

RESOLUTION # 10

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 2015, according to the
7 National Agricultural Statistics Service): \$38.46 million in value of cattle and calves;
8 \$733,000 in income from hogs and pigs; \$22.4 million worth of milk produced (for 2012,
9 according to NASS, other categories reported \$2.6 million in value of sheep, goats and wool;
10 \$40.8 million in poultry and eggs, with a total livestock income of more than \$1 billion in the
11 Garden State); and

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

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

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

24 **WHEREAS**, interest also is growing among New Jersey residents who desire to keep
25 small numbers of livestock – including chickens and other poultry, sheep, goats, donkeys

26 and others – to make fresh agricultural products, including eggs, milk and cheese, wool,
27 meat, hides, and others for themselves; and

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

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

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

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

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

48 **WHEREAS**, the Certified Livestock Inspectors within the DAH, or hired as outside
49 consultants, are, by law, the experts for humane treatment of livestock when an allegation of
50 cruelty or neglect is made against an owner of livestock, as those inspectors have expertise
51 that is not common among humane-law enforcement officers, or others, who may mistake
52 normal husbandry, an ill animal or biosecurity measures for mistreatment of animals, and

53 humane-law enforcement officers and others may jeopardize a farmer's livelihood or the
54 state's livestock population when they do not follow appropriate testing and biosecurity
55 protocols; and

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

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

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

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

73 **WHEREAS**, New Jersey's commercial farmers have in recent years branched out
74 beyond "traditional" livestock (cattle, poultry, swine, small ruminants, etc.) and there are now
75 also New Jersey farmers raising llamas, alpacas, water buffalo, bison, rabbits, emus,
76 ostriches and other livestock, all of which can be a source of farm income and contribute to
77 the overall value of farm products sold in the state; and

78 **WHEREAS**, the Department, working with industry representatives, New Jersey
79 Farm Bureau, veterinarians, Rutgers University, and the New Jersey Agricultural Experiment

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

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

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

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

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

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

104 **WHEREAS**, Rutgers University and the Division of Animal Health have collaborated
105 on literature that seeks to help educate homeowners interested in keeping small numbers of

106 livestock in backyard settings in the importance of preventing animal diseases from entering
107 the state and in adhering to the Humane Standards.

108 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 104th State
109 Agricultural Convention, assembled in Atlantic City, New Jersey, on February 6-7, 2019, do
110 hereby urge the New Jersey Department of Agriculture, working alone or in conjunction with
111 other state and federal agencies, to continue fostering a livestock industry that is a source of
112 both pride and economic importance to the state.

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

120 **BE IT FURTHER RESOLVED**, that we require the New Jersey humane-law
121 enforcement community to follow the Humane Standards and work with the DAH when
122 assessing livestock so that better and more consistent decisions concerning law
123 enforcement are made, ensuring that appropriate animal husbandry, biosecurity and health
124 documentation are followed as part of every humane investigation.

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

130 **BE IT FURTHER RESOLVED**, that we recognize the interest and concern within the
131 state and country about livestock handling and welfare and therefore support the services
132 provided by the Division of Animal Health in order to maintain pace with requests for field

133 investigations of alleged violations, and that we recognize the limitations currently faced by
134 the DAH in order to conduct field inspections that ensure compliance with the Standards.

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

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

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

147 **BE IT FURTHER RESOLVED**, that we strongly urge the Department to join with New
148 Jersey Farm Bureau, Rutgers University Cooperative Extension, New Jersey Veterinary
149 Medical Association and other agencies to provide assistance to livestock producers in the
150 state, including those raising "backyard livestock," such as technical advice, educational
151 programs to enhance awareness of best management practices, preventative medication,
152 nutrition, waste management, humane standards compliance, liability and marketing,
153 including one or more livestock summits in the coming year toward this goal.

154 **BE IT FURTHER RESOLVED**, that all livestock products, such as meat, wool, fiber,
155 eggs and hides, will be eligible for recognition through the Jersey branding programs.