

Animal Welfare: A State Issue?

Ohio voters overwhelmingly passed a statewide constitutional referendum which creates a board of experts to oversee livestock welfare standards based on ethics and science. The board will be chaired by the Ohio director of Agriculture and will include three family farmers, two veterinarians, a food safety expert, a representative of a local humane society, two members representing statewide farm organizations, the dean of an Ohio agriculture college and two consumer representatives. This ballot initiative follows on the heels of legislation passed in Michigan, a state that also has voter driven ballot initiatives. Activities in both of these states were triggered by efforts of the Humane Society of the United States (HSUS) to ban the use of poultry cages and stalls for veal calves and pregnant sows.

According to Ohio Representative John Domenick of Smithfield, the referendum is “not perfect legislation, but it is a proactive strike in support of Ohio’s farmers. This was one issue that everyone, the House and Senate, the Governor and most of Ohio’s farmers, veterinarians, grocers and university personnel came together on. Everyone was on the same page that a positive proactive effort was needed to counteract activist animal rights groups that would stop livestock production.” Supporters of the legislative resolution that put the issue on the ballot hope it will stop of animal rights groups in their attempts to outlaw confinement of laying hens, breeding sows and veal calves. Some in the animal industries hope Ohio's ballot issue might prove itself a blueprint for other states to protect their animal agriculture.

The HSUS opposed the initiative and has vowed to return to Ohio in 2010 with more stringent legislative proposals. While some farm groups, including the Ohio Farmers Union came out opposed to amending the constitution, some animal welfare organizations were on board with their support. The American Humane Association chose to support the initiative and expects the new board to improve farm animal welfare.

Things moved much differently in Michigan. The farm animal welfare legislation signed into law by Governor Granholm was not the same legislation that passed out of the House Ag Committee. The original bill adopted standards, called for third-party audits and developed a 13-member review board. Opposition by some farmers over the standards and audit requirements for all farmers opened the way for negotiations between the Michigan Pork Producers and the Allied Poultry Industries Association and HSUS. As a result, the committee bill was gutted and replaced with a substitute bill that included confinement standards as dictated by the HSUS. These groups felt that an HSUS-driven ballot initiative would be expensive to fight and might include even tougher regulations. In negotiating the legislation, HSUS said it would “not pursue a Michigan farm animal confinement-related ballot measure prior to the effective date of the law.” Seven states have passed such laws, either through legislation or ballot initiatives.

Michigan Senator Ron Jelinek (Three Oaks, R) a livestock producer said, “we felt like we had a gun to our heads, looking at a group that had more money than the state of Michigan to pass a ballot initiative. The producers involved in the negotiation felt that this legislation gave them a little more time to adhere to the rules. This was an issue driven by out-of-state money and influence.”

Animal rights groups, led by HSUS, are targeting the 24 states that allow signature-driven petitions to appear on their ballots to dramatically curtail animal production. Following passage of the California proposition that was the first to include laying hens, Paul Shapiro, a senior director at HSUS Society said “cage free does not mean cruelty free. The best thing consumers can do is simply leave eggs out of their shopping carts”.

In the Midwest, Illinois, Nebraska, North and South Dakota join Ohio and Michigan as states allowing ballot initiatives. For activist groups, ballot initiatives are an easier process than trying to go through the legislatures. And campaigns in Florida and California have shown that voters respond to the HSUS’s emotional pleas.

Those within the industry respond by saying they need to do a better job of explaining why cages protect the animals from predators and each other, keep barns and eggs cleaner and make it easier to inspect and treat the animals.

California egg farmers are still trying to figure out how to implement Proposition 2 because it includes no specifics. HSUS spokespeople say that only cage-free production will meet the regulations. In addition, the regulations only apply to eggs, veal and pork produced in the state, not imported products or products produced in other states. Separate studies by Promar International and University of California of the fiscal impact of the Proposition 2 concluded that 95% of the California egg industry and accompanying economic output would be lost by 2015 because egg production costs would increase by 76%. In Florida, there were only two hog produces affected by the first state ban on gestation stalls, both farmers closed their farms due to the cost of implementing the regulations.

While Ohio farmers are bracing for what 2010 may bring, Dr. David Aiken of the University of Nebraska says Nebraska producers may be the next ones to feel the pressure.

Visual

	Date of passage	Implemented through	Prohibits
Arizona	2006	Proposition 204, effective 2012	Sow gestation crates, stalls for veal calves
California	2008	Proposition 2, effective 2015	Sow gestation crates, stalls for veal calves, cages for chickens
Colorado	2008	SB 201, in response to Initiative 64 that was withdrawn, effective 2012 for veal and 2018 for sows	Sow gestation crates, stalls for veal calves
Florida	2002	Amendment 10, effective in 2008	Sow gestation crates, stalls for veal calves
Maine		LD 201, effective January 2011	Sow gestation crates, stalls for veal calves
Michigan	2009	HB 5127, Effective 2012 for	Sow gestation crates, stalls for

		veal calves, 2019 for hens and sows	veal calves, cages for chickens
Ohio	2009	Constitutional amendment as a result of	Puts into place animal welfare standards board
Oregon	2007	SB 694, effective in 2012	Sow gestation crates