§ 205.239 Livestock living conditions.

(a) The producer of an organic livestock operation must establish and maintain year-round livestock living conditions which accommodate the health and natural behavior of animals, including:

1. Year-round access for all animals to the outdoors, shade, shelter, exercise areas, fresh air, clean water for drinking, and direct sunlight, suitable to the species, its stage of life, the climate, and the environment: Except, that, animals may be temporarily denied access to the outdoors in accordance with §§205.239(b) and (c). Yards, feeding pads, and feedlots may be used to provide ruminants with access to the outdoors during the non-grazing season and supplemental feeding during the grazing season. Yards, feeding pads, and feedlots shall be large enough to allow all ruminant livestock occupying the yard, feeding pad, or feedlot to feed simultaneously without crowding and without competition for food. Continuous total confinement of any animal indoors is prohibited. Continuous total confinement of ruminants in yards, feeding pads, and feedlots is prohibited.

2. For all ruminants, management on pasture and daily grazing throughout the grazing season(s) to meet the requirements of §205.237, except as provided for in paragraphs (b), (c), and (d) of this section.

3. Appropriate clean, dry bedding. When roughages are used as bedding, they shall have been organically produced in accordance with this part by an operation certified under this part, except as provided in §205.236(a)(2)(i), and, if applicable, organically handled by operations certified to the NOP.

4. Shelter designed to allow for:

   i. Natural maintenance, comfort behaviors, and opportunity to exercise;

   ii. Temperature level, ventilation, and air circulation suitable to the species; and

   iii. Reduction of potential for livestock injury;

5. The use of yards, feeding pads, feedlots and laneways that shall be well-drained, kept in good condition (including frequent removal of wastes), and managed to prevent run-off of wastes and contaminated waters to adjoining or nearby surface water and across property boundaries.

(b) The producer of an organic livestock operation may provide temporary confinement or shelter for an animal because of:

1. Inclement weather;

2. The animal’s stage of life: Except, that lactation is not a stage of life that would exempt ruminants from any of the mandates set forth in this regulation;

3. Conditions under which the health, safety, or well-being of the animal could be jeopardized;

4. Risk to soil or water quality;

5. Preventive healthcare procedures or for the treatment of illness or injury (neither the various life stages nor lactation is an illness or injury);

6. Sorting or shipping animals and livestock sales: Provided, that, the animals shall be maintained under continuous organic management, including organic feed, throughout the extent of their allowed confinement;

7. Breeding: Except, that, bred animals shall not be denied access to the outdoors and, once bred, ruminants shall not be denied access to pasture during the grazing season; or

8. 4-H, Future Farmers of America and other youth projects, for no more than one week prior to a fair or other demonstration, through the event and up to 24 hours after the animals have arrived home at the conclusion of the event. These animals must have been maintained under continuous organic management, including organic feed, during the extent of their allowed confinement for the event.

(c) The producer of an organic livestock operation may, in addition to the times permitted under §205.239(b), temporarily deny a ruminant animal pasture or outdoor access under the following conditions:

1. One week at the end of a lactation for dry off (for denial of access to pasture only), three weeks prior to parturition (birthing), parturition, and up to one week after parturition;

2. In the case of newborn dairy cattle for up to six months, after which they must be on pasture during the grazing season and may no longer be individually housed: Provided, That, an
animal shall not be confined or teth-
ered in a way that prevents the animal
from lying down, standing up, fully ex-
tending its limbs, and moving about
freely;
(3) In the case of fiber bearing ani-
mals, for short periods for shearing; and
(4) In the case of dairy animals, for
short periods daily for milking. Mill
king must be scheduled in a manner to
ensure sufficient grazing time to pro-
vide each animal with an average of at
least 30 percent DMI from grazing
throughout the grazing season. Milking
frequencies or duration practices can
not be used to deny dairy animals pas-
ture.
(d) Ruminant slaughter stock, typi-
cally grain finished, shall be main-
tained on pasture for each day that the
finishing period corresponds with the
grazing season for the geographical lo-
cation: Except, that, yards, feeding
pads, or feedlots may be used to pro-
vide finish feeding rations. During the
finishing period, ruminant slaughter
stock shall be exempt from the min-
imum 30 percent DMI requirement
from grazing. Yards, feeding pads, or
feedlots used to provide finish feeding
rations shall be large enough to allow
all ruminant slaughter stock occu-
pying the yard, feeding pad, or feed lot
to feed simultaneously without crowd-
ing and without competition for food.
The finishing period shall not exceed
one-fifth (1/5) of the animal’s total life
or 120 days, whichever is shorter.
(e) The producer of an organic live-
estock operation must manage manure
in a manner that does not contribute
to contamination of crops, soil, or
water by plant nutrients, heavy met-
als, or pathogenic organisms and opti-
mizes recycling of nutrients and must
manage pastures and other outdoor ac-
cess areas in a manner that does not
put soil or water quality at risk.
[65 FR 60667, Dec. 21, 2000, as amended at 75
FR 7193, Feb. 17, 2010]
§ 205.240 Pasture practice standard.
The producer of an organic livestock
operation must, for all ruminant live-
estock on the operation, demonstrate
through auditable records in the or-
ganic system plan, a functioning man-
age plan for pasture.
(a) Pasture must be managed as a
crop in full compliance with §§205.202,
205.203(d) and (e), 205.204, and 205.206(b)
through (f), Land used for the produc-
tion of annual crops for ruminant graz-
ing must be managed in full compli-
cance with §§205.202 through 205.206. Irri-
gation shall be used, as needed, to pro-
mote pasture growth when the oper-
ation has irrigation available for use
on pasture.
(b) Producers must provide pasture in
compliance with §205.239(a)(2) and man-
age pasture to comply with the re-
quirements of: §205.237(c)(2), to an-
ummially provide a minimum of 30 percent
of a ruminant’s dry matter intake
(DMI), on average, over the course of
the grazing season(s); §205.238(a)(3), to
minimize the occurrence and spread of
diseases and parasites; and §205.239(e)
to refrain from putting soil or water
quality at risk.
(c) A pasture plan must be included
in the producer’s organic system plan,
and be updated annually in accordance
with §205.406(a). The producer may re-
submit the previous year’s pasture plan
when no change has occurred in the
plan. The pasture plan may consist of a
pasture/rangeland plan developed in co-
operation with a Federal, State, or
local conservation office: Provided,
that, the submitted plan addresses all
of the requirements of §205.240(c)(1)
through (8). When a change to an ap-
proved pasture plan is contemplated,
which may affect the operation’s com-
pliance with the Act or the regulations
in this part, the producer shall seek
the certifying agent’s agreement on
the change prior to implementation.
The pasture plan shall include a de-
scription of the:
(1) Types of pasture provided to en-
sure that the feed requirements of
§205.237 are being met.
(2) Cultural and management prac-
tices to be used to ensure pasture of a
sufficient quality and quantity is avail-
able to graze throughout the grazing
season and to provide all ruminants
under the organic system plan, except
exempted classes identified in
§205.239(c)(1) through (3), with an aver-
age of not less than 30 percent of their
dry matter intake from grazing
throughout the grazing season.