RESOLUTION # 6
HUMANE TREATMENT OF LIVESTOCK

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

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

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

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

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

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

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

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

WHEREAS, both attempts at legislation to prohibit gestation crates in New
Jersey were vetoed by the Governor, who cited in successive veto messages that
decisions regarding the humane treatment of livestock are most appropriately left to the
Department of Agriculture and to the State Board of Agriculture as the Department’s
policy-making body, and New Jersey’s farm community is in support of those vetoes.
NOW, THEREFORE, BE IT RESOLVED, that we, the delegates to the 102nd State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 8-9, 2017, urge that New Jersey’s agricultural community – represented by the New Jersey Farm Bureau, Rutgers University, the New Jersey Agricultural Experiment Station, the New Jersey Veterinary Medical Association, the New Jersey State Board of Agriculture and Department of Agriculture – evaluate the consistency and appropriateness of the implementation of the Humane Standards by the SPCA and other humane-law enforcement personnel who are tasked to respect and follow them when enforcing animal-cruelty statutes.

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

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

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

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

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

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