

RESOLUTION # 6

HUMANE TREATMENT OF LIVESTOCK

1 **WHEREAS**, the Department, working with industry representatives, New Jersey
2 Farm Bureau, veterinarians, Rutgers University, and the New Jersey Agricultural
3 Experiment Station, wrote and adopted N.J.A.C. 2:8, which became the first regulations
4 of their kind in the country to address the humane care and keeping of domestic
5 livestock; and

6 **WHEREAS**, the Department adopted the Humane Standards with amendments,
7 as prescribed by the New Jersey Supreme Court on July 30, 2008, following a challenge
8 by the New Jersey Society for the Prevention of Cruelty to Animals, among others, in
9 which the Standards were largely upheld; and

10 **WHEREAS**, continued concerns from stakeholders because of humane-law
11 enforcement personnel's inconsistent and inappropriate enforcement of animal cruelty
12 statutes against the owners of livestock and poultry in New Jersey, by largely ignoring
13 the Humane Standards, even when they are being followed by the livestock owner, have
14 not changed since the adoption of the law, despite the clear rules to guide the
15 investigation of complaints; and

16 **WHEREAS**, the application of animal cruelty statutes without recognition of the
17 safe harbor provided by compliance with the Humane Standards and without
18 consultation with Certified Livestock Inspectors from the Department's Division of Animal
19 Health (DAH) can, and has, resulted in officers removing or trying to remove animals
20 from farm premises and charging livestock owners without any basis in law: and

21 **WHEREAS**, the risk of spreading disease is a vital reason why DAH
22 veterinarians and other trained personnel must be consulted by humane-law cruelty

23 investigators before considering the removal of any animals from a livestock owner's
24 premises; and

25 **WHEREAS**, the certified livestock inspectors within the DAH are, by law, the
26 experts for humane treatment of livestock when an allegation of cruelty or neglect is
27 made against an owner of livestock, as those inspectors have expertise that is not
28 common among humane-law enforcement personnel, veterinarians or others, who may
29 mistake normal husbandry, an ill animal or biosecurity measures for mistreatment of
30 animals, as humane-law enforcement officers and others may jeopardize a farmer's
31 livelihood or the state's livestock population when they do not follow appropriate testing
32 and biosecurity protocols; and

33 **WHEREAS**, SPCA officers often are armed, and livestock owners do not feel
34 they are safe in, or capable of, arguing with armed personnel when a demand is made to
35 move an animal off of a farm or a demand is made to sign over custody of their animals;
36 and

37 **WHEREAS**, animal agriculture increasingly finds itself misunderstood by a public
38 largely removed from livestock agriculture and there exists activism of those who either
39 oppose animal agriculture altogether or object to certain science-based practices, even
40 those upheld by the New Jersey Supreme Court as consistent with N.J.A.C. 2:8, as
41 evidenced in recent attempts to legislatively prohibit the use of sow gestation crates in
42 New Jersey; and

43 **WHEREAS**, both attempts at legislation to prohibit gestation crates in New
44 Jersey were vetoed by the Governor, who cited in successive veto messages that
45 decisions regarding the humane treatment of livestock are most appropriately left to the
46 Department of Agriculture and to the State Board of Agriculture as the Department's
47 policy-making body, and New Jersey's farm community is in support of those vetoes.

48 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 102nd
49 State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 8-9,
50 2017, urge that New Jersey’s agricultural community – represented by the New Jersey
51 Farm Bureau, Rutgers University, the New Jersey Agricultural Experiment Station, the
52 New Jersey Veterinary Medical Association, the New Jersey State Board of Agriculture
53 and Department of Agriculture – evaluate the consistency and appropriateness of the
54 implementation of the Humane Standards by the SPCA and other humane-law
55 enforcement personnel who are tasked to respect and follow them when enforcing
56 animal-cruelty statutes.

57 **BE IT FURTHER RESOLVED**, that we encourage the Legislature to appropriate
58 a minimum of \$350,000 in the FY2018 budget to adequately fund the operations
59 required for implementation and defense of the Humane Standards.

60 **BE IT FURTHER RESOLVED**, that we urge the New Jersey State Attorney
61 General to require that all law enforcement personnel authorized to respond to animal
62 cruelty complaints comply with the rules set forth in the Humane Standards upheld by
63 the Supreme Court, including reporting and biosecurity measures.

64 **BE IT FURTHER RESOLVED**, that we recognize the interest and concern within
65 the state and country about livestock handling and welfare and therefore support the
66 services provided by the Division of Animal Health in order to maintain pace with
67 requests for field investigations of alleged violations, and that we recognize the
68 limitations currently faced by the DAH in order to conduct field inspections that ensure
69 compliance with the Standards.

70 **BE IT FURTHER RESOLVED**, the we urge the NJSPCA and other humane-law
71 enforcement personnel to avail themselves of regular training regarding the Humane
72 Standards, which the Division of Animal Health has made a commitment to provide, in

73 an effort to have humane animal enforcement more accurately and consistently reflect
74 the provisions of the Standards.

75 **BE IT FURTHER RESOLVED**, that we strongly urge appropriate funding levels
76 and resources to provide science-based factual information to educate citizens of the
77 state, especially the agricultural community, and to properly comply with the
78 Legislature's mandate that the Department continually review and update standards to
79 ensure the humane care of livestock and poultry.

80 **BE IT FURTHER RESOLVED**, that we urge the Department and the Division of
81 Animal Health, to create a volunteer certification program at the option of livestock
82 owners that the DAH has visited/inspected the operation and found that all humane
83 standards were being followed that day and/or to provide suggestions for improvement.