

RESOLUTION # 32

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 Experiment
3 Station, wrote and adopted N.J.A.C. 2:8, which became the first regulations of their kind in
4 the country to address the humane care and keeping of domestic livestock; and

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

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

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

20 **WHEREAS**, the risk of spreading disease is a vital reason why DAH veterinarians
21 and other trained personnel must be consulted by humane-law cruelty investigators before
22 considering the removal of any animals from a livestock owner's premises; and

23 **WHEREAS**, the certified livestock inspectors within the DAH are, by law, the experts
24 for humane treatment of livestock when an allegation of cruelty or neglect is made against an
25 owner of livestock, as those inspectors have expertise that is not common among humane-

26 law enforcement personnel, veterinarians or others, who may mistake normal husbandry, an
27 ill animal or biosecurity measures for mistreatment of animals, as humane-law enforcement
28 officers and others may jeopardize a farmer's livelihood or the state's livestock population
29 when they do not follow appropriate testing and biosecurity protocols; and

30 **WHEREAS**, a recently released report by the State Commission of Investigation
31 (SCI) called into question many of the tactics employed by the New Jersey Society for the
32 Prevention of Cruelty to Animals (NJSPCA), citing overly aggressive, armed agents without
33 an oversight structure by a government agency; and

34 **WHEREAS**, the New Jersey Legislature passed, and the Governor signed,
35 legislation to revise animal cruelty law enforcement; and

36 **WHEREAS**, New Jersey State Board of Agriculture President Mitchell Jones testified
37 at a recent Senate Economic Growth Committee hearing on the SCI's NJSPCA report,
38 drawing attention to the absolute need for DAH's Certified Livestock Inspectors to be
39 involved in EVERY cruelty complaint involving livestock, in order to ensure that animals that
40 may be sick, and not subject to cruelty, are not removed from the property on which they
41 reside because such removal could risk spreading the disease they have; and

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

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

52 **WHEREAS**, Rutgers University and the Division of Animal Health have collaborated
53 on literature that seeks to help educate homeowners interested in keeping small numbers of
54 livestock in backyard settings in the importance of preventing animal diseases from entering
55 the state and in adhering to the Humane Standards.

56 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 103rd State
57 Agricultural Convention, assembled in Atlantic City, New Jersey, on February 7-8, 2018,
58 urge that New Jersey’s agricultural community – represented by the New Jersey Farm
59 Bureau, Rutgers University, the New Jersey Agricultural Experiment Station, the New Jersey
60 Veterinary Medical Association, the New Jersey State Board of Agriculture and Department
61 of Agriculture – evaluate the consistency and appropriateness of the implementation of the
62 Humane Standards by any state, county or local humane-law enforcement personnel who
63 are tasked to respect and follow them when enforcing animal-cruelty statutes.

64 **BE IT FURTHER RESOLVED**, that we encourage the Legislature to appropriate a
65 minimum of \$500,000 annually to adequately fund the operations required for
66 implementation, investigation and defense of the Humane Standards by the Division of
67 Animal Health.

68 **BE IT FURTHER RESOLVED**, that we urge the New Jersey State Attorney General
69 to require that all law enforcement personnel authorized to respond to animal cruelty
70 complaints comply with the rules set forth in the Humane Standards upheld by the Supreme
71 Court, including reporting cases involving livestock to the Division of Animal Health and
72 biosecurity measures.

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

78 **BE IT FURTHER RESOLVED**, that we urge the NJSPCA and other humane-law
79 enforcement personnel to avail themselves of regular training regarding the Humane
80 Standards, which the Division of Animal Health has made a commitment to provide, in an
81 effort to have humane animal enforcement more accurately and consistently reflect the
82 provisions of the Standards.

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

88 **BE IT FURTHER RESOLVED**, that we urge the Department and the Division of
89 Animal Health, to create a volunteer certification program at the option of livestock owners
90 which will certify that the DAH has visited/inspected the operation and found that all humane
91 standards were being followed as of the date of that inspection and/or to provide suggestions
92 for improvement.

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