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December 23, 2008

Docket No. AMS-TM-06-0198; TM-05-14  
Richard H. Mathews  
Chief, Standards Development and Review Branch  
National Organic Program, Transportation and Marketing Programs  
USDA-AMS-TMP-NOP  
Room 4008—So, Ag Stop 0268  
1400 Independence Avenue, SW  
Washington, DC 20250

Re: Docket No. AMS-TM-06-0198; TM-05-14—National Organic Program (NOP)—  
Access to Pasture (Livestock)

Dear Mr. Mathews:

The AVMA appreciates the opportunity to comment on Docket No. AMS-TM-06-0198; TM-05-14, in which USDA-AMS proposes to amend livestock and related provisions of the National Organic Program (NOP) to:

- (1) specify that producers are to provide ruminants with pasture, recognize pasture as a crop, and incorporate pasture into their organic systems plan; and
- (2) clarify the replacement animal provision for dairy animals.

As published in the *Federal Register*, the proposed rule would require that ruminants be provided with continuous management on pasture for grazing throughout the growing season and for access during the non-growing season (i.e., year-round access). We understand the proposed rule has been issued in response to concerns from consumers, producers, and others regarding the use of methods for housing organically raised animals indoors that appear to be inconsistent with the current NOP definition of organic production which specifies that: “All organically raised animals must have access to the outdoors, including access to pasture for ruminants.”

The basis of the outdoor access requirement is a desire, as specified by the National Organic Standards Board (NOSB) that animal housing accommodate “the natural maintenance, comfort behaviors, and the opportunity to exercise” required by specific species as a prerequisite to ensuring their welfare, and that certified operations provide “access to shade, shelter, fresh air, and daylight suitable to the species, the stage of production, the climate, and the environment.” It is important to not confuse access to the outdoors, however, with assurance of improved animal health and welfare. We believe policies for pasture access should be formulated based on reliable research data and achievable livestock practices, with goals of producing beneficial outcomes for the animals and healthy and safe organically-produced food. When access to pasture is mandated, both positive and negative implications for animal health and welfare must be considered. In closing loop-holes that permit indoor housing in excess of what is deemed appropriate for organic production, it is important to avoid encouraging exposure of animals unnecessarily to adverse outdoor

conditions that may negatively affect their health and welfare. In addition, we disagree that access to the outdoors is absolutely required to accommodate the behavioral needs of livestock. For these reasons, the American Veterinary Medical Association (AVMA) cannot recommend adoption of the proposed rule.

To more completely explain our perspective, we provide the following specific comments:

**1) Dairy cows may be housed in ways that accommodate their needs in both indoor and outdoor settings.** The primary basis behind the organic standard for pasture access appears to be a desire for the animal to have a “natural” life, rather than a direct goal of optimizing animal health and welfare. Hence, this is a consumer perception of and preference for what constitutes an appropriate life for livestock, rather than a concern for animal health and well-being, and should be clearly acknowledged as such. The ability of indoor systems to provide an appropriate level of care for periods of weeks to months is indicated by their widespread use as winter housing. Nor is pasturing always the best choice as, depending upon conditions, animals may be exposed to increased risks of injury and to uncomfortable or harmful weather conditions. Also, pastured cows tend to eat less in total (Rosati & Aumaitre, 2004; Boyle et al, 2008), and (as acknowledged in the background of the proposed rule) grass availability and nutritional value may be less than optimal seasonally (Trachsel, Busato & Blum, 2000) and due to other unpredictable or unavoidable factors.

**2) In temperate climates, pasturing of dairy cows may be preferable in terms of their welfare** (Rosati & Aumaitre, 2004; Laven & Holmes, 2008). We make this statement on the basis of increased behavioral opportunities (e.g., increased rates of lying: Boyle et al, 2008) and lower incidences of lameness (Boyle et al, 2008; Hernandez-Mendo et al, 2007) and mastitis (Boyle et al, 2008; Hamilton et al, 2006; Laven & Holmes, 2008), but with some caveats. The differences we reference reflect average incidence; conditions such as lameness also occur in cows on pasture (e.g. Fitzgerald et al, 2000). In that regard, some indoor facilities undoubtedly provide better conditions for their livestock than some pasture-based systems. Pasture, as both a substrate and a food source, is a factor contributing to good animal health and welfare, but does not ensure good health and welfare in the presence of other detrimental factors.

**3) Provisions (rather than simply exceptions) should be included that allow indoor housing whenever this would be substantially better for the health and welfare of the animals than being on pasture.** The proposed rule mandates that most animals be on pasture during the “average” growing season for the region when weather would not “kill or cause permanent physical harm.” This provision suggests animals should be on pasture even if indoor housing would better protect their health and welfare in terms of stress, injury, or suffering—so long as they might be expected to survive and ultimately recover from the insult (e.g., heat stress, Silanikove, 2000). If a primary motivation is to hold organic husbandry to a high standard of animal health and welfare, then ensuring these must trump the aesthetics of being on pasture. Pasturing should be mandated only under conditions likely to result in a net health and welfare benefit for the animals—for example within a species-appropriate temperature range given the shelter provided in the field, rather than during seasons determined by statistical averages (or a non-negotiable minimum number of days [e.g., 120]).

**4) Dry matter intake from pasture is difficult to accurately quantify** (see: Bargo et al, 2003) **and audit.** It is difficult to imagine how a farmer could provide meaningful assurance that his livestock consume at least 30% of DMI from pasture. Even in very extensive dairy systems, such as those found in Australia and New Zealand (Verkerk, 2003), there may be extensive supplemental feeding

seasonally or as required, and potentially over extended periods (e.g., during droughts). A literally enforced rule specifying percentage pasture intake might discourage supplemental feeding during periods of poor grass growth (e.g., during a shorter than average growing season when presence on pasture would be mandated, but pasture performance would be poor). The suggestion that pasture quality sufficient for grazing can always be ensured by use of a “sacrificial field” is questionable.

**5) Good animal health and welfare are essential components of food safety and, therefore, public health.** When changes to regulations are proposed, it is imperative that possible benefits are carefully weighed against potential unintended consequences for food safety, human health, and animal health and welfare. One (but certainly not the only) example is that outdoor access potentially increases cows’ exposure to rodents and can thereby increase risks of toxoplasmosis.

The objective of the AVMA is to advance the science and art of veterinary medicine, and the Association has a long-term concern for, and commitment to, the welfare and humane treatment of animals. The AVMA represents more than 77,000 veterinarians and is the recognized voice for the profession in presenting its views to government, academia, agriculture, animal owners, the media, and other concerned members of the public. We appreciate the opportunity to offer comments.

Sincerely,



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Assistant Executive Vice President

AWC/EPK/GCG

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