



National Cattlemen's
Beef Association

January 17, 2018

Dr. Paul Lewis
Director - Standards Division, National Organic Program
USDA-AMS-NOP
Room 2646-So., Ag Stop 0268
1400 Independence Ave S.W.
Washington, DC 20250-0268

**RE: Docket No. AMS-NOP-15-0012; NOP-15-06, RIN 0581-AD75, National Organic Program;
Organic Livestock and Poultry Practices – Withdrawal**

Dear Dr. Lewis:

The National Cattlemen's Beef Association (NCBA) supports the United States Department of Agriculture's (USDA) decision to withdraw the National Organic Program - Organic Livestock and Poultry Practices proposed rule.

NCBA was concerned about the Organic Livestock and Poultry Practices proposed rule for many reasons. Organic programs are, quite simply, marketing programs. There is no solid, fact-based evidence that shows organic foods being any better than conventionally raised foods. There are consumers who wish to purchase organic foods, and we support their right to make that choice. We also support the right of organic producers to fulfil that consumer demand. We didn't, however, support USDA taking the NOP beyond its intent as proposed by the rule.

Therefore, we are pleased to see that USDA agrees that authority under the Organic Foods Production Act of 1990 (OFPA) to issue animal welfare regulations does not exist. In our original comments, we questioned USDA's authority to implement regulations which prescribe practices regarding animal welfare, especially since the proposed practices lacked the explanation or support for any animal health benefits. The OFPA, 7 U.S.C. §§ 6501-6522, has absolutely no mention of animal welfare practices or living conditions being required as part of an "organic plan." As such, the proposed rule went far beyond the statutory authority provided USDA regarding organic programs.

Furthermore, in section 2105 of the OFPA titled "National Standards for Organic Production," Congress specifically identified those practices that must be utilized to qualify for the "organic" label. To qualify as "organic" livestock, the animals must be produced without the use of synthetic chemicals, and they must be produced in compliance with an organic plan. For a second time in the statute, no mention is made regarding animal welfare standards or living condition requirements.



Ultimately, we believe that AMS failed to define the need to add the proposed provisions to the NOP. Instead, the proposed rule sent a clear signal to animal agriculture that an activist agenda was the driving factor.

Rather than help the welfare of the animal, this rule would have vilified conventionally raised livestock. America's cattle producers pride themselves in taking care of the health and welfare of their animals. That care and commitment has led to the development, implementation, and success of the Beef Quality Assurance (BQA) program. BQA provides guidelines and recommendations for producing all cattle, regardless of how they are marketed. As we stated above, organic is simply a marketing program. Programs like BQA have been put in place by experts in animal science, and they utilize industry-accepted and peer-reviewed science to set the program guidelines. If NOP is looking to provide guidance to organic producers, they should suggest BQA certification.

NCBA was also concerned that the proposed rule condoned the notion that organic production is a better production method. Any effort by a Federal department or agency which gives the impression that conventional production of food is not of the same quality as organic production is unacceptable. While USDA may not have gone into this rulemaking with that intent, we all know that perception is reality, and the proposed rule gave the perception that conventional food production does not have the same commitment to animal welfare or quality. NCBA also believed the proposed rule inferred that our industry does not protect our cattle against weather stresses during transportation. Nothing could be further from the truth. The *National Beef Quality Assurance Guide for Cattle Transporters* clearly lays out the requirements to make sure cattle are kept as comfortable as possible during transportation.

Overall, NCBA believed the proposed rule went far beyond what is needed, required, or statutorily allowed for the NOP. We believe in a producer's right to produce organic beef. We believe that consumers deserve a choice if they so desire. We also want to re-assert that the NOP is a marketing program; not an animal health, welfare, or safety program. The proposed revisions perpetuate certain biases that organic is better than conventional agriculture. Therefore, NCBA supports the withdrawal of the proposed rule and thanks USDA for their efforts to protect all of us in livestock production from another burdensome regulation.

Sincerely,

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

Craig Uden
President