



May 25, 2023

Docket Clerk
Food Safety and Inspection Service
US Department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250-3700

Submitted electronically via fsispetitions@usda.gov

RE: Need for Further Refinement for Perdue Farms LLC Petition (#23-03)

To Whom It May Concern:

Compassion in World Farming USA (CIWF) appreciates the opportunity to submit comments on Petition #23-03 submitted on March 16, 2023, by Perdue Farms, LLC dealing with the Food Safety and Inspection Service's (FSIS) approval of the claims "free range" and "pasture raised" for use on poultry products. On behalf of our supporters, our organization works to raise the baseline standards of farmed animal welfare in the United States (US) and ensure marketing claims reflect meaningful improvements in animal raising, handling, and slaughter practices. CIWF supports Perdue's petition #23-03, as well as Animal Welfare Institute's (AWI) 2016 rulemaking petition (#16-01), to better define outdoor access for poultry. However, CIWF stresses that the welfare benefits of "free range" and "pasture raised" outdoor access for poultry cannot meet consumer expectations without including additional criteria about the poultry breeds/strains, ease of outdoor access, and the space, quality, and cover available on range or pasture. US consumers pay a value-added premium for "free range" and "pasture raised" poultry products. Thus, these claims must meet baseline criteria to fulfill consumer expectations for improved animal welfare.

Background

Consumers Pay a Premium for "Free Range" and "Pasture Raised" Poultry to Have Better Welfare Than Poultry Raised Solely Indoors

The number of "free range" and "pasture raised" labeled poultry products is increasing each year due to growing consumer demand for "welfare-friendly" chicken meat and eggs.ⁱ In the United States, "free range" and "pasture raised" poultry are widely perceived by consumers as being produced to a higher standard of animal welfare.^{ii,iii} US pastured poultry producers access niche consumer markets and add a premium value by promoting their poultry products as produced to higher standards of animal welfare and environmental stewardship compared to industry standard.^{iv} A 2008 study reported 92% of surveyed US consumers stated humane animal treatment as a very (63%) or somewhat (29%) important attribute of "pasture raised" animal products.ⁱⁱ Similarly, a 2020 survey reported 76% of US consumers purchased "free range" chicken, and 70% paid a higher price for these products because they believed "free range" meant the chickens were raised with higher animal welfare production practices. Similarly, 79% of the surveyed participants noted purchasing "pasture raised" chicken, with 72% paying a premium, due to their understanding that "pasture raised" chickens have improved welfare. April 2023 retail prices of a "pasture raised" boneless chicken breast averaged \$15.21 in comparison to \$3.04 per pound for an indoor-reared, commodity chicken breast.^v

"Free Range" and "Pasture Raised" Poultry Must Be Breeds/Strains That Can Thrive Outdoors to Have Better Welfare and Meet Consumer Expectations

Peer-reviewed research and industry reports continue to show that the welfare of poultry labelled "free range" or "pasture raised" can vary significantly depending on other important characteristics of these systems, including the poultry breed/strain, the birds' ease of access to range or pasture, and the space and availability of cover outdoors.^{i,vi} Consumers perceive free range or pasture access as promoting animal wellbeing by providing the birds with opportunities to express natural behaviors, such as foraging on diverse vegetation.^{i,ii,iv} Providing poultry with range or pasture access can increase bird activity and reduce the risk of leg disorders, but this is only possible if the breeds/strains are genetically fit to thrive outdoors. Today's fast-growing Cornish cross broiler strains (which grow >50-60 grams per day) have been bred for indoor, climate-controlled conditions, so these chickens show low usage of outdoor ranges and are mostly inactive and sedentary on pasture unlike slow-growing breeds.^{vi,vii,viii,ix,x,xi,xii} In general, fast-growing chicken breeds have significantly poorer leg health and higher mortalities outdoors than slow-growing strains, which grow <45 grams per day.^{viii,xiii} Unlike slower-growing breeds, the fast growth rates of these modern broiler strains negatively impact their ability to thermoregulate.^{xiv,xv,xvi} So, these breeds are at a higher risk of mortalities from heat or cold stress from the environmental variation outdoors. These fast-growing breeds also have higher incidence and severity of footpad, hock, and breast lesions in extensive free range or pasture systems.^{vi,viii} For chickens to experience the benefits of outdoor range and pasture in line with consumer expectations, these systems must use slow-growing breeds/strains selected for high welfare outcomes outdoors, including good leg health and thermoregulatory capacity.

"Free Range" and "Pasture Raised" Poultry Only Benefit from Range/Pasture with Sufficient Space, Vegetative Quality, And Ease of Access to Range or Pasture

In addition to the breed/strain, the ease of access to outdoor areas will limit the birds' ability to make use of, and benefit from, outdoor range or pastured areas. Both research and industry accounts have shown that without a sufficient number of access points to the outdoors, or if the access points are not distributed evenly within the house, then the poultry flock will show little to no use of free range or pasture.^{xvii,xviii,xviii,xix} The space, vegetative quality, and availability of cover outdoors can also significantly impact how much poultry use outdoor space.^{xx} Chickens are a prey species and show low use of wide open fields, so providing cover - specifically tall, dense perennial grasses, woody shrubs, bushes, and established trees - encourages the birds to venture further outdoors by providing areas of retreat when aerial predators are overhead.^{xxi,xxii,xxiii,xxiv,xxv} Cover also gives birds shade from the sun and shelter from wind and rain. Unless "free range" and "pasture raised" label claims have minimum standards to ensure the poultry can benefit from outdoor access, improved welfare for these birds cannot be guaranteed, which is deceptive to the consumers seeking out and paying a premium for these products.

CIWF's Recommendations to Better Define "Free Range" and "Pasture Raised" Poultry

"Free Range" and "Pasture Raised" Poultry Label Claims Need Minimum Criteria on Breeds/Strains and Environmental Parameters to Meet US Consumer Expectations of Improved Animal Welfare

CIWF supports the petitions made by the AWI and Perdue that "free range" and "pastured raised" are not synonymous animal-raising claims for poultry. We agree with Perdue and AWI that the current FSIS guidelines for these claims do not align with consumer expectations and can lead to false and misleading marketing. Therefore, we strongly encourage FSIS to further refine these poultry-raising

claims to include the following standards, at a minimum, to ensure these labelling claims are consistent and meet US consumer expectations for higher animal welfare compared to industry standard:

- We are aligned with the proposed language from Perdue and AWI, that the definition of “pasture raised” poultry should, at a minimum, mean:
 - Birds have continuous, free access to pasture and spend the majority of their lives, from hatching to slaughter, physically on pasture; and
 - Pasture to be defined as a majority [51%] of rooted-in-soil vegetative cover.
- However, we insist the "pasture raised" label for poultry must also include the following requirements:
 - Minimum space allowance of 2.5 acres per 1,000 birds;
 - Birds have continuous access to natural or artificial shelter, with a preference for tall, dense vegetation, on pasture to provide protection from extreme weather and predators;
 - Birds may be temporarily confined indoors during weather, soil, or health conditions that would compromise their health or welfare; and
 - For meat chickens, breeds/strains are selected that thrive on pasture and show high welfare outcomes. Acceptable breeds/strains must be either slower-growing or have passed a recognized breed welfare assessment.
- For "free range" poultry, CIWF supports the following definition, which closely aligns with the criteria proposed by AWI:
 - Birds have daily free access to range during daylight hours for a majority of their lives from hatching until slaughter, with multiple access points to the outdoors from their housing structure;
 - Range to be defined as soil with at least 25% vegetative cover during the grazing season with a minimum space allowance on range of two square feet per bird;
 - Birds have continuous access to natural or artificial shelter outdoors to provide protection from extreme weather and predators;
 - Birds may be temporarily confined indoors during weather, soil, or health conditions that would compromise their health or welfare; and
 - For meat chickens, breeds/strains must be selected that thrive outdoors and show high welfare outcomes. Acceptable breeds/strains must be either slower-growing or have passed a recognized breed welfare assessment.

Our organization thanks you for the opportunity to comment on this petition on behalf of our US supporters. With the above comments, we hope FSIS will ensure these animal-raising claims better uphold US consumer expectations for “free range” and “pasture raised” poultry with improved

welfare and better serve farmers committed to producing genuine value-added products. If you have any questions, please contact Hillary Dalton at hillary.dalton@ciwf.org.

Sincerely,



Dr. Hillary Dalton
Senior Research Manager
Compassion in World Farming USA

ⁱ Sossidou, E. N., Dal Bosco, A., Elson, H. A., Fontes, C. M. G. A. 2011. Pasture-based systems for poultry production: Implications and perspectives. *Worlds Poultry Science Journal*, **67**, 47–58. doi:10.1017/S0043933911000043

ⁱⁱ Conner, D. S., Campbell-Arvai, V., Hamm, M. W. 2008. Consumer Preferences for Pasture-Raised Animal Products: Results from Michigan. *Journal of Food Distribution Research*, **39**, 12-25.

ⁱⁱⁱ Thibault, M., Pailler, S., Freund, D. 2022. Why are they buying it?: United States consumers' intentions when purchasing meat, eggs, and dairy with welfare-related labels. *Food Ethics*, **7**, 12. doi:10.1007/s41055-022-00105-3

^{iv} Rothrock, M. J., Gibson, K. E., Micciche, A. C., Ricke, S. C. Pastured poultry production in the united states: strategies to balance system sustainability and environmental impact. *Frontiers in Sustainable Food Systems*, **3**, 1–10. doi:10.3389/fsufs.2019.00074

^v USDA Agricultural Marketing Service. 2023. National Monthly Pasture Raised Poultry Report – April 2023. Livestock, Poultry, and Grain Market News. Available online at: <https://www.ams.usda.gov/mnreports/pymnprpoultry.pdf> (accessed May 11, 2023)

^{vi} Castellini, C. *et al.* 2016. Adaptation to organic rearing system of eight different chicken genotypes: Behaviour, welfare and performance. *Italian Journal of Animal Science*, **15**, 37–46. doi:10.1080/1828051X.2015.1131893

^{vii} Weeks, C., Nicol, C., Sherwin, C., Kestin, S. 1994. Comparison of the behavior of broiler chickens in indoor and free-range environments. *Animal Welfare*, **3**, 179-192. doi:10.1017/S0962728600016833

^{viii} Nielsen, B. L., Thomsen, M. G., Sørensen, P., Young, J. F., Sørensen, P. 2003. Feed and strain effects on the use of outdoor areas by broilers. *British Poultry Science*, **44**, 161-169. doi:10.1080/0007166031000088389.

^{ix} Taylor, P. S., Hemsworth, P. H., Groves, P. J., Gebhardt-Henrich, S. G., Rault, J. L. 2017. Ranging behaviour of commercial free-range broiler chickens 1: Factors related to flock variability. *Animals*, **7**, 54. doi:10.3390/ani7070054

^x Gordon, S. 2002. Effect of breed suitability, system design and management on welfare and performance of traditional and organic table birds (OF0153). Available online at: <http://orgprints.org/8104> (accessed May 20, 2023)

^{xi} EFSA AHAW Panel (European Food Safety Authority Panel on Animal Health and Welfare), Nielsen SS, *et al.* 2023. Scientific Opinion on the welfare of broilers on farm. *EFSA Journal*, **21**, e07788. doi:10.2903/j.efsa.2023.7788

^{xii} Almeida, G. F. d., Hinrichsen, L. K., Horsted, K., Thamsborg, S. M., Hermansen, J. E. 2012. Feed intake and activity level of two broiler genotypes foraging different types of vegetation in the finishing period. *Poultry Science*, **91**, 2105–2113. doi:10.3382/ps.2012-02187

^{xiii} Fanatico, A. C. *et al.* 2008. Performance, livability, and carcass yield of slow- and fast-growing chicken genotypes fed low-nutrient or standard diets and raised indoors or with outdoor access. *Poultry Science*, **87**, 1012–1021. doi:10.3382/ps.2006-00424

-
- ^{xiv} Mattioli, S., Dal Bosco, A., Ruggeri, S., Martino, M., Moscati, L., Pesca, C., Castellini, C. 2017. Adaptive response to exercise of fast-growing and slow-growing chicken strains: Blood oxidative status and non-enzymatic antioxidant defense. *Poultry Science*, **96**, 4096–4102. doi:10.3382/ps/pex203
- ^{xv} Wilhelmsson, S., Yngvesson, J., Jonsson, L., Gunnarsson, S., Wallenbeck, A., 2019. Welfare Quality® assessment of a fast-growing and a slower-growing broiler hybrid, reared until 10 weeks and fed a low protein, high-protein or mussel-meal diet. *Livestock Science*, **219**, 71–79. doi:10.1016/j.livsci.2018.11.010.
- ^{xvi} Nielsen, B.L. 2012. Effects of ambient temperature and early open-field response on the behavior, feed intake and growth of fast- and slow-growing broiler strains. *Animal*, **6**, 1460–1468. doi:10.1017/S1751731112000353.
- ^{xvii} Sanchez-Casanova, R., Sarmiento-Franco, L., Phillips, C. J. C., Segura-Correa, J. 2019. Effects of outdoor access and indoor stocking density on behaviour and stress in broilers in the subhumid tropics. *Animals* **9**, 1016. doi: 10.3390/ani9121016
- ^{xviii} Pettersson, I. C., Freire, R., Nicol, C. J. 2016. Factors affecting ranging behaviour in commercial free-range hens. *Worlds Poultry Science Journal*, **72**, 137–150. doi:10.1017/S0043933915002664
- ^{xix} Torrella, K., Bolotnikova, M. 2023. ‘Undercover audio of a Tyson employee reveals “free-range” chicken is meaningless’, Vox Media, May 17. Available at: <https://www.vox.com/future-perfect/23724740/tyson-chicken-free-range-humanewashing-investigation-animal-cruelty> (accessed May 19, 2023).
- ^{xx} Taylor, P. S., Hemsworth, P. H., Groves, P. J., Gebhardt-Henrich, S. G., Rault, J. L. 2020. Frequent range visits further from the shed relate positively to free-range broiler chicken welfare. *Animal*, **14**, 138–149. doi:10.1017/S1751731119001514
- ^{xxi} Stadig, L. M., Rodenburg, T. B., Ampe, B., Reubens, B., Tuytens, F. A. M. 2017. Effects of shelter type, early environmental enrichment and weather conditions on free-range behaviour of slow-growing broiler chickens. *Animal*, **11**, 1046–1053. doi: 10.1017/S1751731116002172
- ^{xxii} Dawkins, M. S. *et al.* 2003. What makes free-range broiler chickens range? In situ measurement of habitat preference. *Animal Behavior*, **66**, 151–160. doi: 10.1006/anbe.2003.2172
- ^{xxiii} Fanatico, A. C. *et al.* 2016. Effect of outdoor structural enrichments on the performance, use of range area, and behavior of organic meat chickens. *Poultry Science*, **95**, 1980–1988. doi:10.3382/ps/pew196
- ^{xxiv} Bosco, A. D. *et al.* 2014. Effect of range enrichment on performance, behavior, and forage intake of free-range chickens. *Journal of Applied Poultry Research*, **23**, 137–145. doi:10.3382/japr.2013-00814
- ^{xxv} Jones, T. *et al.* 2007. Welfare and environmental benefits of integrating commercially viable free-range broiler chickens into newly planted woodland: A UK case study. *Agricultural Systems*, **94**, 177–188. doi:10.1016/j.agsy.2006.08.007