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Re: Petition 23-03

American Pastured Poultry Producers Association (APPPA) appreciates the opportunity to agree with the petition by Perdue Farms LLC that pasture raised and free range label claims are not synonymous terms. APPPA represents independent pastured poultry farmers who primarily sell direct to consumer across the United States. We currently count more than 1,000 active member farms and have been the association of record for the growing pasture poultry movement.

Marketplace confusion and deception is something our members face every day as more poultry companies seize onto the economic opportunities created by the demand that has been grown by the grassroots efforts of independent pastured poultry farmers and their customers.

To understand the context of the confusion perpetuated by unclear labeling and the need for clarity with the pasture raised label, we need a high-level overview of the pasture raised poultry and egg marketplace.

It's no secret that historical poultry production took place outdoors, especially prior to the understanding of Vitamin D. Over the last century, however, most of the commercially produced chicken in the United States has moved to confinement in barns with a steadily increasing density of birds in the barn and on the farm. Pastured poultry farmers believe this to be a counter-intuitive way to raise a chicken that's fraught with unnatural requirements, unhealthy fear of the environment, and unfortunate practices that place efficiency above all other metrics (such as health, welfare, nutrition, and quality).

In the 1990s, there was a counter-cultural method of raising chickens gaining popularity among the independent-farmer community – farmers who wanted to sell direct to consumers in their own neighborhoods while addressing the common problems inherent with contract poultry production in the U.S. That model was a revisioning of the historical poultry model in a way that integrated into a multi-species, multi-enterprise farm through rotational grazing. The model was drawn from the past while using the technological advancements of the day to create an alternative way for independent farmers to compete in a commodity market with a niche product.

The pioneers of the modern pasture raised poultry movement understood unequivocally that a pastured poultry model was predicated on two things. The chickens (or other poultry) lived **ON** pasture for a majority of their lives, and they **MOVED** through the pasture.

As the pasture raised model became more popular through the early 2010s, larger egg brands began to take note of the demand. Instead of innovating the existing pastured poultry model, these companies fell back to the confinement poultry model with access to the outside. Then they worked with national grocers and third-party

certifications to create programs that fit their production model while allowing them to market to the pasture raised niche.

For poultry to be labeled free range, according to FSIS' 2019 label guidance, producers must provide a written description of the housing environment and "demonstrate continuous, free access to the outside throughout their normal growing cycle." The industry's open secret about free range poultry production is that access is not the same as an open door and there is no requirement for the birds to go outside. If the chickens were to go outside, the outdoor access is not required to lead to pasture. It could be concrete porches or dirt.

The reality of free range, as Perdue shows in their consumer survey, compromises consumer expectations about what pasture raised means.

Highlighted in many of these recent third-party certifications is the premise that pasture raised chickens only require access to pasture. The movement component that integrates pasture raised chickens into a multi-species grazing plan is replaced with an artificial requirement of 108 sq. ft. per chicken. However, 108 sq. ft. is not a suitable substitution for the foundational premise of a pastured poultry model, which is movement on pasture. Regardless of the amount of total theoretical space, a non-movement-based system results in uneven pasture utilization; the pasture itself is degraded when hens are allowed continuous access to a pasture paddock, which ultimately has a negative effect on the health of the flock.

If the only perspective you have into pasture raised chickens is the through the lens of these recent third-party certifications that tout 108 sq. ft. access to pasture instead of movement, then drawing the conclusion that pasture raised is synonymous seems inevitable; however, based on the last 30 years of refinement by the pastured poultry community, that conclusion doesn't fit.

While Perdue's petition focused on meat chickens, everything they say is applicable to eggs marketed as pasture raised. The labeling problem being addressed by Perdue is exponentially worse in the current egg market, and it represents the destination of the meat chicken market if FSIS' labeling guidelines are not refined. That destination, for clarity's sake, is consumer confusion from a market of deceitful claims leveraged off the backs of a pioneering community who made the market possible in the first place.

Here's the heart of Perdue's ask. "This request includes removing 'pasture-raised' from claims considered synonymous with 'free range' because those two claims are not synonymous. Additionally, Perdue requests that FSIS amend its current Compliance Guideline such that 'pasture-raised' is separately and specifically defined. Given that all animal raising claims on labels must be evaluated by FSIS on a case-by-case basis, each advertiser must show that its raising claim meets consumer perception (that all chickens spend the majority of their lives on pasture for "pasture raised" claims) so that consumers are not deceived or otherwise misled by the advertising claim."

APPPA supports Perdue's position that pasture raised is not synonymous with free range.

American Grassfed Association (AGA) in close consultation with APPPA will be releasing a pasture raised meat bird and pasture raised layer certification in 2023 that properly reflects the differentiation of pastured poultry from other production methods. It sets a high bar because that's the original intent of the model. Definitions and certifications naturally create a line that separates one approach from another. FSIS should lean into that basic reality and define a label that stands for something.

In a nutshell, the AGA standards will require that hens must be raised on pasture in mobile coops throughout the entire grazing season for a majority of the hens' lives. Meat birds must spend a majority of their lives, from birth to harvest, on pasture in mobile coops. All pasture shall consist of land covered with greater than 50% rooted vegetation.

This voluntary pasture raised certification represents the spirit of the pastured poultry model, which seeks to improve the health of the birds, the health of the pasture, and the health of the communities. These standards also align with consumer expectations, as highlighted by Perdue's survey data.

It's important to note that poultry of all breeds and varieties are successfully pasture raised. When raised under good management, a life on pasture increases the welfare of any bird; Our community of growers prove this out every day. APPPA does not support restrictions on breed, growth rate, space, or feed to creep into a pasture raised label definition. In line with the forthcoming AGA standards, pasture raised describes a production model that puts chickens and other poultry on fresh pasture often, which is accomplished through mobile shelters. Remove one of those foundations (on pasture or movement), and you don't have a pasture raised product to market—it's free range instead.

Sincerely,

American Pastured Poultry Producers Association