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MICHIGAN CHAPTER

MEMO

To: House Agriculture Committee Members
From: Gayle Miller, Sierra Club Legislative Director
Date: June 24, 2009
Re: HB 5127-5128, Animal Health and Welfare Bills

Sierra Club appreciates the intent of HBs 5127-5128, which would enact standards for the treatment of animals produced for food in Michigan. Sierra Club is hopeful that a package of bills can be crafted to make significant improvements in the way confined animals spend their lives before ending up on our dinner plates. Thank you for taking up this important issue.

Normally Sierra Club does not take positions on issues of animal rights or animal welfare, nor do we have a position as to whether people should consume animal products. Those are personal choices. These bills, however, set a precedence that would impact Sierra Club's primary agricultural priority – the establishment of meaningful and enforceable standards for the management of waste and pollution from animal factories.

Industrial agriculture has long sought to eliminate meaningful, measurable standards (which include penalties for noncompliance) with voluntary "guidelines" for operating a farming facility. For example, numerous efforts over the last 10 years have sought to eliminate the state's water pollution discharge permit for animal factories and replace it with the voluntary Michigan Agriculture Environmental Assurance Program (MAEA), which is industry-driven and fails to incorporate results-oriented, measurable standards or outcomes. This package would do something similar:

- HBs 5127 and 5128 codify existing industry-written "guidelines" for the handling or treatment of animals. One such guideline for causing chicken flocks to molt their feathers at the same time (for the convenience of the producer) is to withhold food for 4-14 days, which presumably puts enough physical stress on the birds that all their feathers fall out (2008 edition of the United Egg Producers Animal Husbandry Guidelines for US Egg Laying Flocks, which is specifically cited in HB 5127).
- The bills prohibit local units of government from establishing standards for animal treatment. This would prevent communities from doing things like developing an industry and marketing itself as a headquarters for sustainable, humane agriculture.
- The bills enact a presumption that facilities that "comply" with the "standards" enacted in the bills are not causing inhumane treatment of animals. However, the industry guidelines are not "standards" and have no measurable criteria to determine compliance.

- The legislation would not take effect until 2020, meaning that the industry-written animal handling guidelines cited in the bills would be at least 10 years old by the time the legislation took effect.
- HB 5127 exempts farm operations from the Freedom of Information Act, which takes away citizens' rights to know how their food is produced.
- The bills will make it very difficult for Michigan to enact any better animal welfare standards than what is currently in place.

The Sierra Club appreciates the efforts of Committee members and sponsors to make meaningful improvements to how animals are managed and treated within Michigan's agricultural sector. We believe that there are many opportunities to craft legislation that will accomplish what the bill sponsors intend. We look forward to working with you to develop that legislation.



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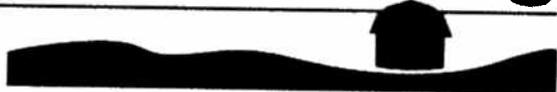
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National Dairy Animal Well-Being

Initiative 

Principles & Guidelines for Dairy Animal Well-Being

October 2, 2008

Executive Summary

The ethical obligations associated with dairy production include a strong emphasis on animal well-being. As science and practical experience enhance our understanding of dairy animal well-being, producers continue to employ appropriate animal care and management practices. The National Dairy Animal Well-Being Initiative has developed broad principles and guidelines that dairy animal well-being programs should include to meet our ethical obligations. These principles and guidelines are summarized here and expanded in the remainder of this document. All dairy animal well-being programs should be consistent with the principles and guidelines of the National Dairy Animal Well-Being Initiative.

Nutrition

Guiding Principle: Animals and animal groups should have access to a nutritionally adequate diet and clean, fresh water.

Guideline for Newborn Calves: All calves should receive colostrum or colostrum replacer and be fed in a way that promotes health and reduces the risk of disease.

Guideline for Weaned Calves and Growing Cattle: Weaned calves and growing heifers should receive adequate nutrition and water to achieve a proper body condition score and be fed in a way that promotes health and reduces the risk of disease.

Guideline for Adult Cattle: All cattle should receive adequate nutrition and water to achieve a proper body condition score and be fed in a way that promotes health and reduces the risk of disease.

Animal Health

Guiding Principle: The health of all animals and animal groups should be maintained through preventive care programs augmented by rapid diagnosis and treatment when necessary.

Guidelines: Dairy operations should have:

- A valid Veterinary-Client-Patient Relationship (VCPR)
- A current herd health plan
- Management protocols for painful procedures and conditions
- Management protocols for special needs cattle – cattle with a physical or medical condition that requires additional care and/or monitoring
- Appropriate euthanasia guidelines and training for designated and assigned personnel

Management

Guiding Principle: To promote animal well-being animal caretakers should be adequately trained, follow protocols and have access to record systems to meet the requirements of their position.

Guidelines: The operation should have a herd health plan as well as training and protocols for handling, transporting and caring, and euthanasia for cattle for all ages and health conditions. The plan should include:

- Training for new employees plus refresher training for existing employees
- Standard operating procedures to be reviewed annually and revised as necessary
- An emergency management plan
- Record keeping system
- Management oversight responsibilities
- Protocol for special needs cattle

Housing and Facilities

Guiding Principle: Facilities should be designed, constructed and maintained to provide and promote animal health, comfort and safety.

Guidelines for Calves (Birth to Weaning or Sale) and Young Stock (Weaning to Parturition or Sale): Calves and young stock should be given space to stand, lie down, and turn around without difficulty, provided an environment that is clean and dry and be protected from seasonal weather extremes.

Guidelines for Adult Cattle: Adult cattle should be given space to stand and lie down, be provided an environment that is clean and dry and be protected from seasonal weather extremes. Facilities should be designed, constructed and maintained to reduce the risk of injury and the development of leg lesions.

Handling, Movement, and Transportation

Guiding Principle: All animals and animal groups should be handled, moved and transported in a manner that reduces the risk of the potential for injury, discomfort or disease.

Guideline: Facilities should be designed and maintained so animals can be moved in a manner that reduces the risk of slips, falls and collisions. Employees should be trained to follow appropriate handling, movement and transportation protocols.

Third Party Verification

Guiding Principle:

Assuring on-farm dairy animal well-being requires third party verification.

Guideline:

All dairy animal well-being programs should include third party verification to assure the program is able to demonstrate our commitment to meeting our ethical obligation to provide for the well-being of animals in the U.S. dairy industry.

Introduction

The face of agriculture continues to change through the advancement of technology and public policy. For the last two decades the rapid march of technology, the continued increase in the size of operations and the focus on efficient production has improved productivity, controlled costs and enhance food safety. The general public is less familiar with the modern food production system because of these changes.

As a result, animal agriculture no longer enjoys the same level of public trust that our forbearers took for granted. Producers today must demonstrate they are ethically and socially responsible as well as scientifically grounded in the care of their operations, cattle, workers and the environment. When consumers question animal agriculture practices, the industry has responded almost exclusively with science-based answers. Such responses are often viewed by the public as non-responsive because they cannot communicate the commitment to ethical principles and shared values. Today, agriculture must combine ethics and science to build the trust needed with the critical stakeholders who grant the social license to operate.

Even though the dairy industry enjoys a high level of consumer trust and confidence, we recognize there is a growing disconnect between consumers and producers. To protect the high level of trust currently held by consumers regarding the dairy industry, the National Dairy Animal Well-Being Coalition was formed.

The Coalition, a broad-based group of agricultural leaders from across the country, joined forces and developed the Initiative. The Initiative provides a level of assurance to build consumer trust and confidence that the industry is meeting its ethical and moral obligation to care for its cattle. By acting now, the Initiative provides the opportunity to have a say in our destiny, protect markets and preserve market access by demonstrating our commitment to animal well-being. Simply put, the Initiative is a testament to our industry's commitment to "do the right thing" regarding animal well-being.

The Coalition has worked to create a set of principles and guidelines that can be incorporated into *any* dairy animal well-being program. This is not a new on-farm well-being program. It is a uniform umbrella of principles and guidelines, including third party verification, that will help build trust with critical stakeholders by demonstrating an industry-wide commitment to animal well-being and ensure program consistency across the country.

Over nine months, producer comments and input were solicited on the NDAWI Principles and Guidelines by circulating them throughout the industry. In the pages that follow, after careful consideration of all comments received, are the finalized NDAWI Principles and Guidelines.

Summary of the Process

Since late 2005, more than 60 people have been involved with the National Dairy Animal Well-Being Coalition in formulating the Initiative. The Coalition is a broad based group of volunteers from across the country representing every facet of the dairy industry. It includes producers, processors, co-ops, allied industry, academics, associations and others. The Coalition is not part of any specific association or organization, but a group that reflects the diversity and strength of the U.S. dairy industry.

In addition to individual dairy producers, other industry leaders participating in the Coalition, or contributing in some way, include: Alto Dairy Cooperative (prior to acquisition by Saputo), American Association of Bovine Practitioners, American Farm Bureau Federation, Animart, American Foods Group, Cornell University, Dairy Farmers of America, Dairy Management Inc., Elanco Animal Health, Foremost Farms USA, Grande Cheese Company, International Dairy Foods Association, Land O' Lakes, Inc., Milk and Dairy Beef Quality Assurance Center Inc., Morgan & Myers, National Milk Producers Federation, Northeast Dairy Producers Association, Organic Valley, Pfizer Animal Health, Professional Animal Auditor Certification Organization (PAACO), Professional Dairy Managers of Pennsylvania, Professional Dairy Producers of Wisconsin, Rabobank, Rosenholm Wolfe Dairy LLP, Safeway Inc., Smithfield Beef Group, United Dairymen of Arizona, University of Arizona, University of California-Davis, University of Wisconsin-Madison, Validus, Washington Dairy Products Commission, Washington State Dairy Federation, WestfaliaSurge, Inc., Wisconsin Farm Bureau Federation, Wisconsin Livestock Identification Consortium, Wisconsin Milk Marketing Board, Wisconsin Pork Producers Association.

These leader-volunteers have attended the Initiative development meetings at their own expense and have donated their time to the development of the Initiative.

As mentioned in the introduction, the Initiative is not another on-farm animal well-being program. The Initiative will capitalize on the strengths of the already established animal well-being programs promoted by the dairy co-ops, associations and companies by setting forth uniform well-being principles and guidelines.

Producers will be asked to sign an endorsement form formally indicating their support for the Initiative. Producers may be asked to participate in an on-farm animal well-being program that incorporates the principles and guidelines developed by the Coalition. The decision to participate in an on-farm animal well-being program is strictly up to the producer and their co-op or marketing partner.

Upon completion of the year-long producer-review of the Principles and Guidelines, the Coalition has evaluated the recommendations and approved this final document.

Nutrition

Guiding Principle:

Animals and animal groups should have access to a nutritionally adequate diet and clean, fresh water.

Guideline for Newborn Calves:

All calves should receive colostrum or colostrum replacer and be fed in a way that promotes health and reduces the risk of disease.

Background:

Dairy calves are born with no natural immunity and depend on the immunoglobulins in colostrum to provide passive immune protection. Colostrum is the milk produced right after calving and is a better source of immunoglobulins, protein, fat, minerals and vitamins than milk. The concentration of these nutrients is usually highest in the first milk produced after calving and decreases with subsequent milkings. The calf has the ability to absorb the immunoglobulins directly from the digestive tract into the blood. The ability of the calf to absorb these antibodies decreases rapidly starting within the first 24 hours after birth. Colostrum or colostrum replacer should be fed within the first 24 hours following parturition to promote immune system development.

Guideline for Weaned Calves and Growing Heifers:

Weaned calves and growing heifers should receive adequate nutrition and water to achieve a proper body condition score and be fed in a way that promotes health and reduces the risk of disease.

Background:

The goal is to provide adequate nutrition to meet targets for weight at a specific age. A series of rations may be fed during this time period. Sources such as the current National Research Council publication serve as well respected guides for developing rations for these groups.

Guideline for Adult Cattle:

All cattle should receive adequate nutrition and water to achieve a proper body condition score and be fed in a way that promotes health and reduces the risk of disease.

Background Dry Cows:

Dry (non-lactating) cows are usually housed and fed separately from the milking cows. The rations for these cattle should provide nutrients required to support fetal calf growth. Sources such as the current National Research Council publication serve as well respected guides for developing rations for these groups.

Background Milking Cows:

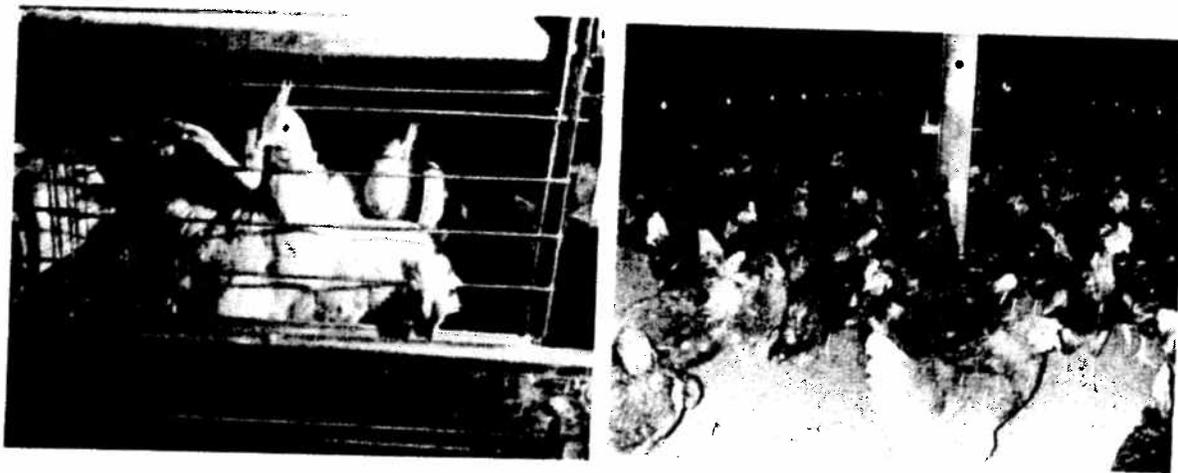
These cattle may be housed and fed in a number of different groups depending on the grouping strategy used on the farm. Rations should be formulated to meet the needs of each group. Sources such as the current National Research Council publication serve as



Produced in Compliance with United Egg
Producers' Animal Husbandry Guidelines

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*UNITED EGG PRODUCERS
ANIMAL HUSBANDRY
GUIDELINES FOR
U.S. EGG LAYING FLOCKS*



2008 EDITION

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TIMELINE FOR IMPLEMENTATION

The guidelines for beak trimming, molting, handling and transportation were implemented July 1, 2002.

BEAK TRIMMING

Bird behavior, production, physiological measurements of stress, as well as neural transmission and anatomy of the beak have been used as criteria to determine if beak trimming compromises animal well-being. In addition, the welfare of those birds that are pecked by beak-intact birds has been evaluated. Advantages of beak trimming may include reduced pecking, reduced feather pulling, reduced cannibalism, better feather condition, less fearfulness, less nervousness, less chronic stress, and decreased mortality. Welfare disadvantages may include reduced ability to feed following beak trimming, short-term pain, perhaps chronic pain, and acute stress.

Scientific evidence suggests that primary breeders of egg laying birds can select a more docile bird and minimize the need to beak trim from a behavioral point of view. However, under certain management systems (e.g., exposure to high intensity natural lighting) and with some genetic stocks, beak trimming may be required. Whenever possible, genetic stock should be used that require little or no beak trimming. UEP recommends beak trimming only when necessary to prevent feather pecking and cannibalism and only when carried out by properly trained personnel monitored regularly for quality control.

The length of the upper beak distal from the nostrils, which remains following trimming, should be 2 to 3 mm (0.08 to 0.12 inches). The lower beak will be slightly longer than the upper beak.

Guidelines for Beak Trimming:

1. The beaks of chicks must be trimmed when chicks are 10 days old or younger with a precision automated beak trimmer.
2. Crews responsible for beak trimming must be properly trained and monitored regularly for quality control.
3. The blade and the guide holes of the beak trimmer should be cleaned regularly.
4. Approximately 2 days before and 2 to 3 days after beak trimming, vitamin K (5 mg/liter or 20 mg/gallon) and sometimes Vitamin C (20mg/liter or 80 mg/gal) should be added to the water to facilitate clotting, alleviate stress, and reduce dehydration.
5. After beak trimming, the levels of feed and water should be increased until beaks are healed.

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Recognizing the need to introduce new molting procedures, UEP requested proposals from the scientific community to develop practical alternatives to molt programs that required feed removal with emphasis on performance and behavior. Five universities were granted research funds to pursue these objectives including the University of Illinois, University of Nebraska, North Carolina State University, University of California, and University of Arkansas.

After having reviewed the findings of the university research projects for non-feed withdrawal molt programs as well as field trials by egg producers, the Scientific Advisory Committee modified their recommended guidelines in February 2005. Based upon these recommendations, UEP amended the "Animal Husbandry Guidelines for U.S. Egg Laying Flocks" and has adopted the following guidelines for inducing a flock molt.

Guidelines For Molt Program:

1. Only non-feed withdrawal molt methods will be permitted after January 1, 2006.
2. Hens should be provided with a feed source that is suitable for non-producing hens.
3. Water must be available at all times.
4. The light period should be reduced to no fewer than 8 hours in closed houses, or to natural day length in open houses, for the duration of the rest period. When the flock is placed back on a layer diet, lights should be returned to the normal layer program.
5. During the molt period, body weight loss should be sufficient so as not to compromise hen welfare in the subsequent laying period.
6. Total mortality during the molt period should not substantially exceed normal variations in flock mortality.

CATCHING AND TRANSPORT

Leghorn-type hens tend to have relatively weak bones by the end of lay. Bones become weak when structural bone is broken down to obtain calcium for eggshell formation. It is important that all hens are able to consume sufficient calcium and phosphorus to support eggshell formation without loss of structural bone. As a result of this, there is a high risk of bone fractures occurring when they are handled prior to slaughter. Catching appears to be the primary source of injury prior to arrival at the slaughter plant.

Houses should be designed to enable transport vehicles and/or transport containers to be moved close to the locations where birds will be caught or released so that the distance that birds are hand-carried is minimized.

Whenever possible, the same containers used to transport live birds on vehicles, such as pullet carts, mobile racks with drawers, or coops, should be used to move live birds from the house to the transport vehicle, or from the transport vehicle to the house, rather than carrying birds in and out of the house by hand. Doorways, loading ramps, and alleys should be designed to accommodate the safe use of pullet carts or other containers.

Birds must not be abused by being thrown, kicked, crushed, or otherwise mishandled. Escape and dropping of birds must be minimized.

Guidelines for Catching and Transport:

1. Catching of pullets and hens must be done in a manner that avoids crowding or piling in corners, which could result in suffocation of birds. Sudden loud noises and other disturbances alarming to birds should be minimized.
2. To minimize the risk of bone breaks and other injuries, all people involved in catching and transport must be trained, knowledgeable and skillful in handling hens. Crews must be supervised by experienced personnel.
3. When catching birds, use the lowest light level possible that will not impinge on worker safety, or use blue lights, which will calm the birds while providing better visibility for catchers. If possible, in cage-free houses, catch the birds at night.
4. Hanging racks should not be used to move birds.
5. Birds moving into or out of cage production systems should be handled so as to minimize bone breakage or injury. Therefore, pullet and hen handling methods must include: (a) removing birds from the cage one or two at a time by grasping both legs at the hock; (b) supporting the bird's breast as she is lifted over the feed trough; (c) handle birds in an upright posture.
6. Birds in cage-free systems should be caught individually and held in a comfortable upright position with both hands as they are transferred directly into or out of a transport container. If this is not possible, birds should be carried by both legs with no more than three (3) birds in each hand. Hens should not be carried solely by a single leg or wing, or by the head, neck or tail. Whenever possible, passing birds from one person to another or transferring birds from one container to another should be avoided.
7. The size of openings such as container doors, cage doors, and panels on trucks should be large enough to permit easy passage of hens to avoid bone breakage and other injuries.
8. Containers must not be dropped or tipped such that birds pile up against the side. Stocking density should be such that all birds can sit comfortably at the same time.
9. Birds must be loaded only into clean, well-maintained transport containers and vehicles. The doors of the containers must be closed securely so that birds do not escape during loading or transit. Visibly unfit birds must not be loaded for transport. They should be euthanized.
10. The drivers of transport vehicles must be aware of climate conditions and make necessary adjustments (e.g., to bird density, tarps, fans during standby) to keep birds thermally comfortable.