

## Livestock Issues Discussed at the NOSB Meeting, November 2007

By Emily Brown Rosen

The NOSB met from Nov. 27-30 in Arlington VA and tackled a number of issues of interest to livestock producers. As usual, it was a forum for the public to express their views, and also to hear from NOP as to their current thinking and latest actions.

### NOP Update

Most importantly, NOP Deputy Administrator Barbara Robinson gave an update on progress on the pasture and replacement animal rules, stating that: "We have made significant progress in rule making." She explained that for the proposed rule on pasture, the rule text was done, and they were finishing the preamble analysis that is required to deal with various federal regulations, such as the Regulatory Flexibility Act, Paper Work Reduction Act, etc. USDA attorneys have given clearance on the regulatory text part. Once the other parts are finished, it must go to the Office of Management and Budget (OMB) for review, which she described as "a tough sell." It is considered a "significant" rule, which means OMB scrutinizes it harder, and can take up to 60 days to review it. She is

planning to meet with OMB to help facilitate the process. A separate rule on origin on livestock (dairy replacements) is in the works, but is not as far along. The NOP hopes to publish it right after the pasture proposed rule.

Robinson also announced plans for a new "electronic reading room" that will publicly post all official communications related to certification, including audits, appeals, complaints, notices of noncompliance, audit reports, appeals, complaints, NOP responses, etc. She acknowledged that NOP has not been operating transparently enough, and said "we have contributed to a growing climate of mistrust by not publishing this information." Currently the NOP is overwhelmed by Freedom of Information Act (FOIA) requests for this type of information, and this is absorbing a huge amount of staff time. She hopes to have this reading room started early in 2008. Hopefully this new practice will illuminate issues in a more timely manner regarding compliance problems, (such as the recent Aurora Dairy consent order) and provide certifiers and farmers with access to current NOP rule interpretations.

J. Burton Eller, Deputy Undersecretary of Agriculture for Marketing and Regulatory Programs, also spoke about the National Animal ID program. This is now a voluntary program and is underway, with many premises registered, and RFID tags are being used in ears. He reminded the audience that this program was started to help with BSE (mad cow disease) trace back, but he thinks it could be useful for identifying organic animals, as well as grass-fed animals. The system is set up in a way that could handle these categories easily, and he sees this as a foolproof way to guarantee an audit trail and prevent fraud.

### Animal Welfare

The Board hosted two specially invited guests to speak about animal welfare. The first was Kathleen Merrigan, former NOSB member, and then the USDA Agricultural Marketing Service Administrator during the time of the final NOP rule publication, currently a professor at Tufts University. She urged the board to be active on this topic, saying "The time is right to work on this now." She noted it is much better to work on the issue before more unregulated growth in the industry occurs. She suggested staking out a simple position on five basic standards that could be easily incorporated:

Poultry - Layer birds must have perches.

Poultry -Induced molting by feed and water withdrawal is prohibited

Beef cattle- In feedlot situation, must have enough space to lie down

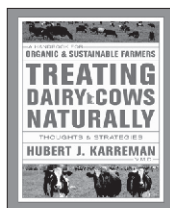
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Beef cattle - Tail docking should be prohibited.  
Swine – gestation crates should be prohibited

Some board members thought that NOSB could go further than this, and that consumers assume these positions are already covered. (Most certifiers would agree they are incorporated). Hue Karreman, livestock committee chair, indicated that welfare issues are high priority for his committee.

A second presenter on welfare was Margaret Wittenberg, Vice President of Whole Foods Markets. She described the Whole Foods program to develop and implement a five-level labeling program to rate suppliers for animal welfare. They sponsored a multi-stakeholder group, including animal advocates, producers, scientists, auditors, and staff to develop standards. They also started a foundation that funds research on alternative production methods. They have recently decided to establish a new certification organization that will be independent from Whole Foods in order to certify to these standards.

She urged these standards to be used as a model for organic standards, however it is not clear how a multi-level approach could work for organic regulations. WF standards will be published once the program is launched in 2008.

#### Aquaculture

The first day of the meeting was dedicated to a special symposium on organic aquaculture, with a focus on two unresolved issues: can organic farmed fish be raised in net pens in open water, and can they be fed non-organic fish meal. The fish meal issue has ramifications for all livestock, as this would require an exemp-

tion to the OFPA requirement that organic livestock must be fed 100% organic feed. Industry experts who presented at the symposium generally thought it would not be possible to raise most species without some amount of fish meal and fish oil in the diet, though there were presentations on a number of alternative plant and microbial sources of essential lipids. Environmental groups cautioned against the depletion of wild fish stocks for feed, contamination of fish meal as feed, and dangers to native species from parasites and pollution spread by fish farmed in pens in oceans and rivers. The NOP indicated they have not moved forward yet on rule writing for initial NOSB recommendations to allow fish raised in ponds or closed systems with organic feed. Once standards are written for organic aquaculture, any fish meal used as livestock feed will need to be only from organic sources. NOSB expects to make final recommendations on these issues at its next meeting, in May 2008.

*Emily Brown Rosen is Policy Director for Pennsylvania Certified Organic, an accredited certification agency. She has also worked for NOFA-NJ and OMRI in technical support and materials review for organic farmers and handlers. ♦*

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