



United States Department of Agriculture

Food Safety and  
Inspection Service

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Washington, D.C.  
20250

Dena Jones  
Farm Animal Program Manager  
Animal Welfare Institute  
900 Pennsylvania Avenue SE  
Washington, DC 20003

DEC 30 2019

Dear Ms. Jones,

This letter responds to the January 2016 petition you submitted on behalf of the Animal Welfare Institute (AWI) requesting that the Food Safety and Inspection Service (FSIS) amend its poultry products labeling regulations to define “free range” and to establish substantiation requirements for approval of the claim. The petition specifically requests that FSIS prescribe standards for “free range” claims to require that the birds are provided with: 1) outdoor access during daylight hours on a daily basis for at least 51 percent of their lives; 2) outdoor space where at least half of the area has vegetative cover; 3) multiple, large access points to the outdoors; and 4) natural or artificial shelter in the outdoor area. The petition also requests that FSIS require that applications for “free range,” “free roaming,” and “range grown” labels include a signed affidavit, accompanied by a detailed animal care protocol and photographs that illustrate that the birds were raised under conditions that qualify for a “free range,” “free roaming,” or “range grown” claim. In the alternative, the petition requests that FSIS incorporate the requested changes into its animal raising claims guidance documents. The petition was assigned petition number 16-01.

In September 2016, FSIS published and requested comments on the original version of the “Labeling Guideline on Documentation Needed to Substantiate Animal Raising Claims for Label Submissions,” which included guidance on the use of “free range” claims in the labeling of poultry products. Because your petition includes an alternative request to amend the Agency’s guidance on “free range,” we considered it as a comment on the guideline.

On December 27, 2019, FSIS published a *Federal Register* notice (FRN) announcing the availability of an updated version of its “Labeling Guideline on Documentation Needed to Substantiate Animal Raising Claims for Label Submissions” (84 FR 71359). The FRN summarizes and responds to issues raised by comments submitted in response to the original version of the guideline published in September 2016.<sup>1</sup> FSIS received over 4,600 comments in response to

<sup>1</sup> Food Safety and Inspection Service Labeling Guideline on Documentation Needed to Substantiate Animal Raising Claims for Label Submissions, Sept. 2016. Available at: <https://www.fsis.usda.gov/wps/wcm/connect/6fe3cd56-6809-4239-b7a2-bccb82a30588/RaisingClaims.pdf?MOD=AJPERES>.

the September 2016 guideline. Many of the comments raised issues associated with “free range” claims that were similar to the issues raised in your petition, including the comments you submitted on behalf of AWI that referenced your petition. Therefore, to ensure the most efficient use of Agency resources, we have summarized and responded to the issues raised in your September 2016 petition in the December 2019 FRN. As discussed below, in the FRN, FSIS requests comments on its approach for approving “free range” claims in the labeling of poultry products. We intend to consider the issues raised in your petition along with the other comments submitted on this issue.

As discussed in the FRN, FSIS updated its labeling guideline by adding information on the type of documentation typically needed to substantiate a “free range” claim on poultry products. The update reflects FSIS’s longstanding policy for approving these claims. Although the updated guideline does not incorporate all the actions requested in your petition, it does provide that for FSIS to approve this specific claim, the establishment must include a description of the housing conditions of the birds, as well as demonstrate the birds have continuous, free access to the outside.

The updated guideline also explains that based on ongoing consultations with the Agricultural Marketing Service that began in the 1990s, FSIS has determined that, when substantiated by the supporting documentation outlined in the guideline, the claim “Free Range” and synonymous claims (e.g., “Free Roaming,” “Pasture Fed,” “Pasture Grown,” “Pasture Raised,” and “Meadow Raised”) on poultry products need not include additional information to explain what the claim means as applied to that particular product. As stated in the FRN, FSIS believes its current approach for the approval of “free range” claims effectively accommodates various production situations while providing for an animal-raising environment that allows birds to express natural behaviors. However, as noted above, FSIS also requested comments on this approach and will consider the issues raised in your petition along with other comments submitted on this issue.

In accordance with our petition regulations, we have posted your petition on the FSIS website (9 CFR 392.6). We intend to post this response as well.

Sincerely,



Terri Nintemann  
Assistant Administrator  
Office of Policy and Program Development