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Attention: Organic Livestock and Poultry Standards Final Rule

Implementation Dates: January 2, 2025 or January 2, 2029 (see below for more details)

November 2023

Dear PCO-Valued Stakeholders,

We wanted to inform you about a significant development in the regulatory landscape that may impact your operations in the meat, egg, poultry, dairy, or animal fiber industries.

The United States Department of Agriculture (USDA) Agricultural Marketing Service (AMS) has recently published a final rule aimed at fortifying organic livestock and poultry production standards. This rule introduces new provisions for livestock handling and transport, slaughter, and avian (poultry) living conditions. Additionally, it expands and clarifies existing requirements related to livestock care, production practices, and non-avian living conditions.

These changes are designed to uphold a transparent and consistent standard for organically produced foods, fostering consumer confidence in USDA organic products. The changes also align with consumer expectations, particularly regarding outdoor access, and aim to streamline interstate commerce in organic products.

Given the potential impact on your industry, we want to assure you that PCO is diligently evaluating the implications of this final rule. In early 2024, we will provide comprehensive details on our implementation plan. This will include updates to policies and forms, along with training opportunities to ensure a smooth transition. The following pages provide a brief overview of the rule and implementation dates.

We understand the importance of staying informed and prepared, and we encourage you to stay tuned for our upcoming communications. Should you have any immediate questions or concerns, please don't hesitate to reach out to us. We value your partnership and are committed to supporting you through these changes.

Thank you for your attention, and we look forward to navigating this evolving landscape together.

Best regards,

A handwritten signature in black ink, appearing to read 'Kyla Smith', written in a cursive style.

Kyla Smith
Certification Policy Advisor

*The following pages include additional details and information about the rule and its implementation.

Organic Livestock and Poultry Standards Final Rule

The OLPS final rule was published on November 2, 2023 with the following implementation dates:

- All organic operations must comply with the requirements of this rule **by January 2, 2025**, except:

(1) Currently certified organic layer operations and layer operations that are certified before January 2, 2025, must comply with the §§ 205.241(c)(2), (c)(4), and (c)(5), concerning outdoor stocking density requirements and soil and vegetation requirements, by **January 2, 2029**.

(2) Currently certified organic broiler operations and broiler operations that are certified before January 2, 2025, must comply with §§ 205.241(b)(10), (c)(2), and (c)(6), concerning indoor and outdoor stocking density requirements and soil and vegetation requirements, by **January 2, 2029**.

(3) Currently certified organic poultry operations and poultry operations that are certified before January 2, 2025 must comply with § 205.241(b)(4), concerning poultry house exit area requirements, by **January 2, 2029**.

Based on the above dates this means that organic layer operations must comply with the indoor space requirements (e.g. stocking densities) by January 2, 2025.

Also, an important clarification to note: if a poultry operation (e.g. layer or broiler) is certified prior to January 2, 2025 but then surrenders after that date and reapplies, that operation must be in compliance with all the delayed requirements with the implementation date of January 2, 2029, immediately.

Topics Covered in the OLPS Final Rule (outlined in more detail below):

1. Terms defined (§205.2)
 2. Livestock care and production practices standard (§205.238)
 3. Mammalian and non-avian living conditions (§205.239)
 4. Avian living conditions (§205.241 - NEW section)
 5. Transport and slaughter (§205.242 - NEW section)
- Full text of the **Organic Livestock and Poultry Standards (OLPS)** final rule can be found at <https://www.federalregister.gov/documents/2023/11/02/2023-23726/national-organic-program-nop-organic-livestock-and-poultry-standards> or contact the PCO office for a hard copy.
 - Visit the NOP's Organic Livestock and Poultry Standards webpage at <https://www.ams.usda.gov/rules-regulations/organic-livestock-and-poultry-standards> for additional resources, such as a fact sheet, the final rule and the slide deck from the informational webinar.

Overview of the Topics Covered by this Final Rule:

Terms defined (§205.2)

Seventeen new terms were added to §205.2: beak trimming, caponization, cattle wattling, de-beaking, de-snooding, dubbing, indoors or indoor space, induced molting, mulesing, non-ambulatory, outdoors or outdoor space, perch, pullet, religious (or ritual) slaughter, stocking density, toe clipping and vegetation.

Livestock care and production practices standard (§205.238)

- All operations must select a species suitable for the conditions of their site, establish appropriate housing and provide a feed ration sufficient to the nutritional requirements of the animal.
- Physical Alterations:
 - Allowed to be performed for identification purposes or for the safety of the animal only. Must be performed on livestock at a young age for the species, in a manner that minimizes stress and pain and by a person capable of performing the physical alteration in a manner that minimizes stress and pain.
 - Prohibited Physical Alterations:
 - Avian species: de-beaking and de-snooding, caponization, dubbing, toe clipping of chickens, toe clipping of turkeys unless with infra-red at hatchery, beak clipping after 10 days of age.
 - Mammalian species: 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.
 - Restricted Physical Alterations - may not be routinely used but may be performed as needed in documented instances of harm if alternative methods to prevent harm failed:
 - Needle teeth clipping (no more than the top 1/3 of the tooth) and tail docking in pigs.
- Surgical procedures on livestock to treat an illness or injury shall employ best management practices to promote the animal's wellbeing and to minimize pain, stress, and suffering, and only with the use of anesthetics, analgesics, and sedatives as listed in § 205.603(a) and (b).
- Administration of medications, allowed under §205.603, may be used to alleviate pain and suffering only when preventative practices and veterinary biologics (vaccines) are inadequate to prevent sickness.
- Parasiticides allowed under §205.603 may be used on dairy or fiber bearing animals as allowed per the restriction outlined in §205.603 and on breeder stock only prior to the last third of gestation but not during lactation for progeny that are to be sold, labeled or represented as organic.
- The following practices are prohibited:
 - Use of 1) antibiotics 2) substances that contain a synthetic substance not allowed under §205.603 3) substances that contain a non-synthetic substance prohibited at §205.604, or 4) synthetic or non-synthetic hormones to promote growth, or for production or reproductive purposes (hormones continue to be allowed as medical treatments only per §205.603) on animals or animal products to be sold, labeled or represented as organic.

- Use of synthetic parasiticides on a routine basis.
- Use of synthetic parasiticides on slaughter stock.
- Use of animal drugs in violation of the Federal, Food, Drug and Cosmetic Act.
- Withholding medical treatments, in order to preserve the organic status of an animal, or treatments designed to minimize pain and suffering for injured, diseased or sick animals.
- Practice induced molting (which means molting that is artificially initiated including the withdrawal or reduction of feed, the manipulation of light or other management practices used to rejuvenate egg production).
- Milk from an animal treated with an allowed substance in §205.603, which has a withholding time, may not be sold, labeled, or represented as organic during that withholding time. However, organic animals or breeder stock may continue to provide milk for organic calves on the same operation during the withholding time.
- Prohibit the following methods of euthanasia: suffocation, manual blows to the head by blunt instrument or manual blunt force trauma, and use of equipment that crushes the neck (e.g., killing pliers or Burdizzo clamps).
- Monitoring and Recordkeeping:
 - Identify and record treatment of sick and injured animals in animal health records.
 - Must have written euthanasia plans for sick or injured livestock suffering from irreversible disease or injury.
 - Must monitor lameness and record timely and appropriate treatment and mitigate against the causes of lameness.
 - Parasite control plans must be kept to minimize internal parasite problems including preventative measures such as pasture management, fecal monitoring and emergency measures in the event of parasite outbreak.
 - Temporary confinement must be recorded.

Mammalian and non-avian living conditions (§205.239)

- All animals must be able to feed without competition for food.
- Shelter must provide:
 - Sufficient space for the animals to lie down, stand up, and fully stretch their limbs and allow livestock to express their normal patterns of behavior over a 24-hour period.
 - Temperatures, ventilation, and air circulation that is appropriate to the species using the shelter.
 - A reduction in the potential for livestock to be injured when using the shelter.
 - Bedding and resting areas that are sufficiently large and comfortable to keep livestock clean, dry, and free of lesions.
- Housing, pens, runs, equipment and utensils must be properly cleaned and disinfected to prevent cross-infection and build-up of disease carrying organisms.
- Confined housing with stalls:
 - Must have enough stalls to allow for the natural behaviors of the animals.
 - Cages are prohibited.
 - For group housed swine: More animals than feeding stalls may be allowed as long as all animals are fed routinely every day.

- For group housed cattle: bedded packs, compost packs, tie-stalls, free-stall and stanchion barns are permitted so long as production practices are compatible (e.g. express their normal patterns of behavior over a 24-hour period according to §205.239(a)(4)(i)).
- Dairy Young Stock:
 - Allows for the individual housing of animals until the weaning process is complete, as long as the animals have sufficient room to turn around, lie down, stretch out while lying down, get up, rest, and groom themselves. In addition, individual pens for young stock must be designed so that animals can see, smell, and hear other animals.
- Swine:
 - Must be housed in groups except for 1) Sows are allowed to be individually housed during farrowing and suckling periods 2) boars and 3) swine with multiple documented instances of aggression or for recovery of illness.
 - Prohibits the use of gestation and farrowing crates, flat decks or piglet cages.
 - Rooting materials must be provided except during farrowing and suckling period.
 - Indoor and outdoor space must allow for rooting (including during temporary confinement).
- Outdoor space:
 - "Outdoors or outdoor space" is defined as any area outside an enclosed building or enclosed housing structure. Enclosed housing structures with open sides (e.g., open-sided freestall barns) are not to be considered outdoors or outdoor space.
 - Outdoor space includes all the non-enclosed space encompassing soil-based areas such as pastures, pens, or sacrifice lots; hardened surface areas such as feedlots, walkways, or loafing sheds; and areas providing outdoor shelter such as windbreaks and shade structures.
 - Operations must provide unencumbered access to the outdoors year-round, unless temporary confinement is justified under a specific reason described at §205.239(b)–(d).
 - When outdoor space includes soil then vegetative cover must be maintained as appropriate.
- Temporary Confinement:
 - Clarification regarding the allowance of temporary confinement during breeding. Not allowed for observing estrus or to confirm pregnancy.
 - Allowed for animals sold as youth projects where the facilities are non-organic (organic certification of these facilities is not required).

Avian living conditions (§205.241)

- Must establish and maintain living conditions that accommodate the well-being and natural behaviors of birds. These living conditions include year-round access to the outdoors, soil, shade, shelter, exercise areas, fresh air, direct sunlight, clean water for drinking, materials for dust bathing, and adequate space to escape aggressive behaviors. Continuous total confinement of animals is prohibited.
- Provides for minimum indoor and outdoor space requirements.

- Indoor Areas:
 - Must allow for birds to move freely, stretch both wings simultaneously, stand normally and exhibit natural behaviors.
 - Monitor ammonia levels at least weekly by taking measurements at the height of the birds' heads and implement practices to maintain levels below 20 ppm. When levels exceed 20 ppm additional measures are required to be implemented to reduce the levels below 20 ppm. Ammonia levels must not exceed 25 ppm.
 - For layers and all fully feathered birds, artificial light may be used to prolong the day length, to provide up to 16 hours of continuous light per 24-hour period. Must be lowered gradually to encourage perching/settling for night. Artificial light spectrum may not be manipulated to increase feed intake and growth rate.
 - Exit areas: Poultry houses must have 1 linear foot of exit area for every 360 birds. Houses with flocks fewer than 360 birds must have no less than 1 linear foot of exit area. Exit areas must be appropriately distributed and sized to ensure that all birds have ready access to the outdoors.
 - Certifiers may approve organic system plans with less than 1 linear foot of exit area per 360 birds provided that the operation demonstrates that ready access to the outdoors is provided to all birds
 - Operations subject to 21 CFR 118 must take steps to prevent animals from entering the poultry house.
 - For birds that perch, six inches of perch space must be provided per bird. All birds must be able to perch at the same time except in tiered housing, where perches must provide for 55% of all birds to perch at the same time. Floors in slatted/mesh floor housing cannot be counted as perch space.
 - Non-mobile houses with slatted/mesh floors are permitted but at least 15% of the flooring must be solid floor areas and sufficient litter must be available for dust baths so that birds may do so freely without crowding.
 - Maximum indoor stocking density (must not exceed):
 - Broilers – 5 lbs/ft² or 2 square feet per bird
 - Pullets – 3 lbs/ft² or 1.8 square feet per bird
 - Layers:
 - Mobile Housing – 4.5 lbs/ft² or 1.5 square feet per bird
 - Aviary systems – 4.5 lbs/ft² or 1.5 square feet per bird
 - Slatted/mesh flooring – 3.75 lbs/ft² or 1.8 square feet per bird
 - Floor litter systems – 3 lbs/ft² or 2.2 square feet per bird
 - Other housing – 2.25 lbs/ft² or 3 square feet per bird
 - Turkeys, ducks and other meat type species – stocking densities were not provided for in this final rule.
 - Indoor space used to calculate densities includes all flat areas available to birds, excluding nest boxes.
 - Indoor space may include enclosed porches and lean-to type structures (e.g., screened in, roofed) provided that the birds always have access to the space, including during

temporary confinement events. If the birds do not have continuous access to a porch or enclosed structure, including during temporary confinement events, that space may not be considered indoor space and may not be included in an operation's indoor space calculation.

- Outdoor Areas:
 - At least 75% of the outdoor space must be soil with vegetative cover. Vegetative cover must be maintained in a manner that does not provide harborage for rodents and other pests.
 - A maximum of 25% of the outdoor area may be gravel, concrete or surfaces other than soil with vegetative cover.
 - Must be designed to promote and encourage access to the outdoors for all birds on a daily basis. Must be provided at an early age to train birds to go outdoors.
 - Unenclosed roofed areas (i.e., having a roof but no walls to contain birds) can be counted as outdoor space when these areas allow birds to freely move between the roofed area(s) and other outdoor space. This ensures that enclosed porches are not counted as outdoor space.
 - Maximum outdoor stocking density:
 - Broilers – 5 lbs/ft² or 2 square feet per bird.
 - Pullets – 3 lbs/ft² or 1.7 square feet per bird.
 - Layers – 2.25 lbs/ft² or 3 square feet per bird.
 - Turkeys, ducks and other meat type species – stocking densities were not provided for in this final rule.
- Temporary Confinement (allowed for the following reasons):
 - Inclement weather, including when air temperatures are below 32F or above 90F.
 - First 4 weeks of life for broilers and 16 weeks for pullets or until fully feathered if other species than *Gallus gallus*.
 - Conditions when health, safety or well-being of bird is in jeopardy.
 - Risk to soil or water quality.
 - Preventative healthcare procedures or for the treatment of illness or injury (various life stages or egg laying is not an illness or injury).
 - Sorting and shipping of birds and poultry sales.
 - Nest box training (must not exceed 5 weeks over the life of the bird).
 - Youth projects (e.g. 4-H and National FFA) for no more than one week prior to the event and up to 24 hours after the birds have arrived home after the event.

Transportation and slaughter (§205.242)

- Must be clearly identified as organic, which must be traceable for the duration of transport.
- Animals must be fit for transport to sale or slaughter. Calves must have dry navel cord and be able to stand and walk on their own. Seriously crippled and non-ambulatory animals must not be transported for slaughter or sale but rather be medically treated or euthanized.
- All transportation (e.g. livestock trailers, shipping containers, trucks) must be appropriately ventilated to protect animals against cold and heat stress.

- Organic feed and water must be provided if time between loading and unloading exceeds 12 hours.
- Bedding must be provided during transport and prior to slaughter (e.g. trailer floors and holding pens) to keep animals clean, dry and comfortable. Bedding must be appropriate to the species and type of transport. Bedding is not required in poultry crates. Roughages used for bedding must be organic.
- For transport that exceeds eight hours (measured from time all animals are loaded to the time the vehicle arrives at its destination) the operation must describe how organic management and welfare will be maintained. Records must be available during inspection that demonstrate that transport times are not detrimental to the welfare of the animals.
- Must have written emergency plans.
- Must be in full compliance with existing humane handling and slaughter laws and provide any records of noncompliance and corrective action documents during annual organic inspection.