

Animal Welfare Legislation in Michigan

PA 117 2009

Janice C. Swanson, PhD
Michigan State University

Passage of California Proposition 2

- **MI Allied Farm & Animal Industry Groups**
 - Concerned with public indifference to the plight of producers facing substantial change
 - Language contained within the initiative ambiguous with respect to interpretation
 - Highly stigmatic to animal producers and animal agriculture in general
 - Titles of the initiatives and bills introduced in various states carried language of cruelty and abuse – punitive
 - Surveys indicated passage likely in MI – expensive to
- ▶ fight

Ohio Issue 2

- ▶ **Constitutional Amendment to establish a 13 member Livestock Care Board**
 - ▶ 63.66% (1,959,669) YES
 - ▶ 36.34% (1,118,805) NO
- ▶ **Duties of Board**
 - ▶ Maintain and promote food safety
 - ▶ Promote locally grown and raised food
 - ▶ Protect Ohio consumers and family farmers
 - ▶ Ensure the care and well-being of livestock
 - ▶ Be composed of a broad-based group of Ohio experts
- ▶ **Annual estimated operating costs \$176K initial; 162K succeeding years**

Ohio Issue 2.....

- ▶ **Governor appoints 10 members**
 - ▶ Family Farm (1); Expert food safety (1); OH farm org (2)
 - ▶ Veterinarian (1); State Vet (1); Dean of Ag (1); Humane Society (1 county); Consumer (2)
- ▶ **Leaders of OH House and Senate each appoint 1 family farmer**
- ▶ **Chair, Director of State Department regulating Agriculture**
- ▶ **Arguments for: reasons previously given**
- ▶ **Arguments against: Big Ag, expands gov't, inappropriate use of constitution**



Statement by Wayne Pacelle,
President and CEO of the Humane Society of the United States,
regarding Issue 2 in Ohio:

"By packaging Issue 2 as pro-animal welfare and pro-food safety, the architects of the ballot measure went a long way to assure its passage. We have not viewed Issue 2 as a poisonous package, but rather an empty one. The Ohio Farm Bureau and other agribusiness lobby groups cooked it up in an effort to block real reform.

Now that the Issue 2 campaign is over, we can get on with such real reform – a measure to phase out the extreme confinement of animals in veal crates, gestation crates, and battery cages, where they cannot even turn around and stretch their limbs. Both sound science and common sense show that these confinement systems are inhumane and should be phased out.

We decided to spend nearly no money against Issue 2 and to reserve our energy and resources for an effort to promote the humane treatment of animals, protect food safety and the environment, and allow Ohio farmers to remain competitive in the decades ahead."

▶ http://www.hsus.org/press_and_publications/press_releases/issue_2_11032009.html

In the beginning....

- **HB 5127**

- Set forth conditions for regulating the care of farm animals
- Identified accepted industry guidelines to be utilized as the basis for assessing animal care
- Stipulated the use of private 3rd party auditing (at least every 5 years) fees to be paid by producer
- Set timelines for MDA to identify and implement processes

- **HB 5128**

- Identified animal care advisory council appointed within MDA
- recommendations on revisions to animal care to MDA and MI Commission of Ag
- Specified council member make up, numbers and term limits
- Review of animal care every 5 years,
- Develop certification process for third party auditors



General Activity

- ▶ **HB 5127 & 5128 subjected to public scrutiny**
 - ▶ Animal protection and assorted allied groups objected to both bills while allied ag and others supported – but committee passed on to the House
 - ▶ House mandated bills be subjected to further negotiations to resolve differences resulting in attempts to amend original bills
 - ▶ Amended iterations of HB 5127& 5128
 - ▶ Attempts to find compromise amendments to the original bills



HB 5127

- A major substitution with alternative language similar to CA Proposition 2 (and other states)
 - Eliminated a comprehensive approach to animal care for all primary species of farm animals
 - Refocused on three industries
 - Performance language targeting housing equipment
- MI Pork Producers and MI Allied Poultry Producers heavily engaged in negotiations with the HSUS (primary party) with mediating party
 - Reached a compromise agreement on final draft



Final Version HB 5127

- **Similar language to CA Prop 2 but:**
 - Revisions of terminology to better reflect industry nomenclature: gestating sow instead of pregnant sow
 - Sows housed in stalls for breeding until confirmed pregnant
 - Sows housed in stalls up to 7 days prior to farrow
 - Addition of minimum space allowance for poultry: 144 sq. in (1 sq ft) per hen
 - Timeline for implementation from time of enactment: 10 years pork and egg, 3 years veal
 - Civil court action rather than misdemeanor
- **Signed into Law 10-12-2009: PA 117**



Observations

- Interpretation may be problematic for egg producers
- Use of the performance standard and an engineering standard 1 sq ft minimum that may conflict
 - As defined the wing stretch requirement may exceed the minimum space allowance stated in the law



Behavioral Space



_____ stand

_____ turn around

_____ groom

_____ wing flap



(J.A.Mench and J.C. Swanson, 2000)

SPACE REQUIREMENTS



- ▶ Full wing flap
 - ▶ Depending on strain
 - ▶ 175 - 304 sq inches

- ▶ **MORE THAN 144 SQUARE INCHES**

Indicators	Conventional Cage	Furnished Cage			Non-cage (Barn)		Outdoor (Free-range)
		Small	Medium	Large	Single Level	Multiple Levels	
Mortality (%)	Good	Medium	Poor	§	Poor	Poor	Poor
Mortality from feather pecking and cannibalism	Good	Medium	Medium	Medium	Medium	Medium	Medium
Bone strength and fractures	†	*	*	*	‡	‡	‡
Exposure to disease vectors (e.g., wild birds)	Good	Good	Good	Good	Medium	Medium	Poor
Internal parasites (e.g., coccidia, roundworms)	Good	Good	Good	Good	Poor	Poor	Poor
External parasites	Medium	Medium	Medium	Medium	Medium	Medium	Medium
Bumblefoot	Good	Medium	Medium	Medium	Poor	Poor	Poor
Feather loss	Medium	Medium	Medium	Medium	Medium	Medium	Medium
Hen hysteria and piling/smothering	Good	Good	Good	Medium	Poor	Poor	Medium
Risk of predation	Good	Good	Good	Good	Good	Good	Poor
Level of egg production and cleanliness	Good	Good	Good	Good	Medium	Medium	Poor
Use of nest boxes	Poor	Good	Good	Good	Good	Good	Insuff Data
Use of perches	Poor	Medium	Medium	Medium	Medium	Medium	Medium
Foraging behavior	Medium	Medium	Medium	Medium	Good	Good	Good
Dustbathing behavior	Poor	Medium	Medium	Medium	Good	Good	Good
Air quality (e.g., dust, ammonia)	Good	Medium	Medium	Medium	Poor	Poor	Good

§ = Recent unpublished data indicate lower mortality may be achievable in large furnished cages

† = Reduced bone strength, fractures when birds are caught

* = bones stronger from perch use but increased incidence of deformation of the keel

‡ = More fractures during lay despite stronger bones

How well welfare measures are met:

Good	Medium	Poor	Insuff Data
------	--------	------	-------------

Veal Producer

- ▶ Veal industry voluntarily specified national conversion to group housing for calves by 2017

- Considerable research on management of group housed calves

- Behavioral problems
- Health issues



- ▶ Difficult to assess impacts to all MI veal producers
 - Experience with managing calves in groups
 - Housing design and implementation



Enforcement Strategy

- **Assessment of compliance?**

- 10 million laying hens
- 100,000 breeding gilts and sows
- ??? veal calves



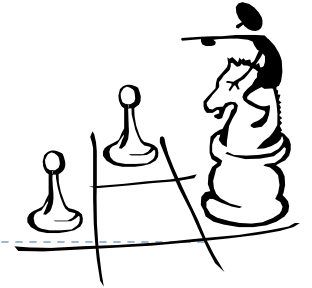
- **Systems are rapidly changing**

- What systems do we advise producers to adopt?

- **Some producers will change early – many will not (true for EU too)**



What's next...



- ▶ While states are mandating major changes to poultry and pig facilities.....
 - ▶ Petition to USDA Secretary Tom Vilsack
 - ▶ Suspend direct and guaranteed loans by Farm Service Agency
 - New or expanding specialized hog and poultry facilities
 - ▶ Campaign for Family Farms & the Environment, loans:
 - ▶ Contribute to overproduction
 - ▶ Low market prices
 - ▶ If suspended does this have any impact on implementing animal welfare mandated changes?
- ▶ Watch future events in Ohio and other states...
- ▶ Specialized legislation for target practices: tail docking



