UEP

United Egg Producers

Washington Office
One Massachusetts Avenue, N.W., Suite 800
Washington, D.C. 20001
(202) 842-2345 • Fax (202) 408-7763 • Fax (202) 682-0775

March 15,2001.

FSIS Docket Room,
U.S. Department of Agriculture,
Food Safety and Inspection Service,
Room 102, Cotton Annex,
300 12th Street **S.W.**
Washington, D.C. 20250-3700.

01-006N
01-006N-1
Ken Klippen

Docket #01-006N

To Whom It May Concern:

In preparation for the twenty-ninth session of the Codex Committee on Food Labeling, these comments are being filed for the first public meeting. The March 15,2001 Public Meeting Notice said the Codex Committee on Food Labeling would consider amendments and endorse specific provisions concerning codes of practice, and study problems associated with advertisement of food and misleading descriptions. The final rule on the National Organic Standards **7** CFR 205 stipulate production practices **as** it relates to egg production that will actually harm the chicken's welfare, contravene the **NOSP** program objectives, and thus be advocating misleading descriptions of the food.

United **Egg** Producers (UEP), and the trade association United **Egg** Association (UEA) appreciate this opportunity to provide comments to the Codex Committee on Food Labeling. UEP is a national cooperative representing nearly 80% of the production of eggs in the United States; and United Egg Association (UEA), a national association representing 95% of the egg further processed egg products. We greatly appreciate this opportunity to address the National Organic Standards Board and to provide additional comments to the National Organic Program, 7 CFR § 205.

UEP and UEA question the relationship between welfare standards and the use of the term, "organic". Eggs produced in caged environments or from chickens roaming freely within a barn fed organic feeds without chemical additives, we believe, constitutes in the minds of consumers as "organic". These comments provide the scientific reasons for keeping chickens inside a confinement facility and in providing chickens a caged environment.

These comments will focus on § 205.238 "Livestock health care practice standards" and § 205.239 "Livestock living conditions."

§ *205.238* Livestock health care practice standards

(3) Establishment of appropriate housing, pasture conditions, and sanitation practices to minimize the occurrence and spread of diseases and parasites;

(4) Provision of conditions which allow for exercise, freedom of movement, and reduction of stress appropriate to the species;

(5) Performance of physical alterations as needed to promote the animal's welfare and in a manner that minimizes pain and stress.

§ *205.239* Livestock living conditions.

(a) The producer of an organic livestock operation must establish and maintain livestock living
conditions which accommodate the health and natural behavior of animals, including:

(1) Access to the outdoors, shade, shelter, exercise areas, fresh air, and direct sunlight suitable to the species, its stage of production, the climate, and the environment;

These provisions of 7 CFR $205 stipulate production practices that will actually harm the chicken's welfare and thus prevent achieving the program's objectives.

Objectives of Final Organic Standards Program

7 CFR $205 refers to "Performance of physical alterations as needed to promote the animal's welfare and in a manner that minimizes pain and stress." The rule provides that "all physical alterations performed on animals in an organic livestock operation must be conducted to promote the animals' welfare and in a manner that minimizes stress and pain." The producer of an organic livestock operation must establish and maintain livestock living conditions for the animals under his or her care which accommodate their health.

The egg industry supports the concept of producing eggs in a manner that minimizes stress and pain. Cages have been designed so as to address many of the welfare issues. Egg producers are also producing eggs in confinement facilities (barns). To have standards that insist

that chickens be given the opportunity to egress from the confinement facility would severely restrict the production of organic eggs during the winter months.

Studies in Behavior and Measurements of Stress

Poultry husbandry has evolved over the years to maximize both the production efficiency of the chicken and the profit from the systems employed. This is the reasons that producers use cages for laying hens.

It has been shown that laying chickens do not necessarily use all the space available to them. Doyen and Zayan (1984) observed White Leghorn (WL) and Rhode Island Red (RR) laying chickens housed in pairs at densities ranging from 138-369 square inches per chicken. They found that the chickens spaced further apart as cage size increased, but that the chickens did not maintain the maximum possible distance from one another.

To determine the strength of the chicken's preferences for varying amounts of space, Lagadic and Faure (1987) required chickens housed 4 per cage to peck a key to gain access to more space. Keypecks caused one of the cage walls to move progressively outward, expanding the available space. If the chickens stopped pecking the key, the wall moved back to the original position. Chickens were willing to peck for the maximum possible space (234 square inches per chicken) only infrequently. They would work to maintain a space of 62-96 in2/chicken.

Bognor et al. (1979) photographed white and brown Leghorn chickens (mean weight 4 lb) housed singly or in pairs and given 167 square inches per chicken of space each, and measured the space occupied during normal comfort movements, including wing stretching, body stretching, preening, feather ruffling, and resting. They found that these activities required from 71 square inches per chicken (for resting) to 90 square inches per chicken (for wing stretching) of space.

Kujiyat and Craig (1983) reported that chickens kept in colony cages in 17-bird groups were more fearful (as measured by the duration of tonic immobility) than chickens housed either singly or in 5-bird cages. Hansen (1976) found that increasing the group size was a contributor to hysteria. Outbreaks of hysteria were observed in 40 and 30-hen cages (91 and 50% of cages, respectively) and less frequent in 15 or 20-hen groups (22% for both groups combined). No hysteria was observed in 6-bird groups housed at 62 square inches per chicken, even though these groups were housed at slightly higher densities than chickens in the larger groups. This research demonstrates that aggression may increase with increased space allowances.

The effects of space on corticostetone levels have been examined in several studies. Craig et al. (1986) found that Leghorn chickens from two selected strains housed in 6-bird groups had higher corticosterone levels than chickens in a single-hen cage or in 4-chicken cages. Mortality was also higher in the 6-chicken cages than in the 4-chicken cages.

Cunningham et al. (1988) found that heart weights (an index of adreno-sympathetic activation) were increased in hens housed at density of 316 versus 406 square centimeters per chicken.

In keeping with the requirements that "The producer of an organic livestock operation must establish and maintain livestock living conditions which accommodate the health and natural behavior of animals," caged environments for laying chickens do accommodate the health and natural behavior of chickens.

Parasites in Natural Environments

The producer seeking to comply with the National Organic Standards Program must establish appropriate housing, pasture conditions, and sanitation practices to minimize the occurrence and spread of diseases and parasites. Access to the outdoors will actually increase the spread of disease and parasites. Ectoparasites and disease pathogens are found in animal agriculture environments that cause stresses to chickens. Coccidiosis, a disease usually occurring among chickens kept on litter, is eliminated in caged environments (Engstrom and Schaller, 1993). Today's modem production systems call for housing chickens in cages to physically remove the chicken from stepping in their own manure and from coming into contact with these pathogens and ectoparasites. This reduces the stresses experienced by chickens.

To meet the goals of **7 CFR § 205.238 (3)** that "Establishment of appropriate housing, pasture conditions, and sanitation practices to minimize the occurrence and spread of diseases and parasites," caged environments for laying chickens are more healthful and minimize the spread of disease and parasites.

Natural Predation

Other stresses in outdoor environments include natural predation. Domesticated poultry in free ranging environments are easy prey for vermin such as flying predators, including hawks or owls, along with other predators, including foxes, raccoons, and weasels.

7 CFR § 205.238 (4) says that "Provision of conditions which allow for exercise, freedom of movement, and reduction of stress appropriate to the species," caged environments for laying chickens allows for these requirements while reducing the associated stresses seen in free-roaming systems.

Inclement Weather

7 CFR $205.239 requires **"(4)** Shelter designed to allow for: (i) Natural maintenance, comfort behaviors, and opportunity to exercise; (ii) Temperature level, ventilation, and air circulation suitable to the species, temperature extremes, wet weather and other natural elements such as snow and ice that will increase mortality among domesticated poultry. Producing "organic" eggs in more northerly states will cease during the winter months under the final rule. The rule will create a regionally discriminatory effect favoring one region at the expense of another. 7 CFR $205 will decrease the availability of "organic" eggs during the winter months and increase the cost of "organic eggs" everywhere by displacing available supplies in more moderate climates.

Temporary confinement provisions were outlined in ***7* CFR § *205.239* (b)** "The producer of an organic livestock operation may provide temporary confinement for an animal because of: (1) Inclement weather; (2) The animal's stage of production; (3) Conditions under which the health, safety, or well being."

UEP and UEA believe the regulations should be interpreted to consider the winter months in cooler climates as conditions under which the health, safety, or well being would justify confinement rearing of chickens and be consistent with the stated objectives of 7 CFR § 205.239 (a) that "The producer of an organic livestock operation must establish and maintain livestock living conditions which **accommodate the health** and natural behavior of animals, including: (1) Access to the outdoors, shade, shelter, exercise areas, fresh air, and direct sunlight **suitable to** the species, its stage of production, **the climate, and the environment.** Access to the outdoors can be achieved in housing design with open sided curtains on poultry confinement houses. Weather permitting, the curtain sidewalls can be raised to allow fresh air and direct sunlight.

Pecking Order

In an environment without cages or borders, chickens are naturally inclined to establish a pecking order. This increases the stress and often increases mortality. R. Tauson (1998) reported that as the average flock size of chickens became considerably larger, outbreaks of cannibalism also turned out to be a problem. Reducing the size of chickens interacting through the use of cages also reduced the incidence of cannibalism (Hilbrich, 1985; Hansen, 1993; Abrahamsson and Tauson, 1995).

7* CFR § *205.238 provides for "(3) Establishment of appropriate housing, pasture conditions, and sanitation practices to minimize the occurrence and spread of diseases and parasites; **(4)** Provision of conditions which allow for exercise, freedom of movement, and reduction of stress appropriate to the species. The natural pecking among poultry can be reduced in a caged environment.

Disease Concern

Wild birds and waterfowl are known carriers of the disease Avian Influenza. Exposure to the outdoors will increase the likelihood of chickens contracting this disease. In the 1980's, the poultry industry in Pennsylvania experienced devastation to poultry flocks as a result of exposure to AI-infected ducks and geese. Millions of dollars were spent to destroy flocks of chickens and turkeys exposed to this disease. Gay, **J.M.,** et. al. and Hogue, A. et. al. reported Salmonella Typhimurium in a broad range of species including wild birds.

7 CFR § 205.238 provides for **"(3)** Establishment of appropriate housing, pasture conditions, and sanitation practices to minimize the occurrence and spread of diseases and parasites, confinement rearing of laying chickens will reduce the spread of diseases."

Conclusion

Modem egg production practices have resulted fiom a growing demand for economically produced eggs while providing an environment for the chicken that minimizes disease, inclement weather, predators and cannibalism. Mortality, once hovering around ***40%*** annually, is now around ***6%.*** Modern egg production practices have proved successful in reducing the stresses on chickens. The final rule may unintentionally decrease the welfare of the chicken. We hope that the National Organic Standards Board, in working to promote ***appropriate housing, pasture conditions, and sanitation practices to minimize the occurrence and spread of diseases and parasites,*** will consider the housing of chickens. Eggs produced fiom ***organic*** farms, feeding organic feed, and abiding by the objectives of the National Organic Standards Program should include those farm facilities where the curtain sidewalls can be opened and can provide sunlight and "access to the outdoors" without jeopardizing the welfare of the chicken.

UEP and UEA suggest labeling organic eggs incorporating these recommendations:

- cage free-organic
- cage-organic

This would provide consumers both the choice and clearly define the product, so **as** to be labeled correctly.

Yours sincerely,

Ken Klippen