



Michigan Agri-Business Association

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Administrator Elanor Starmer
U.S. Department of Agriculture
Agricultural Marketing Service
1400 Independence Avenue SW
Washington, DC 20250-3700

July 8, 2016

RE: Docket AMS–NOP–15–0012; NOP–15–06PR, “Organic Livestock and Poultry Practices”

Dear Administrator Starmer,

On behalf of the Michigan Agri-Business Association (MABA), a trade association that represents companies and producers of all sizes spanning the agricultural supply chain, I am writing to voice our members’ strong opposition to the U.S. Department of Agriculture (USDA) proposed rule titled “National Organic Program: Organic Livestock and Poultry Practices.”

Concerns about this rule impact virtually every sector of Michigan agriculture. This includes our members who are engaged in the poultry and pork industries, as well as those who produce organic corn, soybeans, wheat and dry beans. We work closely with many other partners in Michigan agriculture, including the Michigan Department of Agriculture and Rural Development and Michigan State Veterinarian, who have also expressed significant concern with the rule.

Our primary issue is the severely detrimental impact on animal health and food safety that would be created by eliminating organic hen porches as an approved National Organic Program (NOP) practice.

Multiple stakeholder groups, farmers, veterinarians and others have already detailed the increase in hen mortality that would result from exposure of organic hens to predators and disease – and many have noted that USDA’s estimate of the mortality increase is vastly understated, with independent academic studies showing that free-range hen mortality approaches 30 percent. In addition, as noted by many commenters, eliminating the barrier of separation for organic hens will increase hen exposure to diseases that will compromise industry and government food safety efforts.

This increased exposure to disease is especially concerning in the poultry industry, which is just a year removed from the most devastating avian disease outbreak in U.S. history in Highly Pathogenic Avian Influenza (HPAI) – which cost many producers their entire flock, and cost the Federal Government an estimated \$800 million in response activities and indemnity payments. Multiple agencies at the local, state and federal levels, including USDA’s Animal and Plant Health Inspection Service and the U.S. Food and Drug Administration, have worked very closely with producers nationwide to protect flocks from a recurrence of HPAI. The proposed AMS rule directly conflicts with these animal health and food safety efforts.

A basic examination of the animal health and food safety science, including the science promoted by other USDA and federal agencies that are working hard to combat avian disease, raises serious questions about the detrimental impact of the proposed rule.

Adding to our concern, the proposed rule appears rooted primarily in a subjective Agency assumption of what consumers expect from the NOP – even as those consumers continue to buy millions of organic eggs on a daily basis. A proposed rule written from this subjective assumption threatens to slam the brakes on a U.S. organic industry that has seen tremendous growth in recent years. It would inject unpredictability into the NOP, discouraging producers from investing in organic facilities and discouraging lenders to provide credit for such facilities in a tight credit market.

Egg producers nationwide have worked together with USDA to fuel growth and opportunity in organic agriculture, supplying a major increase in demand for organic products. As organic egg producers have grown and invested in their NOP-approved operations (pumping tens of millions of dollars into NOP-approved infrastructure), they have also driven strong demand for organic corn and soybeans for feed. By dramatically changing the rules of the game in organic agriculture, AMS will undercut that progress. Producers across the organic supply chain are concerned with the significant supply chain disruption that will be created by eliminating 90 percent of organic aviaries – with no clear recourse to replace that production, aside from a subjective hope that small producers will miraculously materialize to replace it.

Finally, the disruption to the supply chain will be virtually immediate, even if there is a phase-in period for an elimination of porches. Many other provisions of the proposed rule would require investments and improvements to be made immediately – but for facilities that have organic hen porches, it will not make economic sense to improve them given they will become obsolete soon thereafter. As a result, the proposed rule, if implemented will cause an immediate exit from the organic market by some commercial organic egg producers.

We appreciate your consideration and time, and that of your staff, to consider the input of experts and professionals across the industry during this comment period. However, we remain very concerned that this rule is under-informed, represents a lack of coordination with partner agencies at all levels, and demonstrates a disregard for animal health and food safety at a critical time for the industry. The proposed rule would be deeply damaging to many aspects of U.S. agriculture and should be reconsidered.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'James E. Byrum', with a stylized, overlapping loop at the end.

James E. Byrum, President
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