Access to Pasture Proposed Rule

Richard H. Mathews, Chief
Standards Development & Review

National Organic Program
Agricultural Marketing Service
United States Department of Agriculture

Chico, California
December 4, 2008

Livestock Production Regulations

- § 205.236 Origin of livestock
- § 205.237 Livestock feed
- § 205.238 Livestock health care practice standard
- § 205.239 Livestock living conditions
- § 205.240 Pasture practice standard

Livestock Production Regulations

§ 205.237 Livestock feed

(a) The producer of an organic livestock operation must provide livestock with a total feed ration composed of agricultural products, including pasture and forage, that are organically produced by operations certified to the NOP, except as provided in § 205.236(a)(2)(i)), and, if applicable, organically handled by operations certified to the NOP:

Old

Except, That, nonsynthetic substances and synthetic substances allowed under § 205.603 may be used as feed additives and supplements,

New

Except, That, synthetic substances allowed under § 205.603 and nonsynthetic substances may be used as feed additives and supplements,

Provided, That, all agricultural ingredients in such additives and supplements shall have been produced and handled organically.

Livestock Production Regulations

(b) The producer of an organic operation must not:

(1) Use animal drugs, including hormones, to promote growth;

(2) Provide feed supplements or additives in amounts above those needed for adequate nutrition and health maintenance for the species at its specific stage of life;

(3) Feed plastic pellets for roughage;

(4) Feed formulas containing urea or manure;

(5) Feed mammalian or poultry slaughter by-products to mammals or poultry;

Livestock Production Regulations

(6) Use feed, feed additives, and feed supplements in violation of the Federal Food, Drug, and Cosmetic Act;

(7) Provide feed or forage to which anyone, at anytime, has added an antibiotic; or

(8) Prevent, withhold, restrain, or otherwise restrict ruminant animals from actively obtaining feed grazed from pasture during the growing season, except for conditions as described under § 205.239(c).

Livestock Production Regulations

(c) During the growing season, producers shall provide not more than an average of 70 percent of a ruminant's dry matter demand from dry matter fed (dry matter fed does not include dry matter grazed from vegetation rooted in pasture). Producers shall, once a month, on a monthly basis:

(1) Document each feed ration (i.e., for each type of animal, each class of animal's intended daily diet showing all ingredients, daily pounds of each ingredient per animal, each ingredient's percentage of the total ration, the dry matter percentage for each ingredient, and the dry matter pounds for each ingredient);

Livestock Production Regulations

(2) Document the daily dry matter demand of each class of animal using the formula:

Average Weight/Animal (lbs) × .03 = lbs DM/Head/Day × Number of Animals = Total DM Demand in lbs/Day;

(3) Document how much dry matter is fed daily to each class of animal; and

(4) Document the percentage of dry matter fed daily to each class of animal using the formula: (DM Fed ÷ DM Demand in lbs/day) × 100 = % DM Fed.

Livestock Production Regulations

§ 205.239 Livestock living conditions

(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 those listed in paragraphs (a)(1) through (a)(3) of this section. Further, producers shall not prevent, withhold, restrain, or otherwise restrict animals from being outdoors, except as otherwise provided in paragraph (b) and (c) of this section. Producers shall also provide:

(1) Year-round access for all animals to the outdoors, shade, shelter, exercise areas, fresh air, water for drinking (indoors and outdoors), and direct sunlight, suitable to the species, its stage of life, the climate, and the environment.

Livestock Production Regulations

OLD

(2) Access to pasture for ruminants

NEW

(2) For all ruminants, continuous year-round management on pasture, except as otherwise provided in paragraph (c) of this section, for:

(i) Grazing throughout the growing season; and

(ii) Access to the outdoors throughout the year, including during the non-growing season. Dry lots and feedlots are prohibited.

Livestock Production Regulations

OLD

(3) Appropriate clean, dry bedding. If the bedding is typically consumed by the animal species, it must comply with the feed requirements of § 205.237.

NEW

(3) Appropriate clean, dry bedding. When hay, straw, ground cobs, or other crop matter typically fed to the animal species is used as bedding, it must comply with the feed requirements of § 205.237.

Livestock Production Regulations

(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; and

(iii) Reduction of potential for livestock injury;

Livestock Production Regulations

OLD

(b) The producer of an organic livestock operation may provide temporary confinement for an animal because of:

NEW

(b) The producer of an organic livestock operation may temporarily deny a non-ruminant animal access to the outdoors because of:

(1) Inclement weather;

(2) The animal's stage of life;

(3) Conditions under which the health, safety, or well being of the animal could be jeopardized; or

(4) Risk to soil or water quality.

Livestock Production Regulations

(c) The producer of an organic livestock operation may temporarily deny a ruminant animal pasture under the following conditions:

(1) When the animal is segregated for treatment of illness or injury (the various life stages, such as lactation, are not an illness or injury);

(2) One week prior to parturition (birthing), parturition, and up to one week after parturition;

(3) In the case of newborns for up to six months, after which they must be on pasture and may no longer be individually housed;

(4) In the case of goats, during periods of inclement weather;

Livestock Production Regulations

(5) In the case of sheep, for short periods for shearing; and

(6) In the case of dairy animals, for short periods daily for milking. Milking must be scheduled in a manner to ensure sufficient grazing time to provide each animal with an average dry matter intake from grazing of not less than 30 percent throughout the growing season. Milking frequencies or duration practices cannot be used to deny dairy animals pasture.

Livestock Production Regulations

(d) Ruminants must be provided with:

(1) A lying area with well-maintained clean, dry bedding, which complies with paragraph (a)(3) of this section, during periods of temporary housing, provided due to temporary denial of pasture during conditions listed in paragraphs (c)(1) through (c)(5) of this section;

(2) Yards and passageways kept in good condition and well-drained;

(3) Shade and in the case of goats, shelter open on at least one side;

(4) Water at all times except during short periods for milking or sheering--such water must be protected from fouling;

Livestock Production Regulations

(5) Feeding and watering equipment that are designed, constructed, and placed to protect from fouling--such equipment must be cleaned weekly; and

(6) In the case of newborns, hay in a rack off the ground, beginning 7 days after birth, unless on pasture, and pasture for grazing in compliance with § 205.240(a) not later than six months after birth.

Livestock Production Regulations

Formerly (c) now (e)

(e) The producer of an organic livestock 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 and optimizes recycling of nutrients.

Livestock Production Regulations

(f) The producer of an organic livestock operation must manage outdoor access areas, including pastures, in a manner that does not put soil or water quality at risk; this includes the use of fences and buffer zones to prevent ruminants and their waste products from entering ponds, streams, and other bodies of water. Buffer zone size shall be extensive enough, in full consideration of the physical features of the site, to prevent the waste products of ruminants from entering ponds, streams, and other bodies of water.

Livestock Production Regulations

§ 205.240 Pasture practice standard.

The producer of an organic livestock operation must, for all ruminant livestock on the operation, demonstrate through auditable records in the organic system plan, a functioning management plan for pasture that meets all requirements of §§ 205.200 - 205.240.

Livestock Production Regulations

(a) Pasture must be managed as a crop in full compliance with §§ 205.200 - 205.206.

(b) The producer must develop and annually update a comprehensive pasture plan for inclusion in the producer's organic system plan. When there is no change to the previous year's comprehensive pasture plan the certified operation may resubmit the previous year's comprehensive pasture plan.

Livestock Production Regulations

(c) The comprehensive pasture plan must include a detailed description of:

(1) Crops to be grown in the pasture and haymaking system;

(2) Cultural practices, including but not limited to varying the crops and their maturity dates in the pasture system, to be used to ensure pasture of a sufficient quality and quantity is available to graze throughout the growing season and to provide all ruminants under the organic systems plan with an average of not less than 30 percent of their dry matter intake from grazing throughout the growing season;

(3) The haymaking system;

Livestock Production Regulations

(4) The location of pasture and haymaking fields, including maps showing the pasture and haymaking system and giving each field its own identity;

(5) The types of grazing methods to be used in the pasture system;

(6) The location and types of fences and the location and source of shade and water;

(7) The soil fertility, seeding, and crop rotation systems;

(8) The pest, weed, and disease control practices;

Livestock Production Regulations

(9) The erosion control and protection of natural wetlands, riparian areas, and soil and water quality practices;

(10) Pasture and soil sustainability practices; and

(11) Restoration of pastures practices.

Livestock Production Regulations

(d) The pasture system must include a sacrificial pasture, for grazing, to protect the other pastures from excessive damage during periods when saturated soil conditions render the pasture(s) too wet for animals to graze. The sacrificial pasture must be:

(1) Sufficient in size to accommodate all animals in the herd without crowding;

(2) Located where:

(i) Soils have good trafficability;
(ii) Well-drained;
(iii) There is a low risk of soil erosion;
(iv) There is low or no potential of manure runoff;
(v) Surrounded by vegetated areas; and
(vi) Easily restored.

Livestock Production Regulations

(3) **Managed to:**

(i) Provide feed value; and
(ii) Maintain or improve soil, water, and vegetative resources.

(4)Restored through active pasture management.

(e) In addition to the above, producers must manage pasture to comply with all applicable requirements of §§ 205.236 - 205.239.

Definitions

OLD

Crop. A plant or part of a plant intended to be marketed as an agricultural product or fed to livestock.

NEW

Crop. Pastures, sod, cover crops, green manure crops, catch crops, and any plant or part of a plant intended to be marketed as an agricultural product, fed to livestock, or used in the field to manage nutrients and soil fertility.

Definitions

Dry matter. The amount of a feedstuff remaining after all the free moisture is evaporated out.

Dry lot. A confined area that may be covered with concrete, but that has no vegetative cover.

Feedlot. A confined area for the controlled feeding of ruminants.

Graze. (1) The consumption of standing forage by livestock.

(2) To put livestock to feed on standing forage.

Grazing. To graze.

Definitions

Growing season. The period of time between the average date of the last killing frost in the spring to the average date of the first killing frost in the fall or early winter in the local area of production. This represents a temperature threshold of 28 degrees Fahrenheit (-3.9 degrees Celsius) or lower at a frequency of 5 years in 10. Growing season may range from 121 days to 365 days.

Inclement weather. Weather that is violent, or characterized by temperatures (high or low), that can kill or cause permanent physical harm to a given species of livestock.

Killing frost. A frost that takes place at temperatures between 25 degrees and 28 degrees Fahrenheit (-2.2 and -3.9 degrees Celsius) for a period sufficiently severe to end the growing season or delay its beginning.

Definitions

Sacrificial pasture. A pasture or pastures within the pasture system, of sufficient size to accommodate all animals in the herd without crowding, where animals are kept for short periods during saturated soil conditions to confine pasture damage to an area where potential environmental impacts can be controlled. This pasture is then deferred from grazing until it has been restored through active pasture management. Sacrificial pastures are located where soils have good trafficability, are well-drained, have low risk of soil erosion, have low or no potential of manure runoff, are surrounded by vegetated areas, and are easily restored. A sacrificial pasture is land used for livestock grazing that is managed to provide feed value and maintain or improve soil, water, and vegetative resources; it is not a dry lot or feedlot.

Temporary and Temporarily. Occurring for a limited time only (e.g., overnight, throughout a storm, during a period of illness, the period of time specified by the Administrator when granting a temporary variance), not permanent or lasting.

Miscellaneous

OLD

Livestock. Any cattle, sheep, goat, swine, poultry, equine animals used for food or in the production of food, fiber, feed, or other agricultural-based consumer products; wild or domesticated game; or other nonplant life, except such term shall not include aquatic animals or bees for the production of food, fiber, feed, or other agricultural-based consumer products.

NEW

Livestock. Any bee, cattle, sheep, goats, swine, poultry, equine animals used for food or in the production of food, fiber, feed, or other agricultural-based consumer products; fish used for food; wild or domesticated game; or other nonplant life.

Miscellaneous

§ 205.102 Use of the term, "organic."

* * * *

(a) Produced in accordance with the requirements specified in § 205.101 or §§ 205.202 through 205.207 or §§ 205.236 through 205.240 and all other applicable requirements of part 205; and

* * * * *

Miscellaneous

§ 205.236 Origin of Livestock.

(a) * * *

OLD

(iii) Once an entire, distinct herd has been converted to organic production all dairy animals shall be under organic management from the last third of gestation.

NEW

(iii) Once an operation has been certified for organic production using the exception in paragraph (a)(2)(i) or (ii) of this section, all dairy animals brought onto the operation shall be under organic management from the last third of gestation.

* * * * *