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June 5, 2019

Senator Kevin Daley
Chair, Agriculture Committee
Michigan Senate

Via email: OfcSCC@senate.michigan.gov

Re: Opposition to SB 174 (S-1)

Dear Sen. Daley and Committee Members:

Thank you for the opportunity to provide information to the committee. Attorneys for Animals, Inc. (AFA) is a Michigan non-profit and 501(c)(3) organization of legal professionals and animal advocates. The organization's Board of Directors voted to **oppose SB 174**.

The bill significantly overhauls the Animal Industry Act (Act), a major piece of legislation that governs the lives of many animals in the state. It significantly impacts animal welfare, from companion animals who are imported into the state to seek a permanent home, to farmed animals, to animals used for display, and to captive animals. As originally introduced, the bill would have repealed significant animal welfare standards for egg-laying hens, gestating sows and veal calves contained in Sec. 46 of the Actⁱ. There has been significant push-back by many organizations, including AFA, because we believed the repeal effort lacked transparency as well as being substantively objectionable.

Although the substitute bill does not repeal Sec. 46, we continue our opposition because it extends the deadline for egg producers to comply with the act by 5 years and does not include any additional protections or updated standards. We ask that the bill include (1) a "sales provision"ⁱⁱ and (2) enhanced standards to reflect the changes in the industry and in public opinionⁱⁱⁱ in the ten years since this law was enacted, so that Michigan joins other states phasing in a cage-free standard, within a reasonable time.

The substitute bill gives egg producers, who already had 11 years to prepare for the phasing in of the required reforms, another 5 years, until 2025. In assessing this bill and your vote, consider the current confinement practices, and how many animals are impacted. Battery cages confine egg-laying hens, providing less space than an 8.5x11" sheet of paper – or an iPad – for each bird. Industry statistics show that there are 15,000,000 hens on Michigan's egg farms, making our state the 6th largest egg producer in

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the US. Consider that the industry website boasts that “Michigan has eight farm owners with a combined 15 million birds on 17 farms”: these are not small family operations.^{iv}

The granting of five more years to egg producers without any concessions or additional requirements is arguably short sighted and against their interests. We assert that egg producers would see an economic advantage from a sales provision, and from even more humane practices such as adoption of a cage free standard. The sales provision would give an advantage to Michigan’s egg producers by limiting the sale, in this state, of eggs produced under less stringent standards in other states. And the adoption of the cage free standard is in line with many of the largest food retailers who have announced that they will be purchasing only cage free eggs.^v Just this year, Washington state joined California and Massachusetts in adopting this standard.^{vi} Of note, Washington’s new law, which goes into effect in 2023, phases out the production and sale of eggs from caged hens, regardless of where the eggs were produced (e.g., Michigan), and was passed by a state legislature rather than as a ballot initiative.

Turning to the definition section of the bill, we are concerned about the newly added definition of “animal welfare” because it includes the term “animal husbandry” (page 3, lines 18-20). We prefer a more inclusive definition, and one that draws from all stakeholders and not just the industry. A suggested revision, based on the AVMA definition is:

Animal welfare means the well-being of animals based on whether, as indicated by scientific evidence, practices and standards, an animal is healthy, comfortable, well-nourished, safe, able to express innate behavior, and not suffering from pain, fear or distress.

In addition, we note concern with the following provisions of SB 174, S-1:

- “Domestic animal” is defined by reference to living under “husbandry of humans”; unclear if this is meant to include companion animals, page 7, lines 4-5
- Provision that state veterinarian shall “serve as the authority for animal welfare oversight on livestock-related issues”, page 20, lines 18-19:
 - Requires further explanation as to reason for adding this duty
 - Why “stakeholders ask that State Veterinarian have oversight of animal welfare in livestock related issues”^{vii}
 - Whether it is intended that the state veterinarian supplants other “authorities” such as local animal control officers or law enforcement
- Lack of transparency in Sec. 9, “Reportable Diseases” section, in providing information about the owner of an animal, page 22, line 19 to page 23, line 25; what is the rationale?
- Standards for slaughter and/or euthanasia: we support the most humane standards for all slaughter and euthanasia and question whether those standards are met in the following:

- “Seizure and Destruction” section does not give guidance in methods of killing; instead provides that these animals are to be “slaughtered, destroyed or otherwise disposed of, **in a manner approved by the Director**” (emphasis added), page 44, line 26 to page 45, line 2.
- New Section 43a, provides standards for euthanasia, with exceptions for animals being slaughtered for human consumption or pet food; unclear what the exception means, e.g., does it mean a downer animal too sick for slaughter can be “euthanized” without following the usual standards? If so, why? To what other situations does this apply? page 78, line 21 to page 79, line 3^{viii}
- Sec. 19, “Importation” section changes “livestock” to “animal”; is the intent to restrict the practice gaining in popularity over the past several years, of humane societies importing companion animals from other states, for the purpose of adopting them into Michigan homes? page 58, line 10 to page 61, line 10
- Sec. 39, “Exhibition Facilities” section; subsection (7), page 70, line 8 to page 72, line 18 regulates poultry exhibitions. While current law, Sec. 41, provides detailed standards as to appropriate water, coop, carriers, litter, handling^{ix}, SB 741 requires only “adequate feed and water” (page 70, lines 26-27); and cleaning and replacement of bedding “as often as necessary to maintain health” (page 71, lines 1-2); why the change to less detailed and less objective standards?

We ask that this bill not be referred out of Committee until these issues are addressed and resolved.

Very Truly Yours,



Beatrice M. Friedlander, JD
President

ⁱ MCL §287.746

ⁱⁱ A “sales provision” broadens the coverage of the animal care standards to all shell eggs sold within Michigan for human consumption, regardless of where the eggs were produced—even out of state. This significantly increases the number of farms that must comply with the more humane standards, and, importantly, the number of egg laying hens who will not be subject to extreme confinement. The current bill’s omission of the sales provision represents a significant change in policy from a bill that passed the legislature last term during the 2018 lame duck session, as part of that session’s Animal Industry Act revision (HB 6205 Sec. 46, 47; previously stand-alone bill SB 660), which the Governor vetoed; it included the following language: “The legislature finds that, to protect the welfare and safety of Michigan consumers from increased risk of food-borne illness and to prevent associated negative fiscal impacts on this state, it is necessary to prohibit the sale of any shell eggs produced by an egg-laying hen that was confined in a certain manner”, Sec. 47 (1) <http://www.legislature.mi.gov/documents/2017-2018/billenrolled/House/pdf/2018-HNB-6205.pdf> (visited June 5, 2019) .

ⁱⁱⁱ A 2018 study commissioned by the ASPCA and released February 1, 2019 found that “Concern about farm animal welfare remains high and widespread. Seventy-six percent of consumers say they are concerned about the welfare of animals that are raised for food for people to eat”; and that consumers are paying more attention to labeling: “Consumers are paying a

lot of attention to food labels on meat, egg, and dairy products that say how the animal was raised. Seventy-one percent of consumers say that they pay attention to these labels.” <https://www.aspca.org/sites/default/files/aspca-2018-animal-welfare-labelling-and-consumer-concern-survey.pdf> (visited June 5, 2019)

“Consumer Perceptions of Animal Welfare,” a recent report by the Animal Welfare Institute collects results from many studies, categorizes the study topic and draws conclusions. One such conclusion is that “Consumers support regulating farmed animal care”, and cites research on mandatory labeling of animal welfare practices, conducted by university professors from Kansas State University and Michigan State University, found that 61.7% of survey respondents favored mandatory labeling of pork produced on farms using gestation crates, and 62.0% said they supported mandatory labeling of eggs produced using cages for laying hens. The researchers estimated that the typical U.S. shopper was willing to pay 20% higher prices for pork and egg products to obtain this type of mandatory labeling information. —Tonsor GT & Wolf CA, Mandatory Labeling of Animal Welfare Attributes, Kansas State University, Department of Agricultural Economics, Jul 2011. http://www.agmanager.info/livestock/marketing/animalwelfare/AW-Labeling_FactSheet_07-19-11.pdf, https://awionline.org/sites/default/files/uploads/documents/fa-consumer_perceptionsoffarmwelfare_-112511.pdf (visited June 5, 2019)

^{iv} <http://www.mipoultry.com/eggs/> (visited June 5, 2019)

^v <https://mercyforanimals.org/list-of-cage-free-egg-companies-grows>, note this list is from late 2017 (visited June 5, 2019)

^{vi} <https://blog.humanesociety.org/2019/05/breaking-news-washington-governor-signs-historic-law-to-end-cage-confinement-of-egg-laying-hens.html> (visited June 5, 2019)

^{vii} Document produced by MDARD titled “Table of Changes to 466”, sent to author of this letter by Matt Blakely, Michigan Department of Agriculture and Rural Development, Director of Policy & Legislative Affairs, via email on October 18, 2018; the table compares current section, proposed section, what changed, and why; at page 2

^{viii} Table of Changes, *ibid*, does not address this change to Sec. 43a.

^{ix} §287.741 (b) to (h)