



December 12, 2023

Mary Porretta
Petitions Manager, Regulations Development Staff
USDA - Food Safety and Inspection Service (FSIS)
1400 Independence Avenue, SW
Washington, D.C. 20250

Email to fsispetitions@usda.gov

Re: Petition No. 23-03, requesting FSIS take action on “free-range” and “pasture-raised” claims for meat and poultry products.

Dear Ms. Porretta,

CROPP Cooperative | Organic Valley along with the Organic Meat Company appreciates the opportunity to offer input on Petition No. 23-03, which was submitted by Perdue Farms LLC (Perdue) to the U.S. Department of Agriculture’s Food Safety and Inspection Service (FSIS) on March 16, 2023. Our cooperative is made up of around 1,600 organic farms in 32 states who raise organic dairy, meat, eggs, produce, and feedstuffs. For these organic commodities, we market both branded products under the Organic Valley or Organic Prairie brands, as well as ingredients and bulk offerings for commercial buyers.

While the submitted petition is centered on labeling claims for poultry products, we recognize the scope of FSIS animal-raising claim guidance spans to all meat products. Our cooperative regularly receives approval from FSIS for the use of “pasture-raised” for meat products that come from certified organic cattle. Our feedback is intended to support cross-departmental alignment on labeling claims and offer greater transparency to consumers.

We acknowledge the subject of animal-raising claims is a growing priority for FSIS as indicated by the USDA in a June 14, 2023, press release¹ entitled “USDA Launches Effort to Strengthen Substantiation of Animal-Raising Claims.”

We are encouraged to see USDA advance an agenda that elevates the need for greater substantiation on voluntary labeling claims that are intended to convey specific animal-raising attributes of livestock. This is important both for consumers seeking products that make said animal-raising claims as well as for producers who should expect a common understanding and level playing field for a host of animal-raising claims.

¹ [USDA Launches Effort to Strengthen Substantiation of Animal-Raising Claims | USDA](#)

Today, there is an unacceptable level of variation among animal raising claims in food and in our experience woefully insufficient mechanisms of enforcement to ensure truth in labeling for many meat, dairy, and egg products. We recognize the jurisdiction for food labeling is not confined to FSIS, but spans to the Food and Drug Administration (FDA), making the truth-in-labeling task even more daunting.

Therefore, alignment within USDA on the definitions of certain animal-raising claims seems even more critical.

The submitted petition requests FSIS take two actions. First, to amend the interpretation of “free-range” by removing “pasture-raised” from the list of claims that are synonymous with “free range.” And second, to define “pasture-raised.”

CROPP Cooperative agrees with the petitioner that “free-range” and “pasture-raised” do not necessarily mean the same thing, especially when considering the range of livestock (including poultry) that the claim might be applied to. We would also note that other existing words in the “free range” definition, including “meadow raised” and “pasture grown” are also problematic, though less often used in commerce.

We are **not** in agreement with the petitioner’s proposed definition of “pasture-raised.” We find both clauses -- *“Chickens spend the majority of their lives physically on ‘pasture,’”* and *“‘Pasture’ to be defined as a majority of rooted-in-soil vegetative cover”* -- too narrow and not consistent with existing regulations for such terms.

Pursuant to organic regulations 7 CFR Part 205 - PART 205—National Organic Program · Subpart A—Definitions (§§ 205.1 - 205.3), “pasture” is defined² as, *“Land used for livestock grazing that is managed to provide feed value and maintain or improve soil, water, and vegetative resources.”* Should FSIS decide to amend guidance and define pasture, this definition provided in the organic regulations should be adopted to ensure consistency across interdepartmental agencies of USDA.

CROPP Cooperative also believes the petitioners’ proposed time parameters for “pasture-raised” as *“...majority of their lives physically....”* for chickens is in some instances unrealistic and cannot be applied to other categories of livestock, such as cattle that may live many years, and in climate conditions that demand housing to protect the health and safety of the animals. FSIS should take a more expansive view of what constitutes the necessary time on pasture for each species, considering daily biological sleep cycles, inclement weather conditions, and other health and welfare concerns. That said, we fully support a reasonable expectation that livestock and poultry would have a substantial and regular amount of time on pasture, such as daily grazing throughout the growing season, to achieve such a “pasture-raised” claim.

We strongly urge USDA FSIS to seek additional alignment with the National Organic Program, which provides greater regulatory specificity within 7 CFR Part 205 Subpart C –

² [eCFR :: 7 CFR Part 205 Subpart A -- Definitions](#)



Organic Production and Handling – Pasture practice standard³, for animals on pasture. This regulation has sufficed and should continue to suffice in substantiating a “pasture-raised” labeling claim for applicable species of organic livestock.

In addition to the feedback above, we—along with other commenters—recommend that the agency embark on an open and transparent process to engage all stakeholders if changes to guidance are considered. We encourage the agency to use a formal process of notice and comment rulemaking to allow for a comprehensive review of the options including the agency’s current thinking. It is also important that FSIS engage with FDA regarding labeling policies as well as consider other USDA agencies and other FSIS regulations and policies related to labeling changes. As a future step we would also encourage FSIS to work with Agricultural Marketing Service (AMS) to provide for on-farm auditing in cases where animal-raising claims have drawn suspicion and cannot be substantiated based solely on a paper trail.

Recent moves by the Secretary of Agriculture shows a commitment to the Department’s call to define label claims to remove the ambiguity of labeling language. We applaud the effort.

CROPP Cooperative looks forward to offering additional comments on animal-raising claims and welcomes any additional questions from USDA as they advance this overall work.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam Warthesen'.

Adam Warthesen
Senior Director of Government & Industry Affairs
Organic Valley

A handwritten signature in black ink, appearing to read 'Beth Wells'.

Elizabeth Wells
General Manager
Organic Meat Company

³ [eCFR :: 7 CFR Part 205 Subpart C -- Organic Production and Handling Requirements](#)