



ANIMAL LAW SECTION

August 26, 2022

Michigan Commission of Agriculture & Rural Development, 2023 Draft
Generally Accepted Agricultural and Management Practices for the Care of Farm
Animals

**Attorneys for Animals, Inc. and State Bar of Michigan Animal Law Section
Comment on Proposed Changes / 2023 Draft
GAAMPs for the Care of Farm Animals**

Submitted Electronically via email:

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Attorneys for Animals, Inc. (AFA) is a Michigan non-profit and 501(c)(3) organization that includes attorneys, law students, law school graduates, and other advocates who work to improve the lives of animals. Founded in the 1990s, our mission is to work within the legal system to encourage efforts to ensure that animals are recognized, treated, and protected as individuals with inherent value. We actively follow legislative, administrative, and policy actions related to the welfare of animals, both in Michigan and nationwide.

The Animal Law Section of the State Bar of Michigan is the first state-wide animal law organization in the US, having been founded in 1995. Its mission is to provide education, information and analysis about issues of concern through meetings, seminars, public service programs, and publication of a newsletter. The Section Council voted to submit this Comment in accordance with State Bar of Michigan guidelines. *See Exhibit A.*

Our concerns are:

1. The draft ignores or downplays existential issues related to farmed animals such as sustainability and climate change; and excludes relevant expertise

It is our considered opinion that the GAAMPs must include a more significant focus on the links between sustainability and climate change with the care of farm animals. While the draft mentions on a number of occasions the significant swings in climate experienced in Michigan, much of the discussion surrounding this is at a surface level. As noted in a “Frontiers in Veterinary Science” research article from October 2019:

Animal welfare science has become a well-established discipline in its own right, greatly extending our understanding of positive as well as negative animal physiological and psychological states and our means to appropriately respond to them within the practices of animal production and of human/animal interactions in general.

Increasingly, the interconnections between animal health and welfare, and human health and welfare as well as their relation with environmental factors (climate change, biodiversity) are being recognized, as shown by the emergence of the “One Welfare” concept.¹

Given this increasing global understanding of the interconnectedness between the care of farm animals and the sustainability of the planet and the effects and mitigation of climate change, we respectfully request that MDARD revise the draft GAAMPs to incorporate these issues directly and substantively.

Two organizations whose insights would be valuable in the revisions are the World Organisation of Animal Health’s (WOAH) and its [strategic vision](https://www.woah.org/en/who-we-are/strategy/)²; and the United Nations

¹ <https://www.frontiersin.org/articles/10.3389/fvets.2019.00336/full> *citing* <https://bvajournals.onlinelibrary.wiley.com/doi/abs/10.1136/vr.i5470>

² <https://www.woah.org/en/who-we-are/strategy/>

March 2nd, 2022 [resolution](#)³ acknowledging the nexus between sustainability and animal welfare.

2. The draft GAAMPs lack a thorough review of current science.

As an example, the updates to language related to depopulation of livestock in the current draft are both deficient and significant, since the updated language is one of the four changes recommended for all but one of the species. The draft cites the 2019 American Veterinary Medical Association (AVMA) guidelines, which predate both the COVID-19 and current HPAI (bird flu) outbreaks. These guidelines authorize the controversial technique known as Ventilation Shutdown (VSD). This involves closing off a pig or chicken barn, sealing all ventilation, and turning on heaters, steam or gas, causing the animals to slowly die from hyperthermia or suffocation. The AVMA authorization for VSD is currently under review and there is active debate on the topic⁴, while other organizations, like Veterinarians Against Ventilation Shutdown⁵ are actively calling for reclassifying these techniques as “not recommended”.⁶ However, Michigan’s draft GAAMPs make no mention of VSD and ignore this current debate, and thereby providing no guidance to farming operations who may be facing a potential need to depopulate.

It is our belief that a more thorough incorporation of the latest in global research and science, related to animal welfare and the environment, would strengthen the Care of Farm Animals GAAMPs for our state and further bolster Michigan’s global influence as a positive example.

³ <https://wedocs.unep.org/bitstream/handle/20.500.11822/39731/K2200707%20-%20UNEP-EA.5-Res.1%20-%20ADVANCE.pdf?sequence=1&isAllowed=y>

⁴ <https://www.avma.org/javma-news/2021-09-15/hod-recommends-depopulation-policy-sent-expert-panel-further-consideration>

⁵ <https://www.vavsd.org/>

⁶ *Supra* at fn. 4

3. The Advisory Committee must be expanded to incorporate more viewpoints.

The committee should be expanded to include representatives from a wide variety of perspectives and viewpoints. The Right to Farm Act provides a vehicle to accomplish this: §286.472 Sec. 2(d) is a roadmap for the Agriculture Commission to use in defining GAAMPs, requiring “due consideration” be given to recommendations from “other professional and industry organizations.”⁷ While industry organizations are represented on the committee, representation from animal welfare professional organizations is lacking. We call on MDARD to include representation from professional organizations whose focus is on the animals and not on the industry.

4. Mink Farming draft GAAMPs ignore the past two years.

The above comments address the draft GAAMPs generally. We turn to a detailed discussion of the minks used in fur farming. Frankly, we think the draft must acknowledge the impact of COVID-19 and the reality of the past two years of Michigan’s mink farming. Multiple reports detailed that Michigan mink farms were embroiled in ‘spillover’ outbreaks of the coronavirus, in animal-to-human transmission that allegedly were kept secret from the public, both at the state and national levels.

National Geographic published multiple stories on the Michigan mink COVID-19 outbreak, culminating in an article that highlighted the delay in reporting these outbreaks to the public. According to the author:

[T]housands of pages of documents, released under the Freedom of Information Act and largely redacted, include emails between the CDC and Michigan public health officials, who formally requested the agency’s help on October 8, 2020, after the state confirmed that mink on a fur farm were infected.⁸

⁷ [https://legislature.mi.gov/\(S\(aclmtekdzgozm3mlzq0s0l03\)\)/mileg.aspx?page=getobject&objectname=mcl-286-472](https://legislature.mi.gov/(S(aclmtekdzgozm3mlzq0s0l03))/mileg.aspx?page=getobject&objectname=mcl-286-472)

⁸ <https://www.nationalgeographic.com/animals/article/government-emails-reveal-cdc-secrecy-around-likely-animal-spillover-of-covid>

The documents, and the agency’s statements in response to them, make clear the CDC was aware that mink on a fur farm may have infected humans at least three months before it quietly updated its website in March 2021.⁹

In a recent article, the *New York Times* reported that in September of 2020, thousands of minks died on these farms when they “stopped eating, struggled to breathe and bled from the nose”¹⁰ while also passing this strain of the virus to humans. While other nations took more decisive action, the U.S. and Michigan only adopted a set of voluntary guidelines.¹¹

The draft GAAMPs do not acknowledge that these outbreaks which had significant impact on “animal care” – and threat to public health -- occurred, do not engage in any discussion of the outbreak, and make no recommendations to mitigate or prevent future occurrences. Coupled with the fact that there is debate in this country over the future of mink farms, and that other countries such as France and the Netherlands, have discontinued the practice in light of these public health risks,¹² the omission is even more glaring.

Conclusion

We appreciate this opportunity to comment on the draft GAAMPs and submit them in the spirit of constructive criticism. We look forward to continued participation in future GAAMP revisions and believe our two organizations would provide a valuable perspective.

⁹ *Id.*

¹⁰ <https://www.nytimes.com/2022/05/22/health/coronavirus-mink-michigan-spillover.html>

¹¹ *Id.* citing https://www.aphis.usda.gov/publications/animal_health/sars-cov-2-mink-guidance.pdf

¹² <https://rollcall.com/2022/05/10/the-fur-flies-as-house-senate-wrangle-over-ban-on-mink-farming/>

Public Policy Position
Michigan Department of Agriculture and Rural Development Draft
2023 Generally Accepted Agricultural and Management Practices for
the Care of Farm Animals

The Animal Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 261 members. The Animal Law Section is not the State Bar of Michigan and the position expressed herein is that of the Animal Law Section only and not the State Bar of Michigan. To date, the State Bar does not have a position on this item.

The Animal Law Section has a public policy decision-making body with 15 members. On August 22, 2022, the Section adopted its position after an electronic discussion and vote. 13 members voted in favor of the Section's position, 0 members voted against this position, 0 members abstained, 2 members did not vote.

Oppose with Recommended Amendments

Explanation:

The Generally Accepted Agriculture and Management Practices (“GAAMPs”), published by the Michigan Department of Agriculture and Rural Development, impact millions of farmed animals in Michigan. The Animal Law Section and Attorneys for Animals, Inc., a Michigan nonprofit organization, are submitting a joint Comment. The draft: (1) ignores or downplays existential issues related to farmed animals such as sustainability and climate change and excludes relevant expertise; (2) lacks a thorough review of current science; (3) with respect to GAAMPs for mink farming, ignores the COVID-19 outbreak of the past two years. We recommend that the Advisory Council be expanded to include points of view of those whose focus is animal welfare-centric and not industry-centric.

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Position Adopted: August 22, 2022