period.

We contend that the section is incomplete without the existing text “*once bred, ruminants shall not be denied access to pasture during the grazing season.*”

AMS added § 205.239(b)(7) to the regulations via final rule on February 17, 2010. The preamble to that rule (page 7174) states:

“We have added a new paragraph (b)(7). To prevent abuse of the allowance for confinement for breeding, we have included a provision that bred animals shall not be denied access to the outdoors and, once bred, ruminants shall not be denied access to pasture during the grazing season. **This precaution was taken because certain producers have denied bred dairy animals access to pasture.**”
(Emphasis added)

By not including “once bred, ruminants shall not be denied access to pasture during the grazing season” AMS weakens the standard and invites producers to once again deny bred dairy animals access to pasture. There are producers who were denying access to pasture because of lactation and pregnancy, claiming that these were life stages needing care equivalent to illness and injury. To stop this abuse, AMS inserted the language in § 205.239 paragraph (b) subparagraphs (2), (5) and (7).

AMS Proposal - § 205.239(b)(8)

AMS proposes amending § 205.239(b)(8) by re-designating “Future Farmers of America” as “National FFA Organization and by adding new text to the end, to read:

*(8) 4-H, **National FFA Organization**, and other youth projects, for no more than one week prior to a fair or other demonstration, through the event, and up to 24 hours after the animals have arrived home from the event. These animals must have been maintained under continuous organic management, including organic feed, during the extent of their allowed confinement for the event. **Notwithstanding the requirements in paragraph (b)(6) in this section, facilities where 4-H, National FFA Organization, and other youth events are held are not required to be certified organic for the participating animals to be sold as organic, provided all other organic management practices are followed.***

FOOD Farmers Recommendation

We agree with and have no recommendation or comments on § 205.239(b)(8).

AMS Proposal - § 205.239(d)

AMS proposes amending § 205.239(d) by removing “simultaneously” from the third sentence to read:

d) Ruminant slaughter stock, typically grain finished, shall be maintained on pasture for each day that the finishing period corresponds with the grazing season for the geographical location: Yards, feeding pads, or feedlots may be used to provide finish feeding rations. During the finishing period, ruminant slaughter stock shall be exempt from the minimum 30 percent DMI requirement from grazing. Yards, feeding pads, or feedlots used to provide finish feeding rations shall be large enough to allow all ruminant slaughter stock occupying the yard, feeding pad, or feedlot to feed without crowding and without competition for food. The finishing period shall not exceed one-fifth (1/5) of the animal’s total life or 120 days, whichever is shorter.

FOOD Farmers Recommendation

We have no recommendation and agree with removing “simultaneously” from the third sentence.

AMS Proposal - § 205.241

AMS has proposed a new § 205.241 entitled “Avian living conditions.”

FOOD Farmers Recommendation

We have no recommendation or comments on any of the provisions in §205.241.

Proposed Regulations: Transport and Slaughter

AMS Proposal - § 205.242

AMS is proposing new regulation addressing:

- Transport - § 205.242(a)
- Mammalian Slaughter - § 205.242(b)
- Avian Slaughter - § 205.242(c)

FOOD Farmers Recommendation

See § 205.242(a) immediately below for recommendation and rationale addressing transport.

AMS Proposal - § 205.242(a)

AMS proposes adding a new § 205.242(a) to read:

- (a) Transport*

FOOD Farmers Recommendation

FOOD Farmers recommends amending proposed § 205.242(a) to read:

- (a) Transport to Buyers, and Slaughter and Auction Facilities*

FOOD Farmers Rationale

FOOD Farmers recommend that proposed § 205.242(a) be more specific about the type of transportation that AMS is seeking to regulate.

The National Organic Standards Board's (NOSB) December 2, 2011, recommendation is entitled "Animal Handling and Transport to Slaughter." The title would seem to imply that they only intend to regulate transportation to a slaughter facility. However, NOSB's proposed regulatory text at § 205.241(a)(1) includes the words "...if they are being transported to a slaughter or auction facility." NOSB's recommendation contains no other situations in which they contemplate regulating the transport of an organic animal from one point to another.

This is a critical distinction because AMS's proposed transportation regulatory language can be interpreted very broadly to include any type of transportation for any purpose. In fact, in the preamble, 81 FR 21975, AMS states that "This proposed section would require producers and handlers of livestock to maintain organic integrity and provide for animal welfare during transportation." It does not say "...during transportation to a slaughter or auction facility" which is what the NOSB recommended. However, AMS does address transport to auction or slaughter facilities in § 205.242(a)(2). Nor does the

regulatory text say "...during transportation for sale or slaughter" which appears to be AMS's intent as evidenced at 81 FR 21976. Here AMS states it "...is proposing a new § 205.242(a)(6) to require operations which transport livestock to sales or slaughter to have in place emergency plans that adequately address problems reasonably possible during transport." AMS also brings up "sale" in proposed new § 205.242(a)(2)(ii).

From the above, we understand that the regulatory intent is to cover transport to slaughter facilities, auctions and for sale and not situations such as bringing:

1. Sick cows back from rented pasture,
2. Freshly calved cows and calves from dry cow pasture to the milking herd, or
3. Cows from the main herd to separate pasture for breeding or as a dry cows.

However, the regulation needs to clearly state the scope of coverage. Preamble and NOSB recommendations do not get published in the Code of Federal Regulations and the reader goes by what is in the Code of Federal Regulations. Accordingly, our recommendation that the section title include the specificity that transportation applies to producer to producer sales, as well as hauling to slaughter and auction facilities.

AMS Proposal - § 205.242(a)(1)

AMS proposes adding a new § 205.242(a)(1) to read:

(1) Certified organic livestock must be clearly identified as organic, transported in pens within the livestock trailer clearly labeled for organic use and be contained in those pens for the duration of the trip.

FOOD Farmers Recommendation

FOOD Farmers recommend that proposed § 205.242(a)(1) be amended by:

1. Removing "transported in pens within the livestock trailer clearly labeled for organic use and be contained in those pens for the duration of the trip.", and
2. Adding "identified on the bill of lading or similar documentation as organic with supporting documentation."

Amended proposed § 205.242(a)(1) would now read:

*(1) Certified organic livestock must be clearly identified as organic and **identified on the bill of lading or similar documentation as organic with supporting documentation.***

FOOD Farmers Rationale

We have recommended removing "transported in pens within the livestock trailer clearly labeled for organic use and be contained in those pens for the duration of the trip." In many cases, organic livestock will need to be transported with non-certified animals to meet the availability of haulers. This is especially true in areas of the country that do not

have a concentration of organic livestock. Certified organic livestock are typically identified with ear tags or other means of identification. We disagree that organic livestock must be transported in designated sections of livestock trailers labeled for organic use. This may make sense for large groups of cattle traveling long distances on cattle trailers with non-organic cattle. However, for the average producer, shipping a limited number of animals (single digit amount) over a short distance/time span, it is burdensome. Most producers either truck their own animals to a slaughterhouse or sale barn, or hire someone to truck the animals for them. Increasingly, because of time pressure and more Department of Transportation regulations, producers will hire a trucker to move a small number of animals. In this situation, one cow could take up half of the trailer. Thus, segregating those animals in their own pen will result in lost revenue for the trucker, and higher trucking costs for the organic producer. To mandate that organic livestock need to be separately penned will unfairly penalize small to mid-size operations. Finally, many of the organic animals qualified for slaughter will have been living side by side with transitioned animals that do not qualify as organic slaughter stock.

To enhance the identification and tracking of transported animals, we recommend that the organic animals be identified on the bill of lading or similar documentation. Certified slaughter plants are required to record the arrival of all organic livestock and separate them into pens clearly marked as organic. Haulers of organic livestock are not certified but this provision will ensure that the mark of identification will follow the livestock and also comply with USDA Animal and Plant Health Inspection Service (APHIS) regulations.

AMS Proposal - § 205.242(a)(2)

AMS proposes adding a new § 205.242(a)(2) to read:

(2) All livestock must be fit for transport to auction or slaughter facilities.

FOOD Farmers Recommendation

FOOD Farmers recommend that proposed § 205.242(a)(2) be amended by:

1. Inserting “organic” immediately before “livestock”,
2. Inserting “ambulatory in order to be” immediately before “fit”,
3. Adding “transport” immediately before “to auction”, and
4. Inserting “buyers,” immediately before “and auction”.

Amended proposed § 205.242(a)(2) would now read:

*(2) All organic livestock must be **ambulatory in order to be** fit for transporting to **buyers, auction or slaughter facilities.***

FOOD Farmers Rationale

Section 205.242(a)(2) is too vague and requires a subjective assessment of whether the animal is “fit”. By amending the text to address that the animal must be ambulatory to be fit for transport, we bring specificity to the proposed regulation. Ambulatory is an industry accepted condition recognized by USDA FSIS.

By addressing the subjectivity of § 205.242(a)(2) we remove the need for § 205.242(a)(2)(ii). For additional information, see our recommendation and rationale for deleting proposed new § 205.242(a)(2)(ii) below.

Last, by adding “buyer” to § 205.242(a)(2) we make it consistent with our proposed amendment of § 205.242(a). For additional information, see our recommendation and rationale for amending proposed new § 205.242(a) above.

AMS Proposal - § 205.242(a)(2)(i)

AMS proposes adding a new § 205.242(a)(2)(i) to read:

(i) Calves must have a dry navel cord and be able to stand and walk without human assistance.

FOOD Farmers Recommendation

We agree with § 205.242(a)(2)(i) and recognize that in some states this is required by law.

AMS Proposal - § 205.242(a)(2)(ii)

AMS proposes adding a new § 205.242(a)(2)(ii) to read:

(ii) Sick, injured, weak, disabled, blind, and lame animals must not be transported for sale or slaughter. Such animals may be medically treated or euthanized.

FOOD Farmers Recommendation

We recommend deleting proposed new § 205.242(a)(2)(ii).

FOOD Farmers Rationale

Section 205.242(a)(2)(ii) is overly prescriptive, potentially economically damaging to producers, and requires a subjective opinion on fitness for transport. Section 205.242(a)(2)(ii) could prevent the transport of an animal to slaughter or auction because of a sore foot or mastitis. Neither of these conditions would affect the quality of the meat or cause the animal to be condemned.

USDA regulations already prevent a “down” animal from being processed for human consumption or to be classified as edible product. Producers are not allowed to transport animals that aren’t fit enough for transport. If an animal goes down and can’t get up either on a transporter or at a slaughterhouse, USDA inspectors will not allow it to be processed. Whether non-ambulatory livestock is treated or euthanized is a Livestock Health Care issue not a transportation issue.

Last, we recommend that this section be deleted, for the above reasons, and that the issue be addressed in § 205.242(a)(2). See our recommendation and rationale for amending § 205.242(a)(2) above.

AMS Proposal - § 205.242(a)(3)

AMS proposes adding a new § 205.242(a)(3) to read:

(3) Adequate and season-appropriate ventilation is required for all livestock trailers, shipping containers and any other mode of transportation used to protect animals against cold and heat stresses.

FOOD Farmers Recommendation

We agree with § 205.242(a)(3).

AMS Proposal - § 205.242(a)(4)

AMS proposes adding a new § 205.242(a)(4) to read:

(4) Bedding must be provided on trailer floors and in holding pens as needed to keep livestock clean, dry, and comfortable during transportation and prior to slaughter. Poultry crates are exempt from the bedding requirement. When roughages are used for bedding they must have been organically produced and handled by a certified organic operation(s).

FOOD Farmers Recommendation

FOOD Farmers recommend that proposed § 205.242(a)(4) be amended by:

1. Removing “on trailer floors and” immediately after “provided” in the first sentence,
2. Removing “clean” immediately after “livestock” in the first sentence,
3. Removing “during transportation and” immediately after “comfortable” in the first sentence, and
4. Adding a new sentence addressing bedding immediately after the first sentence.

Amended proposed § 205.242(a)(4) would now read:

(2) Bedding must be provided in holding pens as needed to keep livestock dry and comfortable prior to slaughter. Bedding may be provided during

transportation depending on the species and size of the animal and the transporter’s flooring. Poultry crates are exempt from the bedding requirement. When roughages are used for bedding they must have been organically produced and handled by a certified organic operation(s).

FOOD Farmers Rationale

Bedding on the trailer floor can be dangerous to the animal depending on the type of trailer floor and species of animal being transported. For example, for mature cattle, having bedding in the trailer during transport can make the floor slippery and dangerous. It is preferable to have ridged floors or mats. Accordingly, we recommend removing “on trailer floors and” from the first sentence to make the sentence solely applicable to holding pens.

To address the use of bedding during transport, we recommend a new second sentence which reads: “Bedding may be provided during transportation depending on the species, the size of the animal and the transporter’s flooring.” This provides the producer or trucker with the opportunity to address the use of bedding based on appropriateness to species and the type of flooring.

We recommend deleting the word “clean” from the first sentence. What is clean is subjective and does not affect the welfare of the animal being transported.

AMS Proposal - § 205.242(a)(5)

AMS proposes adding a new § 205.242(a)(5) to read:

(5) Arrangements for water and organic feed must be made if transport time exceeds twelve hours.

FOOD Farmers Recommendation

FOOD Farmers recommend that proposed new § 205.242(a)(5) be amended by:

1. Removing “if transport time exceeds twelve hours” and
2. Adding “in compliance with the Federal Twenty-Eight Hour Law (49 USC 80502) and the regulations at 9 CFR 89.1-89.5.”

Amended proposed § 205.242(a)(5) would now read:

*(5) Arrangements for water and organic feed must be made **in compliance with the Federal Twenty-Eight Hour Law (49 USC 80502) and the regulations at 9 CFR 89.1-89.5.***

FOOD Farmers Rationale

It is unlikely that any organic livestock will have to be trucked for periods longer than twelve hours. Most organic livestock is trucked to buyers, slaughter facilities, and auction

facilities in just a few hours. Livestock trucked for longer than twelve hours are likely to be shipped in larger transport carriers like tractor trailers. In most cases it is unlikely that the full load will be organic. The twelve hour rule, if implemented, will require separate contracts for transportation of organic livestock. The hauler, who does not have to be organically certified, will have to provide documentation that they met the 12 hour rule for providing water and organic feed. This will decrease the availability of transport for organic livestock and increase the cost, especially for small to mid-size operations that market a small number of animals at one time.

In consideration of the foregoing, we recommend that AMS rely on the federally mandated Twenty Eight Hour Law. This law addresses providing feed and water to livestock during transport; is understood by haulers, APHIS, Department of Transportation (DOT), and law enforcement officers; and is implemented domestically and internationally. Historically and anecdotally, organic animals are extremely unlikely to be shipped for anywhere close to 12 hours, never mind 28 hours.

Accordingly, we recommend amending proposed new § 205.242(a)(5) to remove reference to “twelve hours” and replace it with reference to the Federal Twenty-Eight Hour Law (49 USC 80502) and the regulations at 9 CFR 89.1-89.5.

AMS Proposal - § 205.242(a)(5)(i)

AMS proposes adding a new § 205.242(a)(5)(i) to read:

(i) Organic livestock operations must transport livestock in compliance with the Federal Twenty-Eight Hour Law (49 USC 80502) and the regulations at 9 CFR 89.1 through 89.5.

FOOD Farmers Recommendation

We recommend deleting proposed new § 205.242(a)(5)(i).

FOOD Farmers Rationale

For proposed new § 205.242(a)(5), we recommend removing the reference to “twelve hours” and replacing it with the Federal Twenty-Eight Hour Law (49 USC 80502) and the regulations at 9 CFR 89.1-89.5.

This renders proposed new § 205.242(a)(5)(i) obsolete.

AMS Proposal - § 205.242(a)(5)(ii)

AMS proposes adding a new § 205.242(a)(5)(ii) to read:

(ii) The producer or handler of an organic livestock operation must provide all non-compliant records and subsequent corrective action related to livestock transport during the annual inspection.

FOOD Farmers Recommendation

We agree with AMS's proposal and recommend designating proposed new § 205.242(a)(5)(ii) as § 205.242(a)(5)(i).

FOOD Farmers Rationale

For proposed new § 205.242(a)(5), we recommend removing the reference to “twelve hours” and replacing it with the Federal Twenty-Eight Hour Law (49 USC 80502) and the regulations at 9 CFR 89.1-89.5.

This renders proposed new § 205.242(a)(5)(i) obsolete and necessitates designating § 205.242(a)(5)(ii) as § 205.242(a)(5)(i).

AMS Proposal - § 205.242(a)(6)

AMS proposes adding a new § 205.242(a)(6) to read:

(6) Organic operations must have in place emergency plans to address possible animal welfare problems that might occur during transport.

FOOD Farmers Recommendation

FOOD Farmers recommend that proposed new § 205.242(a)(6) be amended by adding “in partnership with livestock haulers” immediately after “producers” to read:

*(6) Organic operations, **in partnership with livestock haulers**, must have in place emergency plans to address possible animal welfare problems that might occur during transport.*

FOOD Farmers Rationale

Haulers have a legal responsibility for the welfare of the livestock they transport. Haulers are not certified organic and have no accountability to a certifier or the NOP regulations. Thus, the hauler and organic producer need to work in partnership to solve any problem occurring during transport to protect the livestock's certified status. Such a plan can be very simple and adaptable to different circumstances. FOOD Farmers recommendation is intended to make the regulation more accurately reflect the reality of the situation.

AMS Proposal - § 205.242(b)

AMS proposes adding a new § 205.242(b) to read:

(b) Mammalian Slaughter

FOOD Farmers Recommendation

We agree with the proposed addition and have no recommendation of comments on § 205.242(b).

AMS Proposal - § 205.242(b)(1)

AMS proposes adding a new § 205.242(b)(1) to read:

(1) Organic operations that slaughter organic livestock must be in compliance with the Federal Meat Inspection Act (21 U.S.C. 603(b) and 21 U.S.C. 610(b) and the regulations at 9 CFR part 313) regarding humane handling and slaughter of livestock.

FOOD Farmers Recommendation

FOOD Farmers recommends amending proposed new § 205.242(b)(1) by removing the “and” after “21 U.S.C. 610(b)” and adding “and the regulations of 9 CFR part 309, ante-mortem inspection” to the end thereof, to read:

*(1) Organic operations that slaughter organic livestock must be in compliance with the Federal Meat Inspection Act (21 U.S.C. 603(b) and 21 U.S.C. 610(b)), the regulations at 9 CFR part 313 regarding humane handling and slaughter of livestock, **and the regulations of 9 CFR part 309, ante-mortem inspection.***

The edits to this section also includes a second close parentheses and a comma after 21 U.S.C. 610(b). We also recommend removing the close parentheses after 313.

FOOD Farmers Rationale

FOOD Farmers are in agreement with AMS on the three sections devoted to Mammalian Slaughter and propose adding more specificity to ensure continued animal welfare up to the time of slaughter. We feel that the USDA NOP does not go far enough to safeguard the welfare of organic livestock up to the time of slaughter. It also does not honor the recommendations of the NOSB to ensure that organic livestock are handled humanely in appropriate facilities. We recommend adding the regulations under 9 CFR part 30, ante-mortem inspection, which will ensure continued humane treatment of organic livestock up to the point of slaughter. Under 9 CFR part 309 there is continuous inspection of animals presented for slaughter and inspection of holding pens prior to slaughter. This will further assure the organic consumer that organic livestock are cared for humanely from birth to death.

AMS Proposal - § 205.242(b)(2)

AMS proposes adding a new § 205.242(b)(2) to read:

(2) Organic operations that slaughter organic exotic animals must be in compliance with the Agricultural Marketing Act of 1946 (7 U.S.C. 1621, et seq.) and the regulations at 9 CFR parts 313 and 352 regarding the humane handling and slaughter of exotic animals.

FOOD Farmers Recommendation

FOOD Farmers recommends amending proposed new § 205.242(b)(2) by removing the “and” after “(7 U.S.C. 1621, et seq.)” and adding “and the regulations of 9 CFR part 309, ante-mortem inspection” to the end thereof, to read:

(2) Organic operations that slaughter organic exotic animals must be in compliance with the Agricultural Marketing Act of 1946 (7 U.S.C. 1621, et seq.), the regulations at 9 CFR parts 313 and 352 regarding the humane handling and slaughter of exotic animals, and the regulations of 9 CFR part 309, ante-mortem inspection.

FOOD Farmers Rationale

The rationale for this recommendation is the same as that for proposed new § 205.242(b)(1).

AMS Proposal - § 205.242(b)(3)

AMS proposes adding a new § 205.242(b)(3) to read:

(3) Organic operations that slaughter organic livestock must provide all non-compliant records related to humane handling and slaughter issued by the controlling national, federal, or state authority and all records of subsequent corrective actions during the annual organic inspection.

FOOD Farmers Recommendation

We agree with this proposal and have no recommendation of comments on proposed new § 205.242(b)(3).

AMS Proposal - § 205.242(c)

AMS proposes adding a new § 205.242(c) to read: (c) Avian Slaughter

FOOD Farmers Recommendation

We have no recommendations or comments on proposed new § 205.242(c) and its subsections.

Questions asked by AMS NOP

Question: How should AMS regulate livestock slaughter conducted at certified operations inspected by State inspection programs? (Proposed rule page 21978.)

Answer: AMS should mandate the same standards and requirements for the health and welfare of livestock at all the slaughter facilities that are organically certified. There has to be one standard for all facilities to create a level playing field. It is up to the slaughter facility whether they want to follow the USDA NOP regulations or not.

Meat and Poultry Imports

Under certain conditions, meat and poultry products may be imported into the United States from operations in countries whose food regulatory systems are determined by FSIS to be equivalent with its regulatory system. Equivalence would include meeting the goals of the humane slaughter requirements for livestock and the good commercial practice requirements for poultry slaughter. Verification of compliance with equivalent slaughter requirements would be performed by regulatory authorities in the exporting countries.

Question: How should AMS regulate livestock slaughter by certified operations in foreign countries? (Proposed rule page 21978.)

Answer: The importing operation would have to use a facility certified by a USDA NOP recognized certifier who had validated the compliance of its slaughter facility with USDA FSIS regulations 9CFR parts 313 and 309 before being allowed to import organic meat. These regulations require that a qualified plant inspection person inspects every animal and has access to a veterinarian in the case of livestock suspected of being diseased. This carries the protection of the health, comfort and welfare of the animal from the transporting of the animal to the facility to the point of humane slaughter no matter what the country of origin is.

Specifically, AMS is requesting comments on the following numbered topics:

Question 1: The clarity of the proposed requirements: Can farmers, handlers, and certifying agents readily determine how to comply with the proposed regulations?

Answer: We found some text that is lacking in clarity and some passages that use words that are too broad in scope or are judgment based so will allow too wide an interpretation.

Question 2: The accuracy of the assumptions and estimates in the Regulatory Impact Analysis and Regulatory Flexibility Analysis pertaining to organic poultry and egg production. In addition, the accuracy of AMS' assertion that the proposed requirements pertaining to mammalian livestock codify current practices among these organic producers.

Answer: FOOD Farmers does not have the expertise to weigh in on the first part of this question but we do have the expertise and need to weigh in on mammalian livestock. In three very large ways, specific requirements for mammalian livestock in this proposed rule are contrary to the current best practice for organic dairy animals and does NOT codify current practices. Those three areas and the explanation of how they are contrary to current best practices are listed below:

205.239(a)(4)(i) Sufficient space and freedom to lie down in full lateral recumbence, turn around, stand up, fully stretch their limbs without touching other animals or the sides of the enclosure, and express normal patterns of behavior.

While this wording may be a perfect fit for swine, it is an absolute non-fit for dairy cow stall based barns, which the vast majority of organic dairy producers use for housing during the non-grazing season and inclement weather. Dairy cows and their youngstock are very different from pigs. While pigs have an inborn habit to defecate and urinate away from their laying areas when provided with free range housing, dairy cattle defecate wherever and whenever the urge arises. They may defecate and urinate when they are laying in their stall, when they arise from laying, when they are on pasture, etc.

In order to keep housed dairy cows and youngstock as clean and sanitary as possible, stalls need to be sized properly to ensure that the animal's hind end is positioned so that manure and urine is deposited in the gutter or alley rather than in the stall where the animal can lay on it. A dairy cow normally rests in an upright sitting position and stalls are sized to fit this upright sitting position. Very occasionally, a cow or heifer will be seen out on pasture laying flat out on their side or "in full lateral recumbence" with the limbs fully stretched out. It looks like the animal is dead. If 205.239(a)(4)(i) is kept as is, and requires that all stalls are sized large enough to fit this "dead cow" position, it will mean stalls would have to be approximately twice the width they currently are. This will mean that cows will lie sideways or backwards in their stalls and manure and urine will end up on neighboring cows, at the front of their stalls, in their feed bunk, and underneath themselves. Not only will this make keeping clean cows an impossible job, but it will

lead to unsanitary conditions and increased incidence of mastitis from environmental pathogens found in manure.

This new regulation would impose an astronomical economic burden on the organic dairy farmer. It will mean that all the organic dairy farms that have stalls will have to retrofit their barns to double the size of the stalls, which would mean they will only have room for half as many cows as they currently do, or they will have to build new facilities and build them much larger than current best practices would require. This requirement could be met by no longer using stalls and instead using bedpacks and compost pack barns. One of the reasons that bedpack barns have been limited in number is that they consume extremely large volumes of bedding, and availability of appropriate bedding has been a serious issue. A number of barns that were originally designed as compost bedpacks have been converted to freestall barns because of the difficulty of securing adequate amounts of sawdust or shavings needed to make these barns function properly. The cost to renovate and/or build new facilities countrywide to meet this requirement would be in the billions of dollars. Alternatively, a large percentage of organic dairy farms may instead go out of business or opt to end their organic certification.

205.239(a)(12) At least 50 percent of outdoor access space must be soil, except for temporary conditions which would threaten the soil or water quality when outdoor access must be provided without contact to the soil.

Requiring at least 50% soil for outdoor access in the non-grazing season is opposite what USDA's Natural Resources and Conservation Service (NRCS) has been promoting and financing for decades. NRCS has long encouraged producers to replace earthen barnyards with improved yards that are covered with concrete, surrounded by curbs and properly sloped in order to capture the manure and urine deposited by the livestock and control runoff. Many states and critical watersheds also have regulations pertaining to cows on soil in the non-grazing season and have worked diligently to encourage and subsidize the move away from soil based yards. For larger farm sizes, it is required in some states that cows NOT have soil based yards.

205.238 (e) (1) Organic livestock producers must have written plans for prompt, humane euthanasia for sick or injured livestock.

This wording, if taken literally, would seem to mean that ill and injured animals must be euthanized. That is not the current practice of organic dairy farmers. Only animals that demonstrate to be irreversibly ill or irreversibly injured would be considered for euthanasia. Farmers take measures to help the animal recover from illness and injury, including sometimes just the passage of time to allow an animal's immune system to work its magic and their body's mechanisms to repair injury. We are sure that euthanasia of all ill and injured animals was not the intent. An alternate phrase we would suggest using is "animals suffering from irreversable disease or injury". This language is already being used in the National Dairy FARM Program Animal Care Manual.

Question 3: The implementation approach and timeframe. AMS is proposing that all provisions of this rule must be implemented within one year of the publication date of the final rule except for the outdoor space requirements for avian species. AMS is proposing two distinct implementation timeframes for the outdoor space requirements for poultry: (1) three years after the publication of the final rule any non-certified facility would need to comply in order to obtain certification; (2) all facilities certified prior to that three-year mark would need to comply within five years of the publication of the final rule.

Answer: If the intent of the proposed rule is to make all dairy farms either go away from stall-based housing or to double the size of all their existing stalls, then a year would be an impossibly short time to require new facilities to be built or retrofits to be completed. Since only poultry was given longer than a year implementation time, this makes us believe that there is no recognition how the housing/stall text could outlaw what is common practice in the organic dairy industry. A new barn and milking facility for a 150 cow herd would likely cost over a million dollars. Few farms are in a position to take on such a huge investment. We trust that the wording in 205.239(a)(4)(i) will either be revised to allow current dairy cow stalls to continue to be used or 205.239(a)(4)(i) will be revised to specify that it is for swine and perhaps other mammalian livestock, but not for cattle. We also request that there is specific wording adopted for dairy cattle that ensures there is no question about the type of housing allowed for dairy cows. We suggest adopting the following:

Dairy cattle housing: Bedded packs, compost packs, tie-stalls, free-stalls and stanchion barns are all acceptable as housing systems. These different types of facilities must be managed properly and outcome based standards will be used to monitor the general health, cleanliness, and well-being of livestock. Cattle require a clean dry place to lie down. There must be adequate space for all animals to lie down whether it is a bedded pack area or a stall.

PENNSSTATE



College of Agricultural Sciences Cooperative Extension
Agricultural and Biological Engineering

Designing and Building Dairy Cattle Freestalls

Robert E. Graves, Professor, Agricultural Engineering
Dan F. McFarland, Extension Engineer, York County
John T. Tyson, Extension Engineer Mifflin County



Designing and Building Dairy Cattle Freestalls

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Providing a dry, comfortable resting area for dairy cattle is essential to their health, well being and performance. Cows typically rest 10 to 14 hours per day in five or more resting bouts. Well designed and managed dairy cow freestalls (cubicles) can reduce excessive standing, allow more efficient rumination, improve cleanliness, and minimize injury.

Freestalls are a key component of a dairy freestall housing system and can provide a comfortable place for dairy cows to lie down and rest. Cows are not restrained in the stalls and are able to enter and leave as they like. Feed and water are not provided at the stall, so a cow desiring to eat or drink leaves the freestall and walks to another area of the freestall shelter.

A freestall should provide comfort, promote cleanliness, and prevent injuries to the cow. It must allow enough room for the largest cow in the herd to freely enter the stall, lie down, rest comfortably, and easily get to her feet and exit the stall. To do this, freestalls must account for the cow's normal desire to rest facing slightly uphill, change resting positions or stretch while recumbent, and lunge forward to lift her hind quarters first when rising.

The space required for a cow weighing 1300-1500 pounds to rise, recline and rest comfortably is about 48" wide and 9' long. In a recumbent position, the cow's body space occupies approximately 68 – 70" of the stall length (see Figure 1). The stall surface should slope upward (1-2") in the direction the cow lies.

A cow thrusts her body forward as she rises or reclines. Adequate space must be provided ahead of the area occupied by the body to provide room for her head and neck while resting and to lunge forward as she rises and reclines (see Sidebar page 2). A total stall length of about 9' allows enough

room for a cow to lunge forward and rise naturally (closed front freestall). Shorter stalls require an opening at the stall front to allow a cow to thrust her head through as she rises (open front freestall). A 32" high unobstructed opening above the resting surface, the entire width of the stall, is very satisfactory. The brisket locator and/or front stall support structure should not interfere with cow lunging or resting comfort. In existing barns where forward lunge space is not possible, modify the stall partition to allow the cow to lunge to the side through the partition. An area 24 – 30" square is needed at the lower front sides of the stall for the cow to lunge through. Side lunging is not a normal cow behavior, and though cows have demonstrated they can learn this behavior, it can reduce stall usage. **Short stalls with side lunging should not be considered with new freestall construction.**

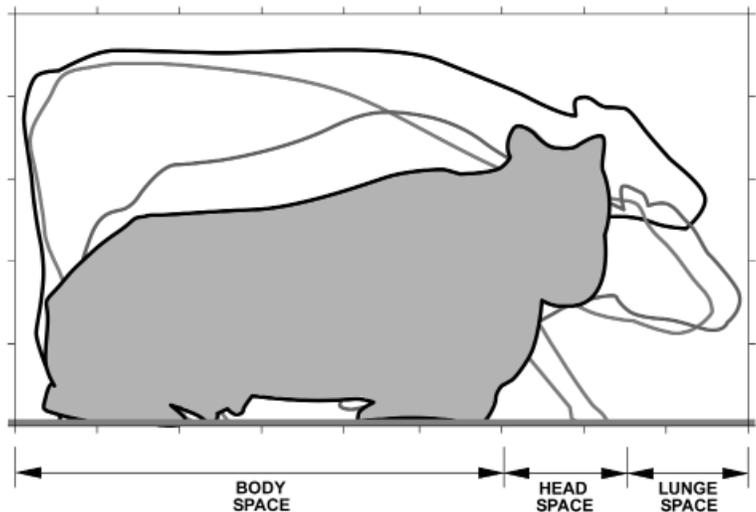
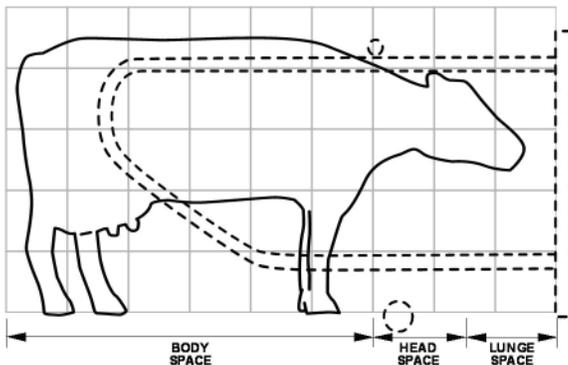
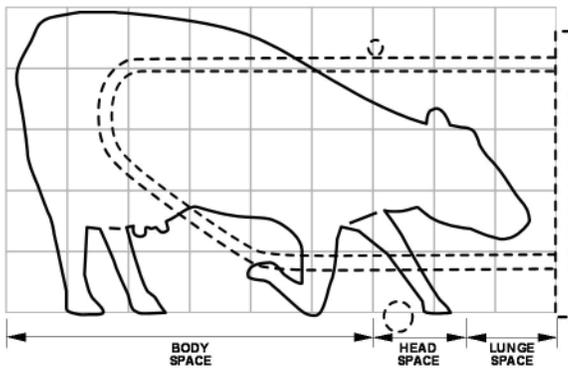
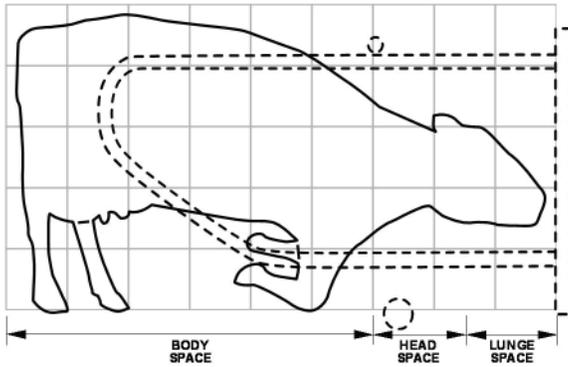
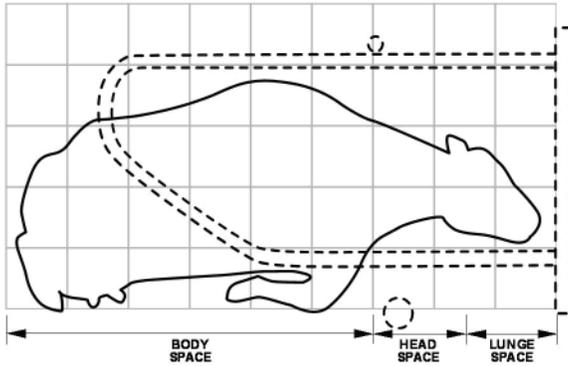
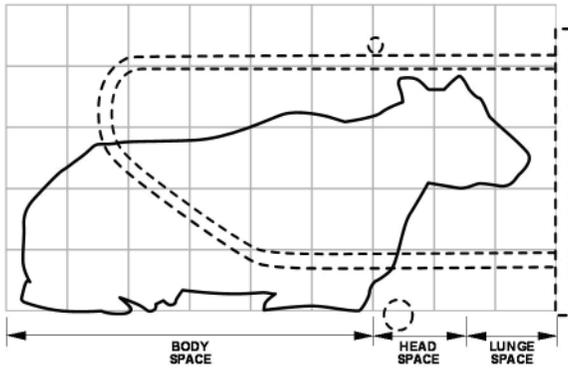


Figure 1. Space requirements for resting and rising dairy cow.

Cow Rising in Freestall



A 1300-1500 pound cow requires about 68"-70" of body space, along with about 38" to 40" of head and lunge space to rise and recline naturally and rest comfortably. This gives a minimum total stall length of 9 feet. A brisket locator (tube or special formed pliable shape) helps define body space and prevents a resting cow from moving too far front in the stall.

A cow thrusts her body forward and head down as she rises, using the weight shift and momentum to raise her hind quarters.

A total length of 9' allows enough room for a cow to lunge forward and rise naturally. Shorter stalls require an opening at the stall front to allow the cow to thrust her head through as she rises. A 32-inch-high unobstructed opening measured from the resting surface the entire width of the stall front is very satisfactory.

The cow then shifts her weight back to raise her front. As shown here she often puts a front foot out to help push up. Therefore the surface in front of the brisket locator is recommended to be no more than 2" to 4" higher than the stall bed, and must provide adequate traction.

When fully raised the cow should be able to stand with all four feet in the stall and her head under the neck rail comfortably. If cows are standing perched two feet in and two feet out of the stall or with head above the neck rail, adjustments may be needed to the stall structure.

Common Freestall Options

- **Closed front freestalls** do not allow a cow to lunge through the front and therefore must be long enough for the cow to complete all her reclining and rising movements within the confines of the stall. These stalls are usually one foot longer than open front stalls. **Figure 2**

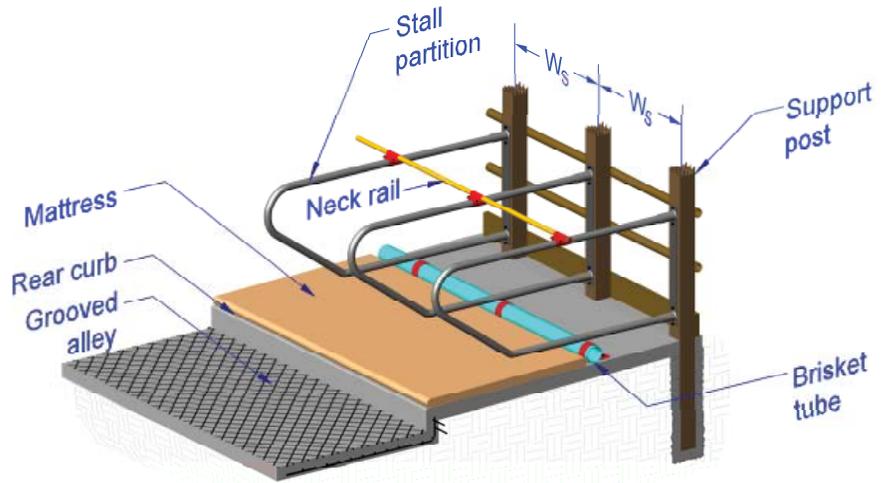


Figure 2. Closed front freestall (PSU DIP 821)

- **Open front freestalls** have a sufficiently open front to allow a cow to extend her head and neck forward into a facing stall, alley or outside the building as she reclines or rises and stall lengths can be shorter. **Figure 3**

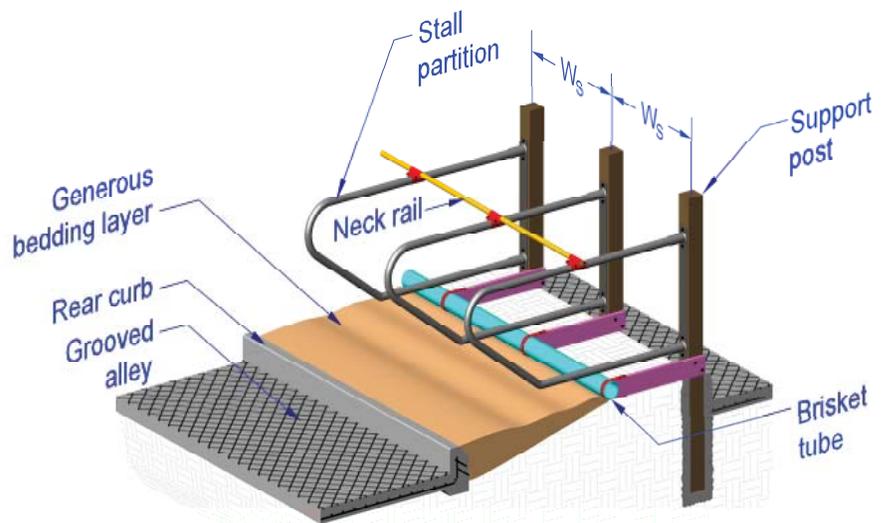


Figure 3. Open front freestall (PSU DIP 821)

- **Deep (generously) bedded freestalls** contain several inches (6-8") of organic (sawdust, recycled manure solids, chopped newspaper...) or inorganic (sand, tailings...) loose bedding material that can conform to the cow's body contours. **Figure 3**

- **Mattress bed freestalls** have a firm, usually concrete base, covered by a thick rubber or other resilient mattress and a thin layer (1-2") of bedding. **Figure 2**

- **Facing or head to head freestalls** can be designed to allow cows to share lunge space and sized as open front stalls. There must be a 32" high full width space between facing stalls to allow adequate lunge space. Partitions are usually mounted on individual posts. If horizontal supports are used they must be above 32" and/or below the stall surface and not interfere with cow lunging. **Figure 4**

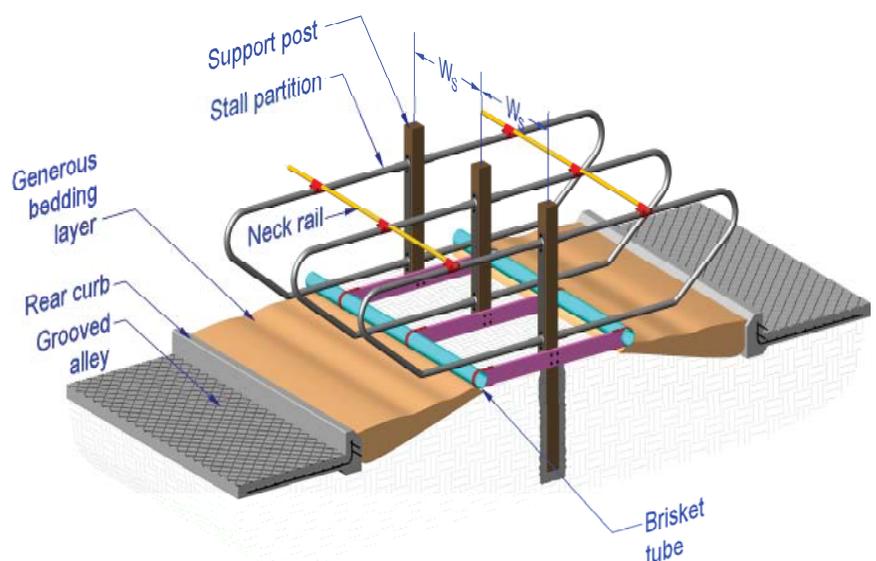


Figure 4. Head to head open front freestall (PSU DIP 821)

Freestall Design Parameters

Construction and attachment of stall components must be rugged and long-lasting with minimal chance for pinch points and other injury. There are many variations in partition size, construction materials, stall base, and bedding. Regardless of the shapes, sizes, or materials, the most crucial requirements continue to be the comfort and cleanliness of the cow.

The primary components of a freestall are:

- Freestall partitions
- Brisket locator
- Base or stall bed
- Neck rail
- Bedding layer
- Curb

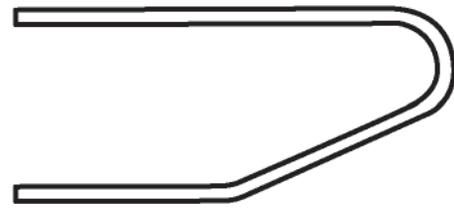
Proper dimensions are critical to the performance of a freestall. For uniformity, most stall dimensions are taken from the top rearmost point of the freestall alley curb.

Important dimensions of a freestall are:

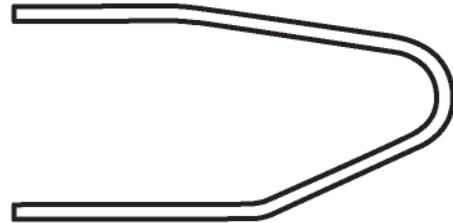
- Stall length
- Stall width
- Stall base slope
- Partition length
- Partition height and clearance under bottom rail
- Rear curb height
- Brisket locator placement and height above stall bed surface
- Neck rail placement and height above stall bed surface.

Freestall Partitions

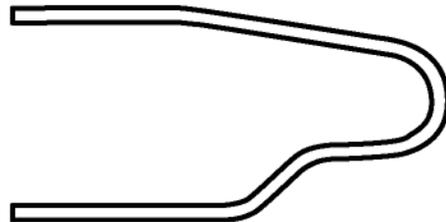
Freestall partitions should guide the cow into and out of the stall, help position the cow, and provide “protection” from cows in adjacent stalls. Location and size of openings, rails, support attachment and other appurtenances should be selected to minimize opportunities for pinch points, entrapment or other injuries to the cow. A variety of partition designs are in use. **(Figure 59)** Modern stall partitions are suspended from the front of the stall instead of having a post embedded at the rear curb. Special designs for use in short stalls accommodate the need for the cow to stick her head through the front side when she lunges forward. **Short stalls with side lunging should not be considered with new freestall construction. Side lunging is not a normal cow behavior but can be learned.** Cow comfort and safety are of prime importance in the design, installation and management of freestalls.



Standard Widespan Freestall Partition



Top-Sloped Widespan Freestall Partition



Notched Bottom Widespan Freestall Partition

Figure 5. Typical Freestall Partition Configurations (DPC GL1 June 2009)

Freestall Neck Rail

The neck rail discourages cows from moving too far forward when entering the stall to provide adequate lunge space for rising and reclining. Positioned properly, the neck rail will allow the largest cow in the group to stand on the stall surface with her back level, legs squarely placed beneath her, and the top of her neck gently touching the neck rail.

Freestall Brisket Locator

A brisket locator (tube or special formed pliable shape) 4-6” high defines the available body space on the stall bed and discourages forward movement of resting cow. It should allow the largest cow in the group to comfortably rest on the stall surface. It should also allow cows to extend their front leg(s) forward when resting, and step forward while rising.

Freestall Curb

The stall curb separates the stall area from manure in the cow alley. It should be high enough to prevent manure from entering the stall, but low enough to allow cows to enter and exit the stalls easily. Recommended maximum concrete curb height is 8". If mattress or mat is used the maximum height from alley to stall be surface is 12".

Freestall Base and Bedding

The freestall base and bedding should provide a comfortable conforming surface to cushion the cow as she drops to a resting position and while resting. To be comfortable, the base and bedding layers should cushion contact areas for hocks, knees, hips, brisket, and shoulders. Provide cushioning by a thick layer (6 to 8") of bedding on a firm base or by an intermediate layer, cushioning mat or mattress, and 1-2" of bedding. Typical cushioning layers are mattresses or soft rubber mats. Mattresses are made by containing a resilient fill material such as crumb rubber, foam or liquid with a woven polyethylene or felt-type geotextile material. Hard rubber mats provide little cushioning and may be slippery. Soft rubber mats provide some of the same features as mattresses. Attachment methods, surface texture and compaction of mat or mattress material are all issues to consider when selecting and installing mats or mattresses. Bedding is required on top of mattresses and mats to help maintain clean/dry conditions.

In addition to preventing injury and providing comfort for cows, freestall bases that require minimum maintenance are desirable. Materials used for bases vary from stone-free earth fill, available on the site, to concrete. Earth fill requires the most maintenance as cows getting up and down will disturb and hollow out the surface. Select a material which does not contain stones or other solid particles that can be kicked into alleys potentially causing injury or discomfort to cows' hoofs. Harder surfaces, such as concrete and hard rubber mats, do not hollow out but are less comfortable, can increase the chance of injuries and lead to stall refusal. Common base materials include:

- Hard packed earth
- Concrete
- Mattresses
- Hard and soft rubber mats

Regardless of base material, a layer of bedding material is needed to provide additional cushion, absorb moisture, help keep the cows clean, and restrict bacterial growth. Low cost and ease of handling are desirable. Mixtures of different bedding materials are often used. Effect of bedding on manure handling systems should also be considered. Various organic and inorganic materials are used for bedding such as:

Organic materials:

- sawdust
- straw
- hay
- shavings
- cornstalks
- peanut hulls
- chopped or shredded paper
- recycled manure solids

Inorganic materials:

- sand
- limestone screenings
- field lime
- gypsum

Stall Construction and installation

Care should be taken to ensure the stall construction or installation method does not interfere with either the natural movements of the rising and reclining cow or the ventilation of the freestall shelter. Carefully examine the mounting method and hardware placement of open front stalls to ensure there are no lunge barriers at the stall front. A 32-inch high unobstructed opening measured from the resting surface is recommended.

Also consider the effects of the stall structure on air flow at cow level. Using smaller dimensional steel rather than larger wooden planks for mounting hardware can result in more open area for better ventilation.

Stall adjustability may also be a consideration. The ability to reposition the stall divider and other components such as the neck rail may be important if the size animal to be housed in the shelter will change over time. There are several stall mounting methods that allow this to be done rather easily.

Freestall Dimensions

The following drawings and table provide guidance when planning space requirements for freestalls and where to place the components (**Figures 6-9 and Table 1**). They are based on values found in the literature and field experiences. For optimum cow comfort and stall use final adjustments to the components will require careful observation of the cows and their stall use such as:

- Are cows and stalls clean and dry?
- Do cows readily use the stalls?
- Are there injuries, punctures, abrasions, swelling of hocks, legs, hips...?
- Do cows have to push, bang, and/or bump against stall components to recline, rise or change positions?

The cow is the final inspector, if cows are not successfully and regularly using stalls or are dirty and show signs of injury action is required.

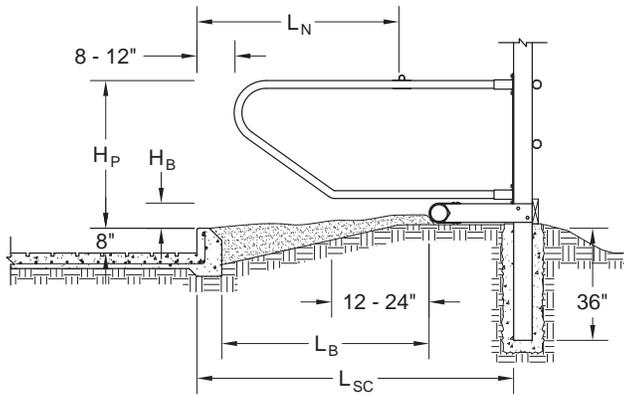


Figure 6. Closed Front Freestall with Generous Bedding

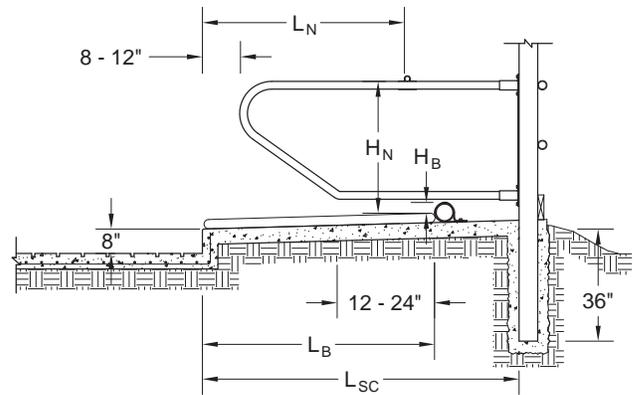


Figure 7. Closed Front Freestall with Mattress Stall Bed

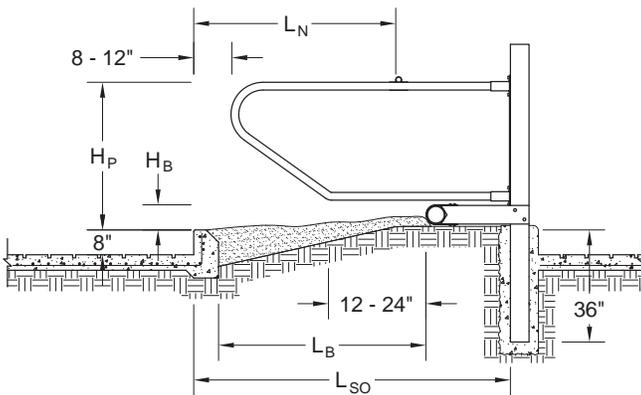


Figure 8. Open Front Freestall with Generous Bedding

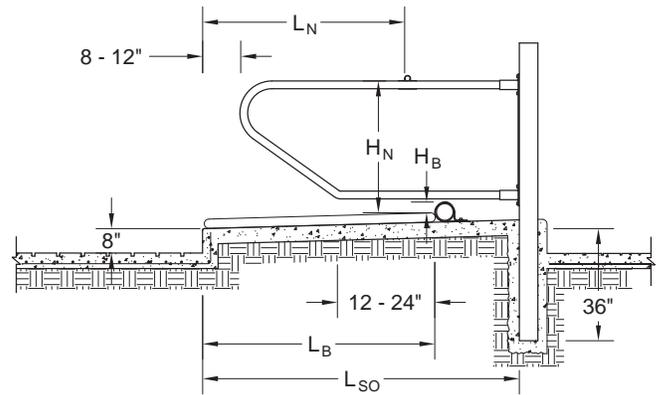


Figure 9. Open Front Freestall with Mattress Stall Bed

Table 1. Suggested dimensions for open and closed front freestalls for mature dairy cattle

Animal Weight (lbs)	Total stall length Closed front (L _{SC}) (in)	Total stall length Open front (L _{SO}) (in)	Length to brisket tube or board (L _B) (in)	Length to neck rail (L _N) (in)	Stall width center to center (W _S) (in)	Height to top of partition (H _P) (in)	Height to neck rail (H _N) (in)	Brisket board or tube height (H _B) (in)
900 - 1100	90 - 96	78 - 82	64 - 66	62 - 64	41 - 43	42 - 44	42 - 44	4 - 6
1100 - 1300	96 - 102	80 - 86	66 - 68	64 - 66	43 - 45	44 - 46	44 - 46	4 - 6
1300 - 1500	102 - 108	90 - 96	68 - 70	66 - 68	45 - 48	46 - 48	46 - 48	4 - 6
1500 - 1700	108 - 114	96 - 102	70 - 72	68 - 70	48 - 52	48 - 52	48 - 52	4 - 6

Management and Maintenance of Freestalls

Proper selection of stall dimensions, partition design, stall bed type, and bedding material are helpful in encouraging dairy cows to use the freestalls offered to them, but regular management and maintenance are necessary to assure clean, comfortable cows. Cow cleanliness is an important step in cow health and comfort, effective milking routines and quality milk production. Check stalls at least three times daily, remove manure and wet material, and rearrange bedding to provide a clean, dry, uniform resting surface. This task is normally done as cows are moved to the milking center and as part of regular cow observation. Of course, bent or broken stall structure components should be repaired and/or replaced before they become an obstacle to stall use, cow well being, or cause injury.

The amount and frequency of bedding added is determined by factors including material variety, stall bed type, group population, and season of the year. Generously bedded stalls require regular addition of material to maintain a relatively consistent clearance between the resting surface and stall structure. Adding large amounts of material less frequently can lead to increased bedding waste after filling, and reduce comfort and cause undesirable cow positioning prior to the next bedding application. Mattress and mat based stalls require more frequent bedding applications to assure a clean, dry surface and a suitable bedding layer to reduce hock injury.

Organic bedding materials can more readily support bacteria populations than inorganic materials, and need to be replaced more frequently. Removing organic materials from the rear third of the stall bed daily and replacing it with fresh material is highly recommended. Avoid the practice of piling organic materials at the front of the stall and pulling it back daily.

Inorganic bedding materials are less likely to support bacteria growth. Materials such as sand and lime are typically added at least once per week. Regular leveling of the stall surface is necessary to provide a comfortable resting place for the cows. Inorganic materials tend to keep the top surface dry by draining moisture away.

Manure, urine, and milk will collect in layers below the surface. Bacteria populations in bedding increase with the amount of time it is in the stall. Therefore, avoid bringing this material to the top when maintaining the stalls. It may be necessary to periodically remove this 'contaminated' bedding from the rear of the stall and replace it with fresh material.

The environment surrounding the resting surface has a great affect on its condition. The first step a cow makes into the stall is near the place the udder and teats will come in contact with as she settles into a resting position. Regu-

lar removal of manure and urine from cow alleys, perhaps three times per day, can help reduce manure tracked onto the stall surface. Good ventilation is essential during all seasons to provide good air quality and to keep floor and resting surfaces dry.

Cow group overcrowding – more than one cow per stall – increases the amount of manure, urine, and moisture created in the animal space. It also increases the demand for the resting spaces available. To maintain desirable cow cleanliness and stall comfort more frequent stall grooming, bedding addition, and alley cleaning are necessary.

Summary

Cow comfort, worker safety and their combined productivity and minimum negative impact on surrounding environment are essential for any dairy production system. Properly designed, constructed and maintained freestalls (cubicles) are an essential component in a system that meets these requirements. Freestalls are satisfactory for large and small groups of dairy cattle, including milking, dry, and special needs cows and replacement heifers (500 pounds and larger). Cow caretakers must understand the relationship between the freestall components and the cow's natural behavior and continually observe and confirm the relationship between the cow and the stalls. If problems are observed timely corrective action is necessary.

Additional Reading Material on Freestall Housing

Agricultural and Biological Engineering Department

246 Agricultural Engineering Bldg.

University Park, PA 16802

(814)865-7685 FAX:(814)863-1031

www.abe.psu.edu (Fact sheets and Idea Plans are listed under "Our Publications")

ABE Fact Sheets

G-72 *Dairy Manure Handling*

G-75 *Natural Ventilation for Freestall Barns*

H-72 *Site evaluation for Dairy Housing Systems*

G-84 *Freestall Barn Floorplans and Components*

Dairy Idea Plans

DIP 821 *Cow Freestall (cubicle), Types and Details*

DIP 822 *Heifer Freestall (cubicle), Types and Details*

Natural Resource, Agriculture and Engineering Service

Cooperative Extension

PO Box 4557, Ithaca, NY 14852-4557

607-255-7654, fax 607-254-8770

www.nraes.org

NRAES-200 *Penn State Housing Plans for Milking Cows and Special-Needs Cows*

NRAES-201 *Penn State Housing Plans for Calves and Heifers*
NRAES 148 *Building Freestall Varns and Milking Parlors*
NRAES 129 *Dairy Housing and Equipment Systems: Managing and Planning for Profitability*

Dairy Practices Council

DPC, 319 Springhouse Road, Newtown, PA 18940
Tel/Fax 215-860-1836
<http://www.dairypc.org>
DPC 1 *Guideline for Planning Dairy Freestall Barns*
DPC 88 *Facilities for Special Needs Animals*

Midwest Plan Service

122 Davidson Hall
Iowa State University
Ames, Iowa 50011-3080
(800)562-3618 FAX:(515)294-9589
www.mwps.org
MWPS-7 *Dairy Freestall Housing and Equipment*

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