

RESOLUTION # 26

LIVESTOCK IN NJ AGRICULTURE AND THE HUMANE STANDARDS

1 **WHEREAS**, livestock has been a part of New Jersey agriculture from the state's
2 earliest days as a colony; and

3 **WHEREAS**, New Jersey's standing as the most densely populated state in the nation
4 means that livestock often are kept and raised in close proximity to residential areas; and

5 **WHEREAS**, the value of, and income derived from, livestock in commercial
6 operations in New Jersey is economically significant, including (for 2018, according to the
7 National Agricultural Statistics Service) \$131,073,000 in the value of animals and animal-
8 derived products sold; and

9 **WHEREAS**, the Department of Agriculture along with the New Jersey Agricultural
10 Experiment Station Board of Managers has conducted surveys of livestock producers, held
11 two seminars and two producer meetings for those specifically interested in development of
12 the business structure of in-state meat- processing units, all to explore the opportunities
13 available to those interested in development of the business structure of such processing
14 units; and

15 **WHEREAS**, the New Jersey Agricultural Experiment Station (NJAES) at Rutgers
16 has conducted a comprehensive survey attempting to catalogue, through the best available
17 sources, livestock owned in New Jersey, both on commercial farm properties and in
18 "backyard operations," in which residents keep chickens, goats or other livestock in
19 residential back yards, as an aid toward making animal-disease response efforts in the state
20 more effective; and

21 **WHEREAS**, New Jersey also has traditionally seen keen interest in farmers and
22 other residents owning horses, both in the pleasure horse sector and those bred and raised
23 for horseracing, leading to the horse being the State Animal; and

24 **WHEREAS**, New Jersey's livestock industry also helps sustain multiple supporting
25 economic sectors, such as hay and grain producers, equipment dealers, veterinarians,
26 blacksmiths, fencing and construction, and others who work in the livestock industry; and

27 **WHEREAS**, interest also is growing among New Jersey residents who desire to keep
28 small numbers of livestock – including chickens and other poultry, sheep, goats, donkeys
29 and others – to make fresh agricultural products, including eggs, milk and cheese, wool,
30 meat, hides, and others for themselves; and

31 **WHEREAS**, farms that might produce other crops or agricultural products as their
32 primary business also may have small numbers of livestock on their operations as well; and

33 **WHEREAS**, all of these factors combine to make New Jersey livestock operations
34 both unique and more diverse when compared to livestock operations in other states where
35 there are more animals per operation and they are typically more removed from residential
36 areas; and

37 **WHEREAS**, the New Jersey Department of Agriculture's Division of Animal Health
38 (DAH) is the primary agency charged in the state with ensuring the health of livestock
39 animals, since diseases in livestock can spread to other animals and, in some cases, to
40 humans; and

41 **WHEREAS**, a large part of that responsibility is ensuring that livestock coming into
42 New Jersey from other parts of the nation or the world does not also bring animal diseases
43 that could spread to animals already in the state; and

44 **WHEREAS**, the DAH must prepare to prevent diseases from entering the state, not
45 only via animals that may be imported to New Jersey, but also through wildlife that cannot be
46 controlled for testing; for example, the recent preparations to respond, if necessary, to
47 Highly Pathogenic Avian Influenza (HPAI) that is transmitted by wild waterfowl and has
48 resulted in the euthanasia of millions of birds in the Midwest and West, where those wild
49 birds have passed HPAI into poultry operations, but has not, to date, similarly impacted the
50 East Coast; and

51 **WHEREAS**, the Certified Livestock Inspectors within the DAH, or hired as outside
52 consultants, are, by law, the experts for humane treatment of livestock when an allegation of
53 cruelty or neglect is made against an owner of livestock, as those inspectors have expertise
54 that is not common among humane-law enforcement officers, or others, who may mistake
55 normal husbandry, an ill animal or biosecurity measures for mistreatment of animals, and
56 humane-law enforcement officers and others may jeopardize a farmer's livelihood or the
57 state's livestock population when they do not follow appropriate testing and biosecurity
58 protocols; and

59 **WHEREAS**, previous State Agricultural Conventions have seen livestock owners
60 complain about similar issues centered on livestock, and that the tenets of the regulations
61 regarding Humane Treatment of Domestic Livestock, N.J.A.C. 2:8 et seq. (herein referred to
62 as the "Humane Standards") which offer a safe harbor to livestock owners in New Jersey if
63 they follow accepted livestock practices, are not always followed by animal-cruelty
64 investigators; and

65 **WHEREAS**, the New Jersey State Board of Agriculture has previously testified at
66 legislative hearings about the absolute need for DAH's Certified Livestock Inspectors to be
67 involved in EVERY cruelty complaint involving livestock, in order to ensure that animals that
68 may be sick, and not subject to cruelty, are not removed from the property on which they
69 reside because such removal could risk spreading the disease they have; and

70 **WHEREAS**, it is vital that livestock farmers understand their rights, the role of the
71 DAH and how humane-law enforcement officers in a given location operate; and

72 **WHEREAS**, it is crucial for law enforcement officers to understand the vital role
73 played by DAH's Certified Livestock Inspectors, and to understand that they must
74 immediately notify the Department of Agriculture's Division of Animal Health for all cases at
75 the time a complaint is filed and before an investigation begins; and

76 **WHEREAS**, New Jersey's commercial farmers have in recent years branched out
77 beyond "traditional" livestock (cattle, poultry, swine, small ruminants, etc.) and there are now

78 also New Jersey farmers raising llamas, alpacas, water buffalo, bison, rabbits, emus,
79 ostriches and other livestock, all of which can be a source of farm income and contribute to
80 the overall value of farm products sold in the state; and

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

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

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

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

97 **WHEREAS**, animal agriculture increasingly finds itself misunderstood by a public
98 largely removed from livestock agriculture and there exists activism of those who either
99 oppose animal agriculture altogether or object to certain science-based practices; and

100 **WHEREAS**, Rutgers University and the Division of Animal Health have collaborated
101 on literature that seeks to help educate homeowners interested in keeping small numbers of
102 livestock in backyard settings in the importance of preventing animal diseases from entering
103 the state and in adhering to the Humane Standards; and

104 **WHEREAS**, recent changes to state law have shifted responsibility for the oversight
105 of humane-law investigations to county prosecutors' offices, and the personnel dedicated to
106 that task by county prosecutors, in most cases, have shown a willingness to study,
107 understand and apply the Humane Standards to their investigations; and

108 **WHEREAS**, the Legislature passed, and the Governor signed into law in October
109 2018, provisions calling for trespassing "upon the agricultural or horticultural lands of
110 another" to be punishable by criminal and civil fines of not less than \$100 and up to \$1,000;
111 and

112 **WHEREAS**, a recent case in California saw the theft of approximately two dozen
113 llamas -- with a total value of \$1.6 million -- by someone who cut the lock off a gate at the
114 farm property on which they were being raised, underscoring the significant monetary
115 damage that can be incurred by farmers whose properties are trespassed upon.

116 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 105th State
117 Agricultural Convention, assembled in Atlantic City, New Jersey, on February 5-6, 2020, do
118 hereby urge the New Jersey Department of Agriculture, working alone or in conjunction with
119 other state and federal agencies, to continue fostering a livestock industry that is a source of
120 both pride and economic importance to the state.

121 **BE IT FURTHER RESOLVED**, that we urge the Legislature and the Governor to
122 provide additional and appropriate funding levels to the Department to allow the DAH to
123 continue providing expert advice and training to those tasked with humane-law enforcement
124 and livestock owners regarding the Humane Standards in cases where abuse and/or neglect
125 are alleged but which also require knowledge of animal husbandry, best management
126 practices, animal diseases, diagnostic testing and the practice of proper biosecurity
127 measures.

128 **BE IT FURTHER RESOLVED**, that we require the New Jersey humane-law
129 enforcement community to follow the Humane Standards and work with the DAH when
130 assessing livestock so that better and more consistent decisions concerning law

131 enforcement are made, ensuring that appropriate animal husbandry, biosecurity and health
132 documentation are followed as part of every humane investigation.

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

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

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

147 **BE IT FURTHER RESOLVED**, that law enforcement officials must understand that
148 they must immediately notify the Department of Agriculture's Division of Animal Health for all
149 cases involving livestock at the time a humane-treatment complaint is filed and before any
150 investigation begins.

151 **BE IT FURTHER RESOLVED**, that we urge the Department to establish a direct line
152 of communication with the livestock-raising community and livestock operators in New
153 Jersey, regardless of which type of animals they raise, and for livestock owners to
154 communicate amongst their groups as a whole sector, in a concerted effort to better
155 communicate their concerns to the DAH.

156 **BE IT FURTHER RESOLVED**, that we strongly urge the Department to join with New
157 Jersey Farm Bureau, Rutgers University Cooperative Extension, New Jersey Veterinary

158 Medical Association and other agencies to provide assistance to livestock producers in the
159 state, including those raising “backyard livestock,” such as technical advice, educational
160 programs to enhance awareness of best management practices, preventative medication,
161 nutrition, waste management, humane standards compliance, liability and marketing,
162 including one or more livestock summits in the coming year toward this goal.

163 **BE IT FURTHER RESOLVED**, that we urge the Legislature to pass, and the
164 Governor to sign, legislation that would increase the penalties faced by those who trespass
165 onto farm properties in New Jersey, especially when such trespass results in damage or theft
166 to the farmer’s crops, livestock or other property in excess of \$10,000.

167 **BE IT FURTHER RESOLVED**, that we urge the Department to continue exploring
168 ways to bring in-state meat processing opportunities to livestock operations throughout the
169 state.

170 **BE IT FURTHER RESOLVED**, that we encourage the staff of the Department, in the
171 Division of Animal Health and elsewhere, to continue cultivating a good working relationship
172 with the staff in the county prosecutors’ offices who are assigned to oversee humane-law
173 investigations.

174 **BE IT FURTHER RESOLVED**, that we urge the Department to develop by regulation
175 a *Jersey Fresh* Meat Promotion Program designed to fit the federal meat standards for all
176 species, including but not limited to beef, sheep, swine, goat, poultry, turkey, and deer.

177 **BE IT FURTHER RESOLVED**, that all other livestock products, such as exotic meats,
178 wool, fiber, eggs and hides, will be eligible for recognition through the Jersey branding
179 programs.