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Best Practices for Consistent Implementation of Organic Livestock and Poultry Standards
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In January of 2017, the National Organic Program published the Organic Livestock and Poultry Practices Rule, in order to bring clarity and consistency in interpretation of the regulations related to livestock and poultry care. Although it was widely supported, the Final Rule was delayed and subsequently withdrawn by the USDA. The organic certification community acknowledged that clarity and consistency were still needed and, at that time, an ACA Working Group convened to develop Best Practices for consistent implementation of the organic regulations for livestock and poultry that are based on existing regulations. The Best Practices have now been updated to incorporate new rule citations published 11/02/2023 and clarify policy.

The updated USDA Organic Regulations related to livestock health care and livestock living conditions are given at 7 CFR § 205.238 - 205.242. The Organic Livestock and Poultry Standards final rule published November 2023 adds new provisions for livestock handling and transport, slaughter, and avian (poultry) living conditions, and expands and clarifies existing requirements covering livestock care and production practices and non-avian living conditions.

The following Question & Answer table is organized according to sections of the updated National Organic Standards. It contains updated Q & A in the areas that were identified by the earlier Working Group as having potential for inconsistent interpretation or implementation. Best practices and updated citations have also been added to incorporate the new OLPS Final Rule.

ACA Best Practices describe actions certifiers should take to verify operator compliance, as well as producer activities that can easily be approved by certifiers. The ACA strives to ensure that all Best Practices are consistent with the Organic Foods Production Act (OFPA) and the USDA Organic Regulations. These Best Practices are not legally binding, but if a producer presents plans that fall outside of these Best Practices, then the Organic System Plan (OSP) should provide a rationale for alternative methods and an explanation for how their system fulfills the applicable portion(s) of 7 CFR § 205.238 - 205.242 and related regulations. Certifiers will

evaluate whether the differences can be justified. Similarly, if certifiers take an approach that is different from what is presented here, they should be able to articulate how the differing approach is justified according to the OFPA and the USDA Organic Regulations.

Implementation Dates	
Outdoors and soil and vegetation for layers (including pullets)	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.
Indoors, outdoors, and soil and vegetation for broilers	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.
Exit areas for all poultry	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.
All other requirements	Except as described above, all poultry must comply with all remaining new and revised standards by January 2, 2025. For example layers, including pullets, must comply with all non-excepted requirements including indoor stocking density requirements, temperature requirements for temporary confinement, etc by January 2, 2025. **Question:** Must flocks placed prior to this date comply with all non-excepted requirements by January 2, 2025? **Answer:** OLPS compliance dates are worded such that all operations must comply with all non-excepted requirements by January 2, 2025. If an operation doesn't comply with the requirements on January 2, certifiers may issue a noncompliance. The actions and time frame allowed for an operation's corrective action plan must be approved by the certifier and take into account seasonality and the well-being of the birds. For example, reducing bird numbers may be required for significant overstocking. Facility changes may take time and an empty house to make modifications, e.g. installing windows or putting perches in.

§ 205.238 Livestock care and production practices standard	
205.238(a)(2)	*205.238(a)(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).* **Question:** How are feed rations evaluated for sufficiency on organic farms? **Answer**: Sufficient feed rations are made up of components described in 205.238(a)(2) above and, though language about body condition has been removed from the final rule, it is understood that sufficient rations will result in appropriate body condition for the animal. In other words, appropriate body conditions can be expected when the feed ration is sufficient to meet nutritional requirements. (Numeric body condition scoring may be used by ACAs). Physical observations are relied upon in addition to dry matter demand, ration records, and pasture availability. Additional references: 205.237(d)
205.238(a)(5) *Revised rule*	*205.238(a)(5) Physical alterations may be performed for identification purposes or the safety of the animal. Physical alterations must be performed: at a young age for the species, in a manner that minimizes stress and pain, and by a person that is capable of performing the physical alteration in a manner that minimizes stress and pain.* **Question:** Can physical alterations also be performed for identification purposes or for safety purposes? **Answer:** Yes. **Question**: Do physical alterations have to happen by a certain age? **Answer:** Alterations should be performed at a young age for the species and by a person capable of performing the physical alteration. Decisions made by certifiers should take into consideration guidance from industry as well as the Animal Veterinary Medication Association and animal welfare and humane certification groups. Related information is summarized by the Animal Welfare Institute at: https://awionline.org/sites/default/files/uploads/documents/FA-AWI-standardscomparisontable-070816.pdf

	Another resource is the Certified Humane standards: https://certifiedhumane.org/our-standards/ Note: organic standards may not allow all certified humane practices allowed. **Question:** What types of documentation are acceptable to show compliance with this rule? **Answer:** The Organic System Plan (OSP) should outline standard operating procedures. Animal Welfare certified operations will likely have an additional herd health plan that outlines alteration practices. Actual alterations should be documented in health records on the farm. A receipt showing the date should be kept for beak trimming or other alterations performed by off-farm professionals. **Question:** What types of physical alterations are not allowed? **Answer:** The following practices must not be routinely used and must be used only with documentation that alternative methods to prevent harm failed: needle teeth clipping (more than top one-third of the tooth) in pigs and tail docking in pigs. The following practices are prohibited: de-beaking (removal of more than one third of the upper beak or removal of more than one third of both the upper and lower beaks of a bird), de-snooding (the removal of the turkey snood, which is the fleshy protuberance on the forehead of male turkeys), caponization (castration of chickens, turkeys, pheasants, and other avian species), dubbing (the removal of poultry combs and wattles), toe clipping of chickens (removal of the nail and distal joint of the back two toes of a bird), toe clipping of turkeys unless with infrared at hatchery, beak trimming (removal of more than one quarter to one third of the upper beak or the removal of one quarter to one third of both the upper and lower beaks of a bird in order to control injurious pecking and cannibalism) after 10 days of age, tail docking of cattle, wattling of cattle (the surgical separation of two layers of the skin from the connective tissue along a 2 to 4 inch path on the dewlap, neck, or shoulders used for ownership identification), face branding of cattle, tail docking of sheep shorter than the distal end of the caudal fold, and mulesing of sheep (removal of the skin from the buttocks of sheep). Additional references: 205.2
205.238 (a)(6)	*205.238(a)(6) Administration of vaccines and other veterinary biologics.*

	Question: What is meant by "veterinary biologics"? **Answer:** According to USDA-APHIS, "Veterinary biologics are vaccines, bacterins, diagnostics, etc. which are used to prevent, treat, or diagnose animal diseases." These products generally work through some immunological method or process. Vaccines are veterinary biologics, as are bacterins and toxoids. For more information, see https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/veterinary-biologics Additional references: 205.2
205.238 (a)(7) *New rule*	*205.238(a)(7) All surgical procedures necessary to treat an illness or injury shall be undertaken in a manner that employs best management practices to promote the animal's wellbeing and to minimize pain, stress, and suffering, with the use of allowed anesthetics, analgesics, and sedatives, as appropriate.* **Question:** How should surgical procedures be handled on the farm? **Answer:** All surgical procedures necessary to treat an illness or injury shall be undertaken in a manner that employs best management practices in order to promote the animal's wellbeing. Pain, stress, and suffering must be minimized. Appropriate and allowed anesthetics, analgesics, and sedatives can be used. Additional references: 205.238(a)(5), 205.238(c)(7), 205.238(c)(8)
205.238 (a)(8) *New rule*	*205.238(a)(8) Monitoring of lameness; timely and appropriate treatment of lameness for the species; and mitigation of the causes of lameness.* **Question:** What action should certifiers take if lameness is observed on the farm? **Answer:** Producers must have a plan to monitor for lameness on their operation. Lameness must be appropriately treated in a timely manner, and the cause of lameness should be assessed and mitigated. The preamble to the final rule notes, "This requirement for producers to create a plan for monitoring and treating lameness in the OSP will enable them to identify and address potential problems among animals before they become widespread." Additional references: 205.238(a)(3), 205.239(a)

205.238(c)(1) *Revised rule*	*205.238(c) Prohibited practices. An organic livestock operation must not: (1) Sell, label, or represent as organic any animal or product derived from any animal treated with antibiotics, any substance that contains a synthetic substance not allowed under § 205.603 of this part, or any substance that contains a non-synthetic substance prohibited in § 205.604 of this part. Milk from animals undergoing treatment with synthetic substances that are allowed under § 205.603 of this part but have associated withdrawal periods cannot be sold, labeled, or represented as organic during the withdrawal period but may be fed to calves on the same operation. Milk from animals undergoing treatment with prohibited substances cannot be sold, labeled, or represented as organic or fed to organic livestock.* **Question**: If an animal is undergoing treatment with synthetic substances allowed under 205.603 with a withholding period, what can be done with her milk? **Answer:** This milk cannot be sold as organic during the withholding period but may be fed to organic calves on the same operation unless prohibited by the material's annotation. (If a material affects the slaughter status of the dam, it also would affect the slaughter status of calves fed the milk (since it is prohibited in breeder stock to treat an animal during the last third of gestation or lactation, it reasons to assume that the milk in this case from animals treated with a parasiticide would not be allowed for feeding to slaughter eligible calves). "Calves on the same operation" includes *any* calves on the operation. (As a reminder, as outlined in the best practices for the Origin of Livestock rule, milk from nonorganic breeder stock may NOT be pooled or fed to any calf other than the dam's own calf.) Additional references: 205.603(a)(23)
205.238(c)(2) *Revised rule*	*205.238(c) Prohibited practices. An organic livestock operation must not: (2) Administer synthetic medications unless: (i) In the presence of illness or to alleviate pain and suffering, and (ii) That such medications are allowed under §205.603 of this part.* **Question:** Can synthetics on the National List be used when there is no apparent illness or pain and suffering? **Answer:** Yes, sometimes materials are used as a part of a preventive approach to livestock health management. For example, iodine materials are used for prevention of mastitis, or preventive treatments are used just after cattle freshen to prevent ailments. The

	use of such materials can be viewed as alleviating potential future pain and suffering. Additional references: 205.603; 205.238(a)(3); 205.238(b)
205.238(c)(3) *Revised rule*	*205.238(c) Prohibited practices. An organic livestock operation must not: (3) Administer hormones for growth promotion, production, or reproduction, except as provided in § 205.603 of this part.* **Question:** In what cases can hormones be used? **Answer:** Hormones are not to be used for growth promotion, production, or reproduction, except as provided in 205.603. Oxytocin is allowed for veterinarian prescribed post parturition therapeutic applications (conditions related to labor and to an animal's postpartum survival). Not allowed for routine or long-term use; rather, it is available for emergency situations and severe complications in the immediate postpartum (following birth of young) period. It may not be administered to increase an animal's milk production (volume) or for milk letdown. Be sure to check with your buyer before using oxytocin as some buyers do not allow its use. Oxytocin must be prescribed by a vet. Prescription may include multiple uses according to label directions and not all instances of use need an additional prescription or vet consultation (oxytocin expires in about 18 months). On farm use will be based on the label directions. Records showing livestock treatments are required. Additional references: 205.603(a)(22)
205.238(c)(6)	*205.238(c) An organic livestock operation must not:: (6) Administer animal drugs in violation of the Federal Food, Drug, and Cosmetic Act; or* **Question:** Should certifiers actively monitor whether drugs are used in compliance with the Federal Food, Drug, and Cosmetic Act? **Answer:** The general assumption is that farmers are using drugs in the manner intended; certifiers can confirm operations follow label directions. Violations that show up as an issue, such as horse medication being used on cows without veterinary approval, would need to be addressed by the certifier.

205.238(c)(7)	*205.238(c)(7) An organic livestock operation must not: 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.* **Question:** When operations are unable to restore an animal to health with NOP-allowed and restricted substances, what options does an operation have to maintain animal welfare? **Answer:** When NOP-allowed or restricted medications are insufficient to treat injured or sick animals, 205.238(c)(7) requires that all appropriate medications must be used to restore the animal to health, including medications that would remove the animal's organic status. Certifiers recognize that some sick animals are not treatable, as in the case of Johne's disease. All appropriate medications must be used to restore an animal to health when methods acceptable to organic production fail and clients can't cull just to be able to withhold treatment. While culling as a means of herd management is appropriate, if clients always cull sick or injured animals prior to offering treatment, there may be a question about their treatment program, especially if many animals are culled due to illness. This points back to general health management. Inspectors should compare cull records to health records to gain perspective on sales of sick/injured animals. (How long were animals held prior to sale? How long were animals suffering from untreated ailments?) The welfare of animals must be maintained during treatment with materials requiring a withholding period prior to slaughter. Additional references: 205.238
205.238(c)(8) *New rule*	*205.238(c) An organic livestock operation must not: (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.*

	Question: How quickly should operations be expected to provide euthanasia to sick/injured animals? **Answer:** Euthanasia is permitted as a form of treatment designed to minimize pain and suffering. Additionally, 205.238(e)(1) requires, "*Organic livestock operations must have written plans for prompt, humane euthanasia for sick or injured livestock suffering from irreversible disease or injury.*" Since this is a standard requirement of most animal welfare programs, many farms will already have a euthanasia plan in their Herd Health Plan. "Prompt" is open for some level of interpretation, such as veterinarian availability, however the expectation is that prompt means without delay, in the best interest of the animal, to stop pain and suffering. Such plans should be described and approved in the producer's OSP. Additional references: 205.238(e)(1)
205.238(c)(9) *New rule*	*205.238(c) The producer of an organic livestock operation must not: (9) Neglect to identify and record treatment of sick and injured animals in animal health records.* **Question:** Must treatment of sick and injured animals be recorded in animal health records? **Answer:** Yes Additional references: 205.103(a-c)
205.238(c)(10) *New rule*	*205.238(c) The producer of an organic livestock operation must not:* *(10) Practice induced molting.* **Question:** Is forced molting or withdrawal of feed allowed to induce molting in poultry? **Answer:** No, only natural molting is permitted. Induced molting or forced molting, which stresses the birds through activities such as feed withdrawal, altered lighting, and removal from outdoor access, is not in keeping with requirements for conditions that allow for reduction of stress. Additionally, some practices do not comply with outdoor access requirements and requirements to provide feed

	rations sufficient to meet nutritional requirements. The preamble to the rule states, "The rule defines "induced molting" as molting that is artificially initiated. The term is broadly defined to include the various methods a producer may use to induce, or force, molting in a flock, such as withdrawal of feed or manipulation of light. The term aligns with the definition that currently appears in FDA requirements related to the production, storage, and transportation of shell eggs at 21 CFR 118.3." The preamble also states, "This term aligns with FDA regulations and includes all methods used to artificially initiate molting." Furthermore, "AMS adds new § 205.238(c)(10) prohibiting induced molting in poultry production. This rule also defines induced molting at § 205.2 as any type of molting that is artificially induced. Section 205.238(a)(2) of this rule requires a nutritionally sufficient feed ration for livestock. Induced molting, a practice by which feed restriction, severe light manipulation, or other management practices are used to rejuvenate egg production, runs counter to the welfare intent of this final rule. An explicit prohibition on induced molting is consistent with the organic regulation's general animal welfare requirements, and the fall 2009 NOSB recommendation." The NOP emphasized that the intent of AMS is for a "total ban on this practice." Additional references: 205.2, 205.238(a)(2), 205.238(a)(4), 205.241(a)
205.238(d)(1) *New rule*	*205.238(d) Parasite control plans. (1) Organic livestock operations must have comprehensive plans to minimize internal parasite problems in livestock, including preventive measures such as pasture management, fecal monitoring, and emergency measures in the event of a parasite outbreak.* **Question:** What is required for documentation regarding parasite prevention? **Answer:** Organic livestock operations must have comprehensive plans to minimize internal parasite problems in livestock. The preamble states, "The plan must include preventive measures such as pasture management, fecal monitoring, and emergency measures in the event of a parasite outbreak. Certifying agents must approve a livestock operation's parasite control plan as part of the operation's OSP." Certifiers should collect information related to prevention and control of internal and external parasites, and OSPs should describe pasture management and monitoring strategies that minimize

	disease and parasites. All parasiticides and preventative materials must be approved as part of the OSP prior to use.. Additional references: 205.238(a)(1), 205.240(b), 205.238(c)(4), 205.238(c)(5), 205.603(a)(23)
205.238(e)(1)-(3) *New rule*	*205.238(e) Euthanasia. (1) Organic livestock operations must have written plans for prompt, humane euthanasia for sick or injured livestock suffering from irreversible disease or injury. (2) The following methods of euthanasia are not permitted: suffocation; manual blow to the head by blunt instrument or manual blunt force trauma; and the use of equipment that crushes the neck, including killing pliers or Burdizzo clamps. (3) Following a euthanasia procedure, livestock must be carefully examined to ensure that they are dead.* **Question:** Do euthanasia methods fall under the purview of the organic regulations? **Answer:** Yes, 205.238(e) was added to effectively regulate the requirement for euthanasia plans and to prohibit certain forms of euthanasia. This new standard is supported by 205.238(c)(8) which prohibits producers from withholding treatments which may include forms of euthanasia as recommended by the AVMA, and which are not prohibited in (2) above, and by 205.242(a)(2)(ii), which requires that seriously injured and non-ambulatory animals not be transported for sale or slaughter, and that they be medically treated or euthanized. If culling or mortality records, or observations related to euthanasia or culling, indicate inadequate living conditions contributing to injury, illness, or mortality, further information should be requested so that living conditions can be assessed for compliance. It is also reasonable to determine that animals subject to euthanasia, often following administration of a prohibited synthetic treatment, have been effectively removed from the organic herd, and the organic regulations no longer apply. The American Veterinary Medical Association offers species specific guidance, which can be found at: https://www.avma.org/KB/Policies/Documents/euthanasia.pdf Note not all animal welfare permitted forms of euthanasia are permitted. Additionally, this standard may bump up against other AVMA depopulation guidance for emergency depopulation. The preamble to the final rule clarifies, “In the event of an emergency situation where a local, State, or Federal government agency requires

	the use of a non-organic method of euthanasia, organic livestock operations would not lose organic certification or face other penalties for that instance of euthanasia." Additional references: 205.103, 205.238(a)(3)
§ 205.239 Mammalian and Non-avian Livestock Living Conditions **Question:** Can non-avian and non-mammalian livestock be certified? **Answer:** Yes, this section of the standards may include the certification of such "livestock" as defined at 205.2. "Livestock" does not include aquatic animals for the production of food, fiber, feed, or other agricultural-based consumer products. The preamble to the final rule gives the example of certified honeybees for the production of organic honey and honey products. Insects such as crickets and mealworms may also be certified to the livestock scope. While NOP permits the certification of insects and other non-avian, non-mammalian livestock, such animals (and fungi!), and methods to produce them organically, are poorly described in the standards as a whole. These best practices are not meant to substitute for rule-making which is necessary to consistently certify non-mammalian, non-avian livestock. Certifiers may have their own policies in place for the certification of other livestock.	
~~205.239(a)(1)~~ ~~*Revised rule*~~	*205.239(a)(1) Year-round access for all animals to the outdoors, 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. Continuous total confinement of any animal indoors is prohibited. Continuous total confinement of ruminants in yards, feeding pads, and feedlots is prohibited.* **Question:** Can permanently open-sided barns count as outdoor access? **Answer:** If animals can freely exit and enter a structure, then they are

	considered to have outdoor access; otherwise not. Roofed structures that have open sides but don't allow an animal to freely exit may be allowed for temporary confinement, such as for protection of soil and water quality. This is further clarified in the 205.2 definition for outdoors or outdoor space: "Enclosed housing structures with open sides (e.g., open-sided freestall barns) are not to be considered outdoors or outdoor space." The preamble to the final rule also states, "The definition also clarifies that enclosed open sided structures do not qualify as outdoors or outdoor space. This includes freestall barns and "open" sided poultry housing (enclosed by gates and/or wire, respectively). While housed in these structures, animals cannot be "outdoors." Similarly, screened poultry "porches" or "verandas" attached to poultry houses and enclosed by wire on the sides, are not considered outdoors." Additional references: 205.2; 205.241(b)(12)
~~205.239(a)(4)(i)~~ ~~*Revised rule*~~	*205.239(a) The producer of an organic livestock operation must establish and maintain year-round livestock living conditions which accommodate the health and natural behavior of animals, including: (4) Shelter designed to allow for: (i) Over a 24-hour period, sufficient space and freedom to lie down, turn around, stand up, fully stretch their limbs, and express normal patterns of behavior;* **Question:** How does this standard apply to ruminant housing? **Answer:** For all animals, sufficient space and freedom to lie down comfortably, turn around as reasonable, move around, and fully stretch without being confined is required. Animals must be able to express normal patterns of behavior. In most cases, large animals will be outside daily, but in circumstances where that is not possible, animals need to be able to move about enough to express typical behavior. If animals are housed in stalls, the expectation is that animals be outside of stalls daily. The preamble to the rule states, "Mammalian livestock may be housed for part of the day in stalls as described in the OSP as long as they have complete freedom of movement during significant parts of the day for grazing, loafing, and exhibiting natural social behavior." Stalls and pens need to be of sufficient size and with appropriate bedding for animal comfort, and in free stall or loose housing, there should be enough stalls or bedding areas for the herd. Animals should be kept reasonably clean, dry, and free of lesions. If livestock are temporarily confined indoors

	as permitted in 205.239(b), livestock must be able to move around (stand up and lie down) and stretch their limbs. **Question:** When mammals are confined in tie-stalls or stanchions for allowed reasons per 205.239(b), such as a blizzard, for over 24 hours and there is no space *inside the barn* for animals to be outside of their stalls, should certifiers issue a noncompliance? **Answer:** Certifiers should not approve an OSP that includes routine confinement for more than 24 hours of animals indoors, or to their stalls, but practically speaking there are some circumstances where animals will be in their stall for more than 24 hours, such as during treatment for a hoof injury where walking and further movement could aggravate the wound further. Certifiers should verify all reasons for temporary confinement as reasonable and practical for the circumstance. Additional references: 205.239(a)(4)(ii-iv), 205.239(a)(3)
~~205.239(a)(4)(iv)~~ ~~*New rule*~~	*205.239(a)(4)(iv) Indoor housing must have areas for bedding and resting that are sufficiently large, solidly built, and comfortable so that animals are kept clean and dry, as appropriate for the species, and free of lesions.* **Question:** Is indoor housing required? **Answer:** No, indoor housing is not required for all operations. The preamble reinforces this understanding with the example, "While all organic livestock must be provided with species-appropriate shelter, structures providing indoor space are not necessarily required. For example, beef cattle raised on pasture or range in mild climates may not need to be provided with indoor space."

~~205.239(a)(6)~~ ~~*New rule*~~	*205.239(a)(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.* **Question:** What are best practices related to appropriate sanitation measures in livestock housing? **Answer:** 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. Additional references: 205.238(a)(3)

~~205.239(a)(7)~~ ~~*New rule*~~	*205.239(a)(7) Dairy young stock may be housed in individual pens until completion of the weaning process, provided 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 animals.* **Question:** Are there any specific requirements for dairy young stock housing? **Answer:** Dairy young stock may be housed in individual pens until completion of the weaning process, (and as permitted at 205.239(c)(2) no later than 6 months of age,) provided 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 animals. Additional references: 205.239(c)(2) **Question:** Do calves need access to natural light when tethered or otherwise individually housed? **Answer:** Yes. While direct sunlight is preferred, natural light is part of the living conditions that accommodate the health and natural behavior of the animal. Inspectors should make observations in this area and report situations where individually housed calves do not have access to natural light. Additional references: 205.239(a)(1)
~~205.239(a)(8)~~ ~~*New rule*~~	*205.239(a)(8) Swine must be housed in a group, except: (i) Sows may be housed individually at farrowing and during the suckling period; gestation and farrowing crates are prohibited; (ii) Boars; and (iii) Swine with multiple documented instances of aggression or for recovery from an illness.* **Question:** What is acceptable housing for swine? **Answer:** Swine must be housed in a group, except: Sows may be housed individually at farrowing and during the suckling period, however not in gestation or farrowing crates; Boars; and Swine with multiple documented instances of aggression or for recovery from an illness. Rooting materials must be provided, except during the farrowing and suckling period.

	Question: What documentation is needed to show compliance with this regulation? **Answer:** Standard operating procedures should be described in the OSP, and records should be viewable at the inspection. Events of individual housing do not need to be approved by the certifier in advance but justification must be recorded. Additional references: 205.239(a)(10)
~~205.239(a)(9)~~ ~~*New rule*~~	*205.239(a)(9) Piglets shall not be kept on flat decks or in piglet cages.* **Question:** Can piglets be kept on flat decks or in cages? **Answer:** No
~~205.239(a)(10)~~ ~~*New rule*~~	*205.239(a)(10) For swine, rooting materials must be provided, except during the farrowing and suckling period.* **Question:** When must rooting materials be provided to swine? **Answer:** Except during the farrowing and suckling period, rooting materials must be provided, even during times of temporary confinement. When the animals are indoors or outdoors, rooting materials must be provided. **Question:** What can be considered sufficient rooting materials for swine? **Answer:** Appropriate rooting materials include things like soil, hay, a deep bedded pack, sawdust, wood shavings, etc. Heavy objects, such as a bowling ball, would not count as rooting material.
~~205.239(a)(11)~~ ~~*New rule*~~	*205.239(a)(11) In confined housing with stalls for mammalian livestock, enough stalls must be present to provide for the natural behaviors of the animals. A cage must not be called 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. For group-housed cattle, bedded packs, compost packs, tie-stalls, free-stalls, and stanchion barns are all acceptable housing as part of an overall organic system plan.* **Question:** What are examples of acceptable stall livestock housing in organic systems? **Answer:** In confined housing with stalls for mammalian livestock,

	enough stalls must be present to provide for the natural behaviors of the animals. A cage must not be called a stall. For group-housed cattle, bedded packs, compost packs, tie-stalls, free-stalls, and stanchion barns are all examples of acceptable housing as part of an overall organic system plan. Operations must fully describe in their OSP the use of any stalls, including their methods of stall management and how livestock will be able to express their normal patterns of behavior. **Question:** Can animals be kept in cages if use is restricted to permitted temporary confinement events? **Answer:** There may be cases where this is appropriate. For example, pigs might be contained in a cage style enclosure during shipping and this is allowed as a temporary confinement allowance at 205.239(b)(6).
205.239(a)(12) *New rule*	*205.239(a)(12) Outdoor space must be provided year-round. When the outdoor space includes soil, vegetative cover must be maintained as appropriate for the season, climate, geography, species of livestock, and stage of production.* **Question:** How can certifiers determine if vegetative cover is appropriate? **Answer:** Certifiers should consider the season, climate, geography, species of livestock, and stage of production. For example, very young birds might need vegetation to be mowed short to encourage them to go outside; vegetation will be lusher in the spring or rainy season than in the winter or dry season; holding pens and sacrifice pastures on dairy operations will likely not allow for regrowth due to compaction from hooves; areas immediately outside of poultry houses may be relatively bare due to scratching and dustbathing. At all times natural resources and animal health should be considered. There should be a functioning system to maintain the vegetative cover, as appropriate. Resources for evaluating vegetative cover: [to be developed] Additional references: 205.241(c)(2)

205.239(b)(6)	*205.239(b)(6) Sorting or shipping animals and livestock sales: Provided, that, the animals shall be maintained under continuous organic management, including organic feed, throughout the extent of their allowed confinement;* **Question:** Do auction barns need to be certified organic in order for animals sold through them to retain their organic status? **Answer:** Auction facilities *that handle* organic livestock must be certified. Handling by the facility happens when the farmer drops off the animal and does not stay and maintain OSP management, or when the auction house facilitates the sale by receiving payment for the animals. **Question:** How is organic management maintained throughout consolidation during or prior to transportation, or during off-loading processes? See also NOP 5031 for additional guidance on handling livestock. **Answer:** These are handling activities. Housing would need to be verified as compliant and should be covered on the OSP of whomever is responsible for management, even if no food or bedding are provided. Traceability of livestock must be maintained from the farm to the designated facility, and at all places in between. See ACA Best Practices for Verifying Traceability in the Supply Chain for approved animal identification methods.
205.239(b)(7) *Revised rule*	*205.239(b)(7) Breeding: Except, that, animals shall not be confined any longer than necessary for natural breeding or to perform artificial insemination. Animals may not be confined to observe estrus, and animals may not be confined after breeding to confirm pregnancy; and* **Question:** Can producers confine animals for heat detection (to observe estrus) or to confirm pregnancy after breeding? **Answer:** No, confinement is not allowed for either of these purposes.
205.239(b)(8) *Revised rule*	*205.239(b)(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 at the conclusion of 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) of 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. **Question:** Can animals maintained off site as a part of a 4-H or other youth project retain their organic status? **Answer:** Yes, organic sales can still occur as long as the kids manage the animals according to the approved OSP in all respects other than location.
205.239(c)	*205.239(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:* **Question:** How do producers document compliance related to confinement from outdoor access, and how is it verified by inspectors? **Answer:** Standard Operating Procedures for confinement should be outlined in the OSP, with records verified at inspection as appropriate. Inspectors should also look for physical indicators of outdoor access.
205.239(d) *Revised rule*	*205.239(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: Except, that, 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 feed lot 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.* **Question:** Do all ruminants have to be able to eat simultaneously? **Answer:** No. The word simultaneously was removed from the new final rule. Members of each group must be able to eat simultaneously as appropriate to the producer's feeding system. The key is to ensure that within each feeding group, crowding and

	competition do not inhibit animals' ability to access feed.
§ 205.241 Avian Living Conditions (New Section)	
~~*205.241(a) New rules in this new section*~~	*205.241(a) Avian year-round living conditions. The producer of an organic poultry operation must establish and maintain year-round poultry living conditions that accommodate the health and natural behavior of poultry, including: year-round access to outdoors; shade; shelter; exercise areas; fresh air; direct sunlight; clean water for drinking; materials for dust bathing; and adequate outdoor space to escape aggressive behaviors suitable to the species, its stage of life, the climate, and environment. Poultry may be temporarily denied access to the outdoors in accordance with paragraph (d) of this section. Continuous total confinement of poultry indoors is prohibited.* **Question:** What are the general requirements for avian living conditions? **Answer:** The producer of an organic poultry operation must establish and maintain year-round poultry living conditions that accommodate the health and natural behavior of poultry, including: year-round access to outdoors (which must include 75% soil); shade; shelter; exercise areas; fresh air; direct sunlight; clean water for drinking; materials for dust bathing; and adequate outdoor space to escape aggressive behaviors suitable to the species, its stage of life, the climate, and environment. Additional references: 205.241(c)(1)-(7) **Question:** Can poultry producers black out windows, neglect to provide windows altogether, or otherwise limit natural light access in poultry barns? **Answer:** Natural light is required year-round including during temporary confinement, which means indoor housing must include natural light (sunlight) if birds are temporarily confined. Artificial light is permitted to prolong the day length. Temporary confinement allowance for stage of life for pullets (up to 16 weeks) or conditions under which health, safety, or well-being of the animal could be jeopardized (e.g., HPAI) only eliminates outdoor access. All other 205.241 avian year-round living conditions must be maintained.

	Additional references: 205.241(a), 205.241(b)(3)
~~205.241(b)(1)~~	*205.241(b) Indoor space requirements.* *(1) Poultry housing must be sufficiently spacious to allow all birds to move freely, stretch both wings simultaneously, stand normally, and engage in natural behaviors.* **Question:** How do you know if indoor stocking density is appropriate when the birds are still growing? **Answer:** Indoor stocking density refers to the live weight or number of animals on a given area or unit of land. Indoor measurements include only the flat areas available to birds, excluding nest boxes. Calculations should be performed with the maximum live weight of the birds or total number of birds while they are in the house. In other words, if pullets are in the house for 16 weeks, then calculations take into consideration the weight of 16-week old birds. However, if pullets are only kept in the house for 8 weeks before being subdivided into separate housing units, then calculations would be performed using maximum live weight at 8 weeks of age, rather than 16 weeks. Additional references: 205.241(b)(8-12) **Question:** Can growers overstock poultry barns in anticipation of death loss? **Answer:** No, AMS has adopted "the position that a producer must always comply with the minimum standards established by the final rule." (*Comment*) Some comments requested a revision to AMS's discussion on how to calculate and verify compliance with indoor and outdoor space requirements. In the proposed rule, AMS described that a producer could stock a poultry house to exceed minimum space requirements in anticipation of mortalities that would reduce the number of birds and eventually increase the space available per bird. Commenters were concerned that adopting this approach would lead to houses with higher stocking densities and reduce a certifier's ability to enforce the requirements. (*Response*) AMS has reconsidered its position and is adopting the position that a producer must always comply with the minimum standards established by the final rule. The final rule establishes

	minimum space requirements for chickens based on bird type, age, and housing system, and producers must meet these standards to comply with the rule. **Question:** Are there specific stocking rates for turkeys? **Answer:** AMS did not set a specific stocking rate for turkeys. All poultry must have enough space to stretch, stand normally, move freely, and engage in natural behaviors. The below can be used as a benchmark, or refer to certified humane standards. INDOOR: Maximum stocking density is calculated as a weight per bird per available indoor floor space and must not exceed 7.5 lbs/sq.ft. This equates to the following space requirements for birds: Up to 15 lbs: 2 sq ft Up to 22.5 lbs: 3 sq ft Up to 30 lbs: 4 sq ft Up to 37.5 lbs: 5 sq ft OUTDOOR: Outdoor access area must be a minimum of 20% of the indoor floor space. Outdoor access is required after 6 weeks of age. Operators who do not meet these minimum requirements must submit justification in their OSP for their alternative methods to accommodate the health and natural behavior of animals. Additional references: Certified Humane standards: https://certifiedhumane.org/our-standards/
~~205.241(b)(2)~~	*205.241(b)(2) Producers must monitor ammonia levels at least weekly by taking measurements at the height of the birds' heads and implement practices to maintain ammonia levels below 20 ppm. When ammonia levels exceed 20 ppm, producers must implement additional practices and additional monitoring to reduce ammonia levels below 20 ppm. Ammonia levels must not exceed 25 ppm.* **Question:** Should certifiers require any specific tests for ammonia levels in poultry houses?

	Answer: Ammonia levels must be tested at least weekly at the height of the birds' heads. Testing mechanisms should be kept the same or similar, however no specific testing mechanism is required. When measurements exceed 20 ppm, additional measures must be taken to maintain ammonia below 20 ppm. OSPs should address air quality and ammonia monitoring plans.
~~205.241(b)(3)~~	*205.241(b)(3) For layers and all other 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 (i.e., minimum of 8 hours of continuous darkness per 24-hour period). Artificial light intensity should be lowered gradually to encourage hens to move to perches or settle for the night. Artificial light spectrum may not be manipulated to increase feed intake and growth rate.* **Question:** Are there restrictions on the use of artificial lighting in poultry houses? **Answer:** Yes, artificial light can be used to prolong the day length, to provide up to 16 hours of light in a 24-hour period. An 8 hour period of darkness is required. Light spectrum may not be manipulated to increase feed intake or growth rate. **Question:** How is fully feathered defined? **Answer**: "Fully feathered" means that the chick has grown flight feathers (the thicker, longer feathers that replace the down). Timing varies by breed and climate, but generally occurs around 4 to 8 weeks of age. Hybrid breeds and chickens raised in cooler climates will feather out faster than heritage breeds or chickens in warm climates.
~~205.241(b)(4)~~	*205.241(b)(4) Exit areas—poultry houses must have at least 1 linear foot of exit area for every 360 birds, measured across the base of the exit, but no less than one linear foot of exit area for flocks with fewer than 360 birds. Exit areas must be appropriately distributed and sized to ensure that all birds have ready access to the outdoors; (i) If exit areas are not provided at a ratio of at least 1 linear foot per 360 birds, a certifier may approve practices that provide less than 1 linear feet per 360 birds only if an operation describes its practices (in the organic system plan) and demonstrates that ready access to*

	the outdoors is provided for all birds; (ii) Producers subject to requirements in 21 CFR part 118 – Production, Storage, and Transportation of Shell Eggs, must take steps to prevent stray poultry, wild birds, cats, and other animals from entering poultry houses. **Question:** What are best practices related to exit areas in poultry barns? **Answer:** In general, all birds must know of the exit and have the ability to exit without obstacles (ready access to the outdoors). Barns must meet the specified requirements of 1 linear foot of exit area for every 360 birds, measured at the base of the exit, or, alternately, certifiers may approve practices providing less than specified metrics when fully described in the OSP and which demonstrate that all birds have ready access to the outdoors. Crowding near exits or a small proportion of birds found outside in good weather may indicate insufficient exit areas. Larger breeds or species (such as adult turkeys) may need more than 1 linear foot of exit to comply. Note: (All poultry) 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. Operations that are certified after January 2, 2025 must be compliant immediately. Additional references: 205.241(c)(1)
~~205.241(b)(5)~~	*205.241(b)(5) Perches—for layers (Gallus gallus), six inches of perch space must be provided per bird. Perch space may include the alighting rail in front of the nest boxes. All layers must be able to perch at the same time except for aviary housing, in which 55 percent of layers must be able to perch at the same time. Floors in slatted/mesh floor housing cannot be counted as perch space.* **Question:** How much perch space is required per bird? **Answer:** Housing setups must enable perching for all birds. Six inches per bird is required, except in aviary housing, in which 55% of layers must be able to perch at the same time. The preamble to the rule further explains this calculation, "Aviary housing is permitted to have less perch space because birds in aviary housing are also able to escape aggressive behavior by moving between tiers in the house. Aviary housing must provide six inches of perch space for 55 percent

	of the flock (i.e., 3.3 inches of perch for each bird in the flock)." Floors in slatted/mesh floor housing are not to be counted as perch space, though the perch space calculation may include the alighting rail in front of the nest boxes. Perches are defined as rod- or branch-like structures above the floor or ground; flat areas do not count as perch space. Additional references: 205.2
~~205.241(b)(6)~~	*205.241(b)(6) All birds must have access to areas in the house that allow for scratching and dust bathing, except, that mobile housing may meet this requirement when paired with outdoor space that provides birds with areas for scratching and dust bathing. Litter must be provided and maintained in a dry condition in the house.* **Question:** Can dried manure, in the absence of bedding, be counted as litter in poultry houses? **Answer:** No, litter must be provided; that is, it must consist of bedding and not just dried manure. Materials such as wood shavings or straw must be provided indoors and if agricultural litter will be consumed, it must be organic. Bedding must be provided on the entire floor (for solid floors or solid portions of floors). Non-mobile houses with slatted/mesh floors must have 15% minimum of solid floor area for litter. Mobile housing may be able to meet this requirement and the next with available outdoor space. **Question:** How much space is required for scratching and dust bathing? **Answer:** Sufficient space for scratching and dust bathing, along with sufficient litter is required, so that birds may freely dust bathe without crowding. Additional references: 205.241(b)(1) and (b)(7)
~~205.241(b)(7)~~	*205.241(b)(7) Non-mobile houses with slatted/mesh floors must have 15 percent minimum of solid floor area available with sufficient litter available for dust baths so that birds may freely dust bathe without crowding.* **Question:** Does 15% solid floor area with litter provide enough floor space so that birds are able to dust bathe without crowding?

	Answer: 15% is consistent with current practice in the organic industry and is consistent with third-party animal welfare standards. The preamble to the final rule gave the following position, "AMS agrees with comments that 15 percent solid floor area will support animal welfare and the natural behaviors of scratching and dust bathing. The final rule not only requires that birds will have access to areas indoors for these activities but also requires that birds have access to outdoor areas. These outdoor areas will also be available for birds to express these natural behaviors and to maintain animal health (by allowing for dust bathing)."
~~205.241(b)(8)~~	*205.241(b)(8) For layers (Gallus gallus), indoor stocking density must meet one or both of the following rates, expressed in different terms.* *(i) Mobile housing: not to exceed 4.5 pounds per square foot; or, alternatively, a rate of at least 1.5 square feet per bird will comply with the requirement.* *(ii) Aviary housing: not to exceed 4.5 pounds per square foot; or, alternatively, a rate of at least 1.5 square feet per bird will comply with the requirement.* *(iii) Slatted/mesh floor housing: not to exceed 3.75 pounds per square foot; or, alternatively, a rate of at least 1.8 square feet per bird will comply with the requirement.* *(iv) Floor litter housing: not to exceed 3.0 pounds per square foot; or, alternatively, a rate of at least 2.2 square feet per bird will comply with the requirement.* *(v) Other housing: not to exceed 2.25 pounds per square foot; or, alternatively, a rate of at least 3.0 square feet per bird will comply with the requirement.* **Question:** How much space do poultry need? What is appropriate indoor stocking density? **Answer:** Poultry housing must be sufficiently spacious to allow all birds to move freely, stretch both their wings at the same time, stand normally, and engage in natural behaviors. **Certifiers will need to verify the above measurements are met in all housing.** Note: Pasture pens and mobile housing are regarded differently. Pasture pens are included as outdoor space and must have direct

	access to the soil. Mobile housing is included as indoor housing and has a solid or perforated floor, is moved regularly, and allows birds to continuously access areas outside the structure during daytime hours. Clarification: Perching space cannot be added to floor space for purposes of total floor space calculation. Nest boxes cannot be included in floor space calculations; however, flat platforms may be included as floor space if available to the birds. **Question:** What measures should certifiers expect to be conducted on the farm to verify weights provided, when operations use the weight option for calculations? **Answer:** The preamble gives guidance on this: "When calculating the weight of birds to assess pounds per square foot, an average weight may be established for the flock by taking weights of a representative sample of the flock. The space requirement is not specific to each individual bird in a flock. AMS understands that many producers already monitor and track bird weight closely during the production cycle to monitor bird development and health and calculate feed requirements. However, if weight is not monitored by a producer, the producer will either need to establish the weight of birds or comply with the alternative metric (expressed as square feet per bird)." Certifiers can accept references from certified operations for established standard metrics for bird weight. Additional references: 205.241(a)(1)
~~205.241(b)(9)~~	*205.241(b)(9) For pullets (Gallus gallus), indoor stocking density must not exceed 3.0 pounds of bird per square foot; or, alternatively, a rate of at least 1.7 square feet per bird will comply with the requirement.* **Question:** How should pullet raising operations calculate the measurement required? **Answer:** If pullets are only kept for 8 weeks before being subdivided into separate housing units, then calculations would likely need to be performed using maximum live weight at 8 weeks of age. Using the measurement of 1.7 square feet *per bird* would significantly limit

	capacity for operations raising younger birds, or splitting birds during the pullet stage. Additional references: 205.241(b)(1)
~~205.241(b)(10)~~	*205.241(b)(10) For broilers (Gallus gallus), indoor stocking density must not exceed 5.0 pounds of bird per square foot; or, alternatively, a rate of at least 2.0 square feet per bird will comply with the requirement.* **Question:** How should broiler raising operations calculate the measurement required? **Answer:** Broilers: 2 sq. ft. per bird or not to exceed 5.0 lbs of bird per square foot. Maximum number and/or weight of birds in the facility should be used for calculations. There is no reduced metric for broiler mobile housing indoor metrics. Note: 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. Operations certified after January 2, 2025 must be compliant immediately.
205.241(b)(11)	*205.241(b)(11) Indoor space includes flat areas available to birds, excluding nest boxes.* **Question:** How should producers calculate indoor space? **Answer:** This includes all space available to the birds, except for the inside of the nest box areas (areas provided for laying eggs) and perch space. Indoor space does include the slatted/mesh floor space in a slatted/mesh floor barn, and must also include at least 15% of the total space in a solid area. Areas always available to birds during temporary confinement can be counted as indoor space. No space can be calculated as both indoors and outdoors. Additional references: 205.241(b)(5), 205.241(b)(7)

205.241(b)(12)	*205.241(b)(12) Indoor space may include enclosed porches and lean-to type structures (e.g., screened in, roofed) as long as the birds always have access to the space, including during temporary confinement events. If birds do not have continuous access to the porch during temporary confinement events, this space must not be considered indoors.* **Question:** How are enclosed porches and lean-to type structures calculated into indoor space in poultry houses? **Answer:** These areas can be counted as indoor space if they are not already counted as outdoor space and as long as the birds have constant access to them while indoors, including during temporary confinement. Enclosed porches cannot be counted as outdoor space, but porches that are not enclosed (e.g., with roof but no walls) and allow birds to freely access other outdoor space may be included in outdoor space calculations. Additional references: 205.241(c)(7)
205.241(c)(1)	*205.241(c) Outdoor space requirements.* *(1) Access to outdoor space and door spacing must be designed to promote and encourage outside access for all birds on a daily basis. Producers must provide access to the outdoors at an early age to encourage (i.e., train) birds to go outdoors. Birds may be temporarily denied access to the outdoors in accordance with paragraph (d) of this section.* **Question:** What are suitable ways of promoting and encouraging outdoor access? How will plans for this be assessed by certifiers? **Answer:** Plans may be assessed in terms of physical space provided, as well as factors such as introduction to the outdoors at a younger age, selection of breed/genetics, shade structures, and other outdoor incentives. Looking at improvements over time can also help with overall assessment. **Question:** In barns with more than one outdoor access area, does each outdoor space need to be sufficient to accommodate outdoor access space requirements for all birds in the flock? **Answer:** In cases where one section is routinely closed off, each section must meet the metrics required for the whole flock. Put differently, outdoor access that meets the stocking density and

	qualitative requirements must always be provided except during permitted temporary confinement. **Question:** Are producers allowed to confine birds indoors for the purpose of outdoor area reseeding? **Answer:** Sectioning off for reseeding is not explicitly permitted. The preamble to the final rule states, "AMS has removed the phrase "including to establish vegetation by reseeding outdoor space" from § 205.241(d)(4). This means that operations may not confine birds solely to reseed and reestablish vegetation in outdoor access areas. Additionally, this rule prohibits continuous total confinement of poultry indoors (see the general requirements for avian living conditions at § 205.241(a)). The rule does permit operations to temporarily confine birds when there is a risk to soil and water quality. However, this confinement must be temporary, must be done only to correct a risk to soil and water quality, cannot be continuous throughout the life of the birds, and is subject to the certifying agent's review of the operation's management of outdoor space." In other words, operations cannot simply decide to reseed an area and use that as an excuse to confine birds. However, when an outdoor access area has become de-vegetated to the point that it presents a risk to soil or water quality, the operation can confine the birds while they re-establish vegetation until the soil/water quality is no longer at risk.
205.241(c)(2)	*205.241(c)(2) At least 75 percent of outdoor space must be soil. Outdoor space with soil must include vegetative cover appropriate for the season, climate, geography, species of livestock, and stage of production. Vegetative cover must be maintained in a manner that does not provide harborage for rodents and other pests.* **Question:** Must outdoor space for poultry include soil? **Answer:** Yes, natural behavior for poultry includes access to soil. At least 75% of the outdoor access area must be soil. Vegetative cover must be maintained as appropriate for the season, climate, geography, species of livestock, and stage of production. Vegetative cover is expected to vary. Note: Currently certified layer (includes pullets) and broiler operations and new layer and broiler operations certified before

	January 5, 2025 will have a five-year implementation period, until January 2, 2029, to come into compliance with the soil and vegetation requirement. This includes operations expanding existing operations or adding new construction. Operations certified after January 2, 2025 must be compliant immediately. Chickens are the only species with this exemption. For all other species of poultry, outdoor access areas must include 75% soil and maintain vegetation as appropriate by January 2, 2025. **Question:** What are good guidelines related to vegetation in outdoor access areas? **Answer:** The Final Rule's preamble language emphasizes the importance of vegetation in outdoor areas. "This term applies to the requirement for vegetation in outdoor areas, which is central to protecting soil and water quality as well as providing for livestock to exhibit their natural behaviors. The roots of vegetation provide stability and structure to soil. Vegetation helps water soak into the soil rather than running off, which can cause erosion. Livestock also have natural behaviors such as grazing, rooting, nesting, etc., which require vegetation." The preamble further clarifies, "Section 205.241(c)(2) requires that outdoor areas for poultry have a minimum of 75 percent soil and that the soil portion of the outdoor area must include vegetative cover. Vegetative cover must be maintained in a manner that does not provide harborage for rodents and other pests. For example, a producer may mow vegetation to ensure that tall vegetation does not provide harborage for pests. A maximum of 25 percent of the outdoor area may be gravel, concrete, or surfaces other than soil. Vegetation is required, as vegetation protects soil and water quality and allows birds to engage in natural behaviors, including foraging, pecking, and scratching. The amount of vegetation present will depend on the season, climate, geography, species, and the stage of production." Furthermore, section 205.200 requires that production practices implemented must maintain or improve natural resources, including soil and water quality. Certifiers should look at whether the state of vegetation in the outdoor access area negatively affects soil and

	water quality in the surrounding ecosystem. An example of an outdoor access area that clearly does not comply with the rule: A denuded outdoor access area that is up the hill just 200 feet from a stream. Additional references: 205.200, 205.239(a)(12)
205.241(c)(3)	*205.241(c)(3) Shade may be provided by structures, trees, or other objects in the outdoor area.* **Question:** Can unenclosed shade structures be counted in outdoor space? **Answer:** Yes, shade structures that are not enclosed are outdoor space. The preamble states, "For example, the area within a stand-alone, roofed shade structure in a pasture could be included as outdoor space area. Non-enclosed areas under the eaves or the awning of a building can also be considered outdoors. While these areas may have solid roofs overhead, they offer the same quality of outdoor space as uncovered outdoor areas, including natural ventilation/open air and open access to uncovered areas with direct sunlight, soil, and vegetation."
~~205.241(c)(4)~~	*205.241(c)(4) For layers (Gallus gallus), outdoor space must be provided at a rate of no less than one square foot for every 2.25 pounds of bird in the flock; or, alternatively, a rate of at least 3.0 square feet per bird will comply with the requirement.* **Question:** Which system of measurement is best for layer operations? **Answer:** Either system can be used by poultry operations. The preamble to the final rule states: "All weight references in §§ 205.241(b) refer to the weight of live birds and not the weight of processed birds. This metric accommodates for differences between different breeds and also adapts for birds as they age and become heavier. Under this metric, larger breeds (i.e., heavier individual birds) must be provided with more indoor space than smaller breeds, on a per bird basis. For example, Rhode Island Red birds are

	heavier than White Leghorns or ISA Browns, and thus cannot be stocked as densely, in terms of number of birds per unit area. The second metric is an alternative that establishes the minimum space that must be provided per animal in square feet per bird. In some cases, AMS expects this will be a simpler method to calculate the required space, particularly when individual bird weights differ within a flock (e.g., because of a mixture of breeds or ages within a flock). For this method, producers simply multiply the number of birds in a flock by the space required per bird to obtain the minimum total space required for the flock. Equivalently, producers can divide the available area by the required space per bird to arrive at the maximum number of birds allowed in that area." Note: 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. ("layers" includes pullets) Operations certified after January 2, 2025 must be compliant immediately. Additional references: See the calculation examples given in the preamble, here.
~~205.241(c)(5)~~	*205.241(c)(5) For pullets (Gallus gallus), outdoor space must be provided at a rate of no less than one square foot for every 3.0 pounds of bird in the flock; or, alternatively, a rate of at least 1.7 square feet per bird will comply with the requirement.* **Question:** For pullets, is it permissible to calculate using the maximum live weight of birds based on their maximum age in the facility? **Answer:** Yes, if pullets are only kept for 8 weeks before being subdivided into separate housing units, then calculations would be performed using maximum live weight at 8 weeks of age. Using the number of birds would significantly limit the stocking density permitted. This standard only applies to pullets who are not temporarily confined as permitted under 205.241(d)(2)(ii).

	Additional references: 205.241(d)(2)(ii) **Question:** Should certifiers require outdoor access for pullets? **Answer:** If pullets are removed from the barn and relocated to a compliant laying facility by the time they are 16 weeks old, then outdoor access is not required at the pullet facility. However, if pullets remain at the pullet facility past 16 weeks of age, a compliant outdoor access area is required, except when confinement is otherwise allowed by the regulations. It is recognized that, while removal at 16 weeks is often standard, delays can occur based on factors beyond the pullet producer's control. For this reason, OSPs should ask about a contingency plan; this should trigger the grower to begin transitioning land for outdoor access immediately as applicable, rather than waiting to react to a circumstance that arises. If the producer experiences an unforeseen delay in pullet removal, it may be appropriate to issue a condition for continued certification. However, if the situation recurs, a Notice of Noncompliance may be appropriate, and land transition may be an appropriate resolution. Additionally, producers should be asked how birds given outdoor access at an older age will be trained or encouraged to go outside. Continuous total confinement of poultry indoors is not permitted, but pullets can be temporarily confined for stage of life up to 16 weeks. Additional references: 205.241(d)(2)(ii)
~~205.241(c)(6)~~	*205.241(c)(6) For broilers (Gallus gallus), outdoor space must be provided at a rate of no less than one square foot for every 5.0 pounds of bird in the flock; or, alternatively, a rate of at least 2.0 square feet per bird will comply with the requirement.* **Question:** How should poultry producers calculate outdoor space for broilers? **Answer:** Broilers must be provided at least 2.0 square feet per bird or no less than 1 square foot for 5 lbs of bird in the flock. Note: 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. Operations certified after January 2, 2025 must be compliant immediately.
205.241(c)(7)	*205.241(c)(7) Outdoor space may include structures that are not enclosed (e.g., with roof but no walls) and allow birds to freely access other outdoor space.* **Question:** When are pasture pens for poultry included in outdoor space? **Answer:** Pasture pens can be included when they meet the definition of a pasture pen, not to be confused with mobile housing. The preamble states, "For avian species, the definition specifies that pasture pens are considered outdoor space. These are floorless pens that are moved regularly and provide direct access to vegetation, soil, and direct sunlight. These pens (often referred to as "chicken tractors") may include roofing to provide shelter for the birds, so long as birds are still able to express natural behaviors (e.g., scratching) and meet all applicable requirements at § 205.241. To assist with the mitigation of biosecurity and predation risks, fencing, netting, or other materials are permitted over all or part of the outdoor areas to prevent predators and other wild birds from entering. For example, bird netting above a chicken pasture, where the chickens still have access to soil underneath, would be permitted. This area would qualify as outdoor space because it is not enclosed and allows access to soil. In contrast, a structure that is enclosed and has a hard floor (i.e., no soil) would not qualify as outdoor space." Additional references: 205.2, 205.241(c)(3)
205.241(d)(1)-(8)	*205.241(d) Temporary confinement. The producer of an organic poultry operation may temporarily confine birds. Confinement must be recorded. Operations may temporarily confine birds when one of the following circumstances exists:*

	(1) Inclement weather, including when air temperatures are under 32 degrees F or above 90 degrees F. *(2) The animal's stage of life, including:* *(i) The first 4 weeks of life for broilers (Gallus gallus);* *(ii) The first 16 weeks of life for pullets (Gallus gallus); and* *(iii) Until fully feathered for bird species other than Gallus gallus.* *(3) Conditions under which the health, safety, or well-being of the animal could be jeopardized.* *(4) Risk to soil or water quality.* *(5) Preventive healthcare procedures or for the treatment of illness or injury (neither various life stages nor egg laying is an illness or injury).* *(6) Sorting or shipping birds and poultry sales, provided that the birds are maintained under continuous organic management, throughout the extent of their allowed confinement.* *(7) For nest box training, provided that birds shall not be confined any longer than required to establish the proper behavior. Confinement for nest box training must not exceed five weeks over the life of the bird.* *(8) For 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 birds have arrived home at the conclusion of the event. During temporary confinement, birds must be under continuous organic management, including organic feed, for the duration of confinement. Notwithstanding the requirements in paragraph (d)(6) of 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 birds to be sold as organic, provided all other organic management practices are followed.* **Question:** What are acceptable reasons for confinement of poultry? **Answer:** Poultry may be confined during inclement weather, including when air temperatures are under 32 degrees F or above 90 degrees F. They may also be confined as appropriate to the animal's state of life: up to four weeks for broilers, up to 16 weeks for pullets, or for other bird species, until fully feathered. They may also be confined for conditions under which the health, safety, or well-being of the animal could be jeopardized, or if outdoor access presents a temporary risk to soil or water quality. They may also be confined for

	preventive healthcare measures, treatment of illness, sorting and shipping, and nest box training (not to exceed five weeks). They may also be confined for 4-H, FFA, or other youth projects, provided organic management is maintained in the other location. **Question:** What are health, safety, or well-being conditions that justify temporary confinement of poultry? **Answer:** Conditions where the health, safety, or well being of the animal could be compromised or jeopardized. Examples include, but are not limited to, fencing issues and temporarily confining them indoors, regular events where animals are confined, predators, or a documented and state or federally announced instance of a biosecurity threat such as avian influenza. Specifically for instances of avian influenza, or another biosecurity concern, growers would need to show concern or documentation from such authorities and propose their plan for confinement, which should be approved by the certifier through review and inspection of the operation. Reasoning for confinement should be sound and the documentation points to a legitimate concern for the specific location. Discussion of a timeframe for confinement would need to be included in the plan for confinement and needs certifier approval. Timeframe should indicate how the producer evaluates that the threat has diminished and prompt resumption of outdoor access at that point. Plans for temporary confinement including method and the duration of confinement can be outlined in the OSP and may not require certifier pre-approval for every instance. See also policy memo – 11-12. Confinement of poultry flocks due to avian influenza or other infectious diseases. **http://www.ams.usda.gov/sites/default/files/media/NOP-PM-11-12-ConfinementofPoultry.pdf** **Question:** Are producers allowed to confine birds indoors for the purpose of outdoor area reseeding? **Answer:** Temporary confinement for reseeding is not explicitly permitted. The preamble to the final rule states, “AMS has removed the phrase “including to establish vegetation by reseeding outdoor space” from § 205.241(d)(4). This means that operations may not confine birds solely to reseed and reestablish vegetation in outdoor access areas. Additionally, this rule prohibits continuous total

	confinement of poultry indoors (see the general requirements for avian living conditions at § 205.241(a)). The rule does permit operations to temporarily confine birds when there is a risk to soil and water quality. However, this confinement must be temporary, must be done only to correct a risk to soil and water quality, cannot be continuous throughout the life of the birds, and is subject to the certifying agent's review of the operation's management of outdoor space."
205.241(e)	*205.241(e) Manure management. The producer of an organic poultry operation must manage manure in a manner that does not contribute to contamination of crops, soil, or water by plant nutrients, heavy metals, or pathogenic organisms. The producer must also optimize recycling of nutrients and must manage outdoor access areas in a manner that does not put soil or water quality at risk.* No q/a
§ 205.242 Transport and slaughter. (New section)	
205.242(a)(1)-(4) *New rules for this new section*	*205.242(a) Transportation.* *(1) Certified organic livestock must be clearly identified as organic, and this identity must be traceable for the duration of transport.* *(2) All livestock must be fit for transport to buyers, auction or slaughter facilities.* *(i) Calves must have a dry navel cord and be able to stand and walk without human assistance.* *(ii) Seriously crippled and non-ambulatory animals must not be transported for sale or slaughter. Such animals may be medically treated or euthanized.* *(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.* *(4) During any transport and prior to slaughter, bedding must be provided on trailer floors and in holding pens, as needed, to keep livestock clean, dry, and*

	comfortable. Use of bedding must be appropriate to the species and type of transport. Bedding is not required in poultry crates. When roughages are used for bedding, they must be certified organic. **Question:** What are best practices related to care for organic livestock during transportation? **Answer:** The organic regulations now specifically discuss transportation of livestock. They make it clear that animals must have suitable living conditions at all times, and this includes periods of transportation. Adequate and season-appropriate ventilation to protect animals against cold and heat stresses is required for all livestock trailers, shipping containers, and any other mode of transportation used. Bedding must be provided on trailer floors and in holding pens as needed to keep livestock clean, dry, and comfortable during transport and prior to slaughter. Bedding is not required in poultry crates. When roughages are used for bedding, they must be certified organic. Additional references: 205.241(b)(6)
205.242(a)(5)	*205.242(a)(5) For transport that exceeds eight hours, measured from the time all animals are loaded onto a vehicle until the vehicle arrives at its final destination, the operation must describe how organic management and animal welfare will be maintained.* *(i) The producer or handler of an organic livestock operation, who is responsible for overseeing the transport of organic livestock, must provide records to certifying agents during inspections or upon request that demonstrate that transport times for organic livestock are not detrimental to the welfare of the animals and meet the requirements of paragraph (a)(5) of this section.* **Question:** Do livestock need access to feed and water during transport? **Answer:** Feed and water should be made available as needed, and for trips longer than 8 hours, the operation must describe how organic management and animal welfare during transport will be maintained. The operation responsible for the transport must provide records to demonstrate that transport times are not

	detrimental to the welfare of the animals and meet the requirements of this section. Transport over 8 hours is not prohibited as long as the practices are maintaining the welfare of the animals. Harvest and processing facilities may not allow feed to be provided to animals for a certain period of time before slaughtering.
205.242(a)(6)	*205.242(a)(6) Organic producers and handlers, who are responsible for overseeing the transport of organic livestock, must have emergency plans in place that adequately address possible animal welfare problems that might occur during transport.* **Question:** What is expected to be included in an emergency plan for problems that might occur during transport? **Answer:** Operations transporting livestock to sale or slaughter must have emergency plans in place that adequately address problems reasonably possible during transport. Such emergency plans could include how animal welfare would be maintained, what to do if livestock escape during transport, or how to euthanize an animal injured during transport. Shipping and/or receiving operations are also required to include these plans in their OSPs.
205.242(b)	*205.242(b) Mammalian slaughter. (1) Producers and handlers who slaughter organic livestock must be in compliance, as determined by FSIS, 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 regarding ante-mortem inspection.* *(2) Producers and handlers who 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 regarding ante-mortem inspection.* *(3) Producers and handlers who slaughter organic livestock or exotic animals must provide all noncompliance records related to humane handling and slaughter issued by the controlling national, federal, or state authority and all records of subsequent corrective actions to certifying agents during inspections or upon request.*

	Question: What is the certifier's responsibility regarding compliance verification for other FSIS regulations? **Answer:** The expectation is that certifiers verify compliance records with other regulatory authorities at inspection or upon request. The preamble to the final rule states, "This final rule reiterates that compliance with these regulations, as determined by FSIS, is required for certified organic livestock operations. The requirements defer, in large part, to existing regulations and law while also aiming to ensure that USDA-accredited certifying agents have access to relevant records. The rule seeks to avoid undue burden on certified organic slaughter facilities, as undue burden could have the effect of reducing the availability of certified organic slaughter facilities." Note: Under the FSIS regulations, "livestock" are cattle, sheep, swine, goat, horse, mule, or other equines. "Exotic animals" include antelope, bison, buffalo, cattalo, deer, elk, reindeer, and water buffalo.
205.242(c)	*205.242(c) Avian slaughter* *(1) Producers and handlers who slaughter organic poultry must be in compliance, as determined by FSIS, with the Poultry Products Inspection Act requirements (21 U.S.C. 453(g)(5)); the regulations at paragraph (v) of the definition of "Adulterated" in 9 CFR 381.1(b), and 9 CFR 381.90, and 381.65(b)); and applicable FSIS Directives.* *(2) Producers and handlers who slaughter organic poultry must provide all noncompliance records related to the use of good commercial practices in connection with slaughter issued by the controlling national, federal, or state authority and all records of subsequent corrective actions to the certifying agent at inspection or upon request.* *(3) Producers and handlers who slaughter organic poultry, but are exempt from or not covered by the requirements of the Poultry Products Inspection Act, must ensure that: (i) No lame birds may be shackled, hung, or carried by their legs; (ii) All birds shackled on a chain or automated system must be stunned prior to exsanguination, with the exception of religious slaughter;*

	and (iii) All birds must be irreversibly insensible prior to being placed in the scalding tank. **Question:** What is the certifier's responsibility regarding compliance with the Poultry Products Inspection Act (PPIA)? **Answer:** Certifiers should understand which types of operations are subject to PPIA requirements and who is exempt. In cases where noncompliances have been issued, or where other red flags are noted, certifiers or inspectors may request copies of Inspection Reports or other applicable documentation demonstrating compliance. Cases of inhumane animal handling or slaughter by certified organic slaughter facilities should be reported to the applicable authorities. Operations performing certified organic slaughter of poultry, if not covered by PPIA, must carry out slaughter activities so that lame birds are not shackled, hung, or carried by the legs; poultry are stunned prior to exsanguination; and poultry are irreversibly insensible prior to being placed in a scalding tank.

Conclusion:
The ACA recommends all accredited certifiers adopt ACA Best Practices for the sake of consistent implementation of the USDA Organic Regulations. ACA Best Practices are reviewed periodically to ensure they are accurate and up to date. Concerns with this or any ACA Best Practice or guidance document should be submitted to the ACA Executive Director.

Resources
Organic Livestock and Poultry Standards Final Rule:
https://www.federalregister.gov/documents/2023/11/02/2023-23726/national-organic-program-nop-organic-livestock-and-poultry-standards#h-7:

NOP OLPS website:
https://www.ams.usda.gov/rules-regulations/organic-livestock-and-poultry-standards

AVMA Guidelines for the Euthanasia of Animals
https://www.avma.org/KB/Policies/Documents/euthanasia.pdf

Certified Humane
https://certifiedhumane.org/our-standards/