

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 (MAEAP), 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” or suggested practices for the handling or treatment of animals. One such practice, which appears to have been in place until just a couple of years ago, is to withhold food from chickens for 4-14 days in order to get the chickens to molt their feathers at the same time (2008 edition of the United Egg Producers Animal Husbandry Guidelines for US Egg Laying Flocks, which is specifically cited in HB 5127). While there is a suggestion in this document that this practice is no longer acceptable, there are no methods for ensuring that operators don't withhold food and there are no penalties for violation.
- 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. In order for standards to mean something, they must be:
 - Mandatory
 - Measurable

- Enforceable
- Open to public scrutiny

The “standards” being offered in these bills have none of these characteristics. They allow the animal agriculture industry to claim they are treating animals humanely while preventing any meaningful assurance mechanism.

- 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 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. People are demanding MORE, not less, information about the food they eat. These bills allow agricultural producers to claim they are treating their animals humanely while preventing the public from gaining the information they deserve about this critical issue.
- These bills will not result in any meaningful benefit to animals or Michigan citizens, as they codify existing standards and make future improvements in those standards very difficult.
- At a time when many government programs are being cut due to lack of resources, including programs like MAEAP, Michigan should not be creating new programs that don’t benefit Michigan citizens. The Dept. of Agriculture stated that it will take 2 years to establish this program, and standards will not take effect until 2020. These bills would be a waste of precious taxpayer dollars.

There is a direct connection between how animals are cared for and impacts on Michigan’s environment. In many cases, the humane treatment of animals is dictated by how much space animals have to move around. Battery cages for chickens are barely large enough for the bird itself, and certainly not big enough for the bird to spread its wings. By requiring the humane treatment of chickens, by ensuring adequate space, the total quantity of animals is reduced, and therefore the quantity of sewage and waste products is also reduced.

The level of confinement in an animal factory also dictates how many drugs and antibiotics the animals receive to protect them from diseases which can run rampant in a confinement facility. The tighter the confines, the more drugs are used, and the more drug residues end up in Michigan’s water supply. Farms that use truly humane farming methods, such as rotational grazing, need far fewer antibiotics and other drugs, meaning Michigan’s water is safer.

Finally, the language in HB 5127 restricting how state funds may and may not be used is of concern. It is the Department of Environmental Quality’s (DEQ) responsibility to regulate animal factories and to protect the public and the environment from their pollution. The DEQ must maintain full authority to dictate reductions in herd size and procedures for managing or caring for animals if there is any connection between those practices and resulting pollution or human health risks.

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.