



United States Department of Agriculture

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Food Safety and  
Inspection Service

1400 Independence  
Avenue, SW,  
Washington, D.C.  
20250

February 22, 2019

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

Dear Ms. Jones,

This letter responds to the May 2014 rulemaking petition you submitted on behalf of the Animal Welfare Institute (AWI) requesting that the Food Safety and Inspection Service (FSIS) amend its labeling regulations to require third-party certification for the approval of animal welfare and environmental stewardship claims in the labeling of meat and poultry products. The petition also requests that FSIS only approve animal welfare and environmental stewardship claims that have been certified by a third-party certifying organization, if the organization has established standards that exceed the conventional meat and poultry industry standards related to the claim. The petition was assigned petition number 14-01. As discussed below, we have decided to deny the petition without prejudice.

In general, FSIS does not require third party certification to substantiate animal raising claims because the Agency has concluded that it would not be economically feasible for many small and very small establishments to incur the additional costs of independent third-party certification because of their low sales volumes. Additionally, requiring third party certification could limit the variety of products labeled with animal raising claims that small and very small establishments would have to offer, which could result in a loss of choice to consumers. Our current procedure, which provides for case-by-case review of the producer's animal-raising protocol, ensures that labels bearing animal-raising claims are truthful and not misleading.

With respect to animal welfare and environmental stewardship claims, the petition states that FSIS needs to require third party certification because the Agency does not have the expertise or resources to adequately verify that these claims are truthful and not misleading. The petition further states that FSIS currently approves animal welfare and environmental stewardship claims based on standards that do not meet consumer expectations. The petition references surveys that, according to AWI, show that consumers believe animal welfare claims, such as "humanely raised," represent a standard of care higher than that of the conventional animal agriculture industry. To address these concerns, the petition states that FSIS should only approve animal welfare and environmental stewardship claims that have been certified by independent third-party certifying organizations that have established standards that exceed the conventional industry standards

defined by meat and poultry trade associations. The petition includes examples of certification programs that AWI believes meet consumer expectations for animal welfare claims.

Respectfully, we disagree. Animal welfare and environmental stewardship labelling claims describe how animals are raised based on the care they receive by the producer or how the producer maintains the land and replenishes the environment. As noted in your petition, producers and certifying entities have different views on the specific animal production practices that should be associated with certain animal welfare or environmental stewardship claims. Thus, because animal welfare or environmental stewardship claims mean different things to different people, a claim that is defined by a specific third-party certifying organization's animal-raising standards cannot reflect the diverse views associated with these types of claims.

In September 2016, FSIS published its *Labeling Guideline on Documentation Needed to Substantiate Animal Raising Claims for Label Submissions*.<sup>1</sup> The guideline includes information on, as well as examples of, animal welfare and environmental stewardship claims for which the Agency is likely to find their use to be truthful and not misleading. Specifically, the guideline provides for the approval of animal welfare and environmental stewardship claims if the product label also describes the animal-raising standards that define the claim and identifies the entity that established the standards, e.g., "Raised with Care: TMB Ranch Defines Raised with Care as [explain the meaning of the claim on the label]." As an alternative, animal welfare and environmental stewardship claims may be certified by a third-party certifying organization that posts the standards used to define the claim on its website. If the claim is certified by a third-party certifying organization, FSIS will approve the label bearing the claim if it includes the certifying entity's name, website address, and logo, when the organization has a logo. Under this approach, the labeling of a meat or poultry product that bears an animal welfare or environmental stewardship claim includes the information that consumers need to determine whether the animal-raising practices used to define a particular animal claim meets their expectations for the claim.

The petition also asserts that FSIS's current guideline for approving animal welfare and environmental stewardship claims places producers who choose to use third-party certification at an economic disadvantage. The petition states that producers who choose to use a third-party certification typically incur costs associated with the certification and in maintaining systems that go beyond conventional production standards in terms of animal welfare and environmental stewardship. The petition also states that producers who make animal welfare or environmental claims that are not independently certified can make the same claims and charge a premium for their products, while avoiding the cost of certification and production. According to the petition, requiring third-party certification will increase consumer confidence in animal welfare and environmental stewardship claims because third-party certification programs

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<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>.

are independent of the companies they are certifying and have expertise in establishing standards.

We disagree that the guideline's approach for approving animal welfare and environmental stewardship claims places companies that choose to use third-party certification at an economic disadvantage. A producer's decision to use a third-party certifying organization's certification program is a voluntary business decision. Producers that use certifying entities do so because they have determined that the benefits of labeling a meat or poultry product with a certified animal welfare or environmental stewardship claim outweigh the costs associated with the certification program. Consumers who have more confidence in claims that have been certified by a third-party organization can identify products that meet a certifying entity's standards from the information included in the product's labeling.

While we have determined that FSIS will not require independent third-party certification for animal welfare and environmental stewardship claims, this determination should not in any way diminish the utility of third-party certifying organizations. Companies that choose to do so, may continue to use third-party certifications to support animal raising claims. We are reviewing comments submitted in response to the September 2016 FSIS *Labeling Guideline on Documentation Needed to Substantiate Animal Raising Claims for Label Submissions*. We intend to publish an updated guideline that will provide additional information on animal welfare and environmental stewardship claims if needed.

For the reasons discussed above, we have decided to deny your petition without prejudice. Because our denial is without prejudice, you are not precluded from submitting a revised petition that contains additional information to support the requested action. 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,

A handwritten signature in cursive script that reads "Roberta Wagner". The signature is written in dark ink and is positioned below the word "Sincerely,".

Roberta Wagner  
Assistant Administrator  
Office of Policy and Program Development

cc:

C. Rottenberg, OA  
P. Kiecker, OA  
C. Blake, OPACE  
R. Smith, CPAS/OPACE  
K. Hunter, DECS/OPACE  
R. Murphy-Jenkins, LPDS/OPPD  
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